

WSR 11-11-013
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 11-86—Filed May 6, 2011, 5:01 p.m., effective June 6, 2011]

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

Purpose: **WAC 232-12-424 Public conduct on lands under cooperative agreement with the department—Unlawful acts.**

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: The department is recommending creation of a new WAC that will regulate public conduct on lands under cooperative agreement. Examples of regulated activities include violating posted safety zones, quality hunting site rules, and driving vehicles in areas that have been posted closed to motorized vehicle travel. The new rule will allow enforcement of private lands access rules that are mutually agreed to by the landowner and the department.

Reasons Supporting Proposal: When the fish and wildlife commission adopted chapter 232-13 WAC, the definition of "department land" was modified to exclude private lands. While this change was necessary to effectively implement chapter 232-13 WAC, the unintended consequence was that the department lost its ability to enforce public access and conduct on private lands under agreement. As a result, a new rule addressing the use of private lands under agreement is needed.

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

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: The proposed WAC amends seasons for moose, bighorn sheep, and mountain goat. Winter surveys indicate moose populations are stable. The department recommends minor permit level adjustments in two moose hunt areas based on recent survey results. All bighorn sheep populations that currently are hunted either meet or exceed population objectives. The department recommends minor permit level changes (from 41 to 48) based on the population thresholds in the game management plan (2008). Mountain goat populations are stable in all hunted populations. Changes in permit levels are based on annual survey counts and tend to be conservative given the sensitivity of goats to overharvesting. The department recommends status quo permit levels in all areas, except reducing the permit level from 5 to 3 in the Goat Rocks-Tieton River population management unit due to recent survey counts.

Reasons Supporting Proposal: Permit level changes are based on the population thresholds in the 2009-2015 Game management plan.

WAC 232-28-295 Landowner hunting permits.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: The landowner hunting permit (LHP) program is designed to increase hunter access to private lands and to help some landowners address long-standing elk damage issues. The department recommends adding one new LHP cooperator in Asotin County - Grande Ronde Vista. The Grande Ronde Vista LHP is a con-

sortium of landowners that includes the owner of a previous LHP, the 4-O Ranch.

Proposed deer and elk hunting on the Grande Ronde Vista LHP include:

Landowner permits: Seven deer permits (three point minimum) and twenty-three elk permits (eleven bull and twelve antlerless).

Public Special Permits: Three 3-pt minimum deer permits, six youth only antlerless deer permits, six bull elk permits, and twenty antlerless only elk permits.

The split of landowner and public deer and elk hunting opportunity is within the guidelines established in Commission Policy C6002.

Reasons Supporting Proposal: This proposal increases public deer and elk hunting access to private land in Asotin County.

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

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

Reasons Supporting Proposal: Simplifies and clarifies unit boundaries for deer and elk hunting.

WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

Reasons Supporting Proposal: Simplifies and clarifies unit boundaries for deer and elk hunting.

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

Reasons Supporting Proposal: Simplifies and clarifies unit boundaries for deer and elk hunting.

WAC 232-28-334 Game management units (GMUs) boundary descriptions—Region four.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

Reasons Supporting Proposal: Simplifies and clarifies unit boundaries for deer and elk hunting.

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

Reasons Supporting Proposal: Simplifies and clarifies unit boundaries for deer and elk hunting.

WAC 232-28-336 Game management units (GMUs) boundary descriptions—Region six.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

Reasons Supporting Proposal: Simplifies and clarifies unit boundaries for deer and elk hunting.

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

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: Boundary adjustments are being proposed to better address current deer and elk damage issues.

Reasons Supporting Proposal: The proposed rule amendment provides the means to reduce wildlife damage issues and direct deer and elk damage hunts by adjusting elk area boundaries.

WAC 232-28-351 2009-2011 Deer general seasons and definitions.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: This is the third year of the 2009-11 hunting season "rule-package" and as such, few changes are recommended. Changes during "off-years" are mainly to address crop and property damage problems; changes in population levels due to environmental conditions or disease outbreaks; and to balance harvest levels with established population objectives.

The major issue and purpose for recommending changes to the deer general season rules are to address the white-tailed deer declines in northeast Washington caused by the harsh winters of 2008 and 2009. The commission is being asked to consider:

- Reducing the archery antlerless opportunity during the late season in northeast Washington to address the decline and hasten population expansion;
- Retaining a four day youth, senior, and hunters with disability antlerless white-tail season in northeast Washington to maintain some limited antlerless opportunity for these hunters; and
- Reconsidering a four point white-tailed deer antler restriction for GMUs 117 and 121. The Steven's County Commissioners and the Steven's County Fish and Wildlife Advisory Committee formally petitioned the fish and wildlife commission to adopt a four point antler restriction for GMUs 117 and 121. It is their belief that an antler point restriction

would hasten population expansion and improve the general health of the deer population.

Reasons Supporting Proposal: The proposal provides general season hunting opportunity for deer consistent with population and harvest objectives while addressing property damage concerns.

WAC 232-28-355 2010 Deer special permits.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: This is the third year of the 2009-11 hunting season "rule-package" and as such, few changes are recommended. Changes during "off-years" are mainly to address crop and property damage problems; changes in population levels due to environmental conditions or disease outbreaks; and to balance harvest levels with established population objectives.

The major changes in the recommended deer permit levels are to address:

- Calendar date adjustments;
- White-tailed deer declines in northeast Washington GMUs 101-121;
- Mitigation of property damage situations;
- Add some quality mule deer permits in northeast Washington GMUs; and
- Add antlerless deer permits in the Mission and Sat-sop GMUs (251 and 651) consistent with population objectives for those areas.

Reasons Supporting Proposal: The proposal provides special hunting permit opportunity for deer and elk consistent with population and harvest objectives while addressing property damage concerns.

WAC 232-28-356 2010 Elk special permits.

Purpose of the Proposal and its Anticipated Effects, Including Any Changes in Existing Rules: This is the third year of the 2009-11 hunting season "rule-package" and as such, few changes are recommended. Changes during "off-years" are mainly to address crop and property damage problems; changes in population levels due to environmental conditions or disease outbreaks; and to balance harvest levels with established population objectives.

The major changes in the recommended elk permit levels are to address:

- Calendar date adjustments;
- Mitigation of property damage situations;
- Increase bull permits in the Blue Mountains consistent with population objectives; and
- Provide additional antlerless elk permits for senior hunters.

Reasons Supporting Proposal: The proposal provides special hunting permit opportunity for deer and elk consistent with population and harvest objectives while addressing property damage concerns.

Citation of Existing Rules Affected by this Order: [New section] WAC 232-13-160; and amending WAC 232-28-273, 232-28-295, 232-28-331, 232-28-332, 232-28-333, 232-28-334, 232-28-335, 232-28-336, 232-28-337, 232-28-351, 232-28-355, and 232-28-356.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 11-03-089 on January 19, 2011.

Changes Other than Editing from Proposed to Adopted Version:

WAC 232-12-424 Public conduct on lands under cooperative agreement with the department—Unlawful acts.

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

- WAC 232-12-424 was changed to WAC 232-13-160 so public conduct rules on department owned and controlled lands are within the same chapter.
- The WAC title "Public conduct on lands under cooperative agreement with the department—Unlawful acts" was changed to "Public conduct on private lands under cooperative agreement with the department—Unlawful acts," to clarify that the lands affected by the rule are private.
- Subsection (4) was amended to read "For purposes of this section," to clarify that the definition relates to all of WAC 232-13-160, not a subsection of the rule.

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

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

- In the bighorn sheep hunt table, the "Tieton C" line was deleted from the table. The reason for this change was because the ram counts during recent surveys were lower than expected.
- In the bighorn sheep hunt table, on the "Selah Butte A" line, the name of the hunt was changed to "Selah Butte," and the season was changed to Nov. 7 - 30, and the permit level was changed to 4. Lamb recruitment dropped to near zero following the disease die-off, and the recruitment of new rams will be slower than hoped. The shift in dates better aligns the season with the timeframe in which the bighorns are more likely to be near private property, and therefore, helps to prevent damage.
- In the bighorn sheep hunt table, on the "Umtanum" line, the permit level was changed to 4. The reason for this change was because lamb recruitment dropped to near zero following the disease die-off, and the recruitment of new rams will be slower than hoped.

WAC 232-28-295 Landowner hunting permits.

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

- Under Grande Ronde Vista Landowner Hunting Permits: The access season dates for the Grande Ronde Vista East A elk hunt were changed from Sept. 27-30 to Sept. 19-22. The access season dates for the Grande Ronde Vista West B elk hunt were changed from Nov. 19-22 to Sept. 23-26. These changes were a result of ongoing negotiations with representatives from the Grand [Grande] Ronde Vista landowner cooperative. The changes

addressed their concerns for quality hunting opportunities for bull elk.

- Under Grande Ronde Vista Special Hunting Permits: The access season dates for the Grande Ronde Vista West A elk hunt were changed from Sept. 15-18 to Sept. 27-30. The access season dates for the Grande Ronde Vista West B elk hunt were changed from Sept. 23-26 to Oct. 1-4. These changes were a result of ongoing negotiations with representatives from the Grand [Grande] Ronde Vista landowner cooperative. The changes addressed their concerns for quality hunting opportunities for bull elk.

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

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

WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.

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

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

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

- A number of changes were made to the Game Management Unit (GMUs) boundary descriptions to provide better descriptions of the GMUs. The changes reflect standardized conventions for abbreviations and road names; new road or place names that have changed over time; replacement of boundary landmarks that have become impossible to discern; and adaptation to landscape features that have changed (e.g., landslides, new roads). These changes provide clearer description language for GMU boundaries. The new language has been confirmed by regional staff and will be more readily discernible for hunters on the ground.
- For Game Management Unit (GMU) 346 Little Naches, the following language was proposed. These changes correct an error in the boundary language that excluded a portion of land between the GMU boundary and the National Park boundary that should have been in the GMU.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):

Beginning at US Forest Service (USFS) Rd 1388 and ((US Forest Service)) USFS Trail 2000 (Pacific Crest National Scenic Trail) ((at Blowout Mountain)); SE on ((US Forest Service)) USFS Rd 1388 and Manastash Ridge to the end of USFS Rd 1388; SE on Manastash Ridge to ((US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service)) USFS Trail ((4W)) 694; E on ((US Forest Service)) USFS Trail ((4W)) 694 to ((US Forest Service)) USFS Rd 1701 ((T17N, R15E, NW 1/4 of Section 12)); S on ((US Forest Service))

USFS Rd 1701 to State Route (SR) 410; NW and SW on SR 410 to ((US Forest Service Trail 2000 (Pacific Crest Trail))) Mount Rainier National Park boundary near Chinook Pass; N on ((US Forest Service)) the National Park boundary to the Pierce-Yakima county line (Cascades Mountain Range Crest) in T17N, R10E, Sec 35; NE on the Pierce-Yakima county line to USFS Trail 2000 ((Pacific Crest Trail) to US Forest Service)) in T17N, R10E, Sec 36; N on USFS Trail 2000 to USFS Rd 1388 ((at Blowout Mountain)) and the point of beginning.

- For Game Management Unit (GMU) 356 Bumping, the following language was proposed. This change corrects an error in the boundary language that excluded a portion of land between the GMU boundary and the National Park boundary that should have been in the GMU.

GMU 356-BUMPING (Yakima County):

Beginning ((on US Forest Service Trail 2000 (Pacific Crest Trail) and SR)) at the Mount Rainier National Park boundary and State Route (SR) 410 at Chinook Pass; NE on SR 410 to US Forest Service (USFS) Rd 1800 (Bumping Lake Rd); SW on the ((US Forest Service)) USFS Rd 1800 ((Bumping Lake Rd)) to ((US Forest Service)) USFS Trail 973 (Richmond Mine ((Rd)) Trail); SE on ((US Forest Service)) USFS Trail 973 ((Richmond Mine Rd)) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to ((US Forest Service)) USFS Rd 1502 (McDaniel Lake Rd); SE on ((US Forest Service)) USFS Rd 1502 ((McDaniel Lake Rd)) to ((US Forest Service)) USFS Rd 1500; S on ((US Forest Service)) USFS Rd 1500 to US Hwy (US) 12; W on US ((Hwy)) 12 to ((US Forest Service)) USFS Trail 2000 (Pacific Crest National Scenic Trail) at White Pass; N on the ((US Forest Service Trail 2000 (Pacific Crest Trail))) USFS Trail 2000 to the Mount Rainier National Park boundary in T15N, R11E, Sec 20; N on the National Park boundary to SR 410 at Chinook Pass and the point of beginning. ((Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.))

WAC 232-28-334 Game management units (GMUs) boundary descriptions—Region four.

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

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

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

- The boundary for GMU 568 Washougal was changed to:

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at State Route (SR) 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE ((along)) up Canyon Creek to ((N.E.)) NE Healy Rd; E on ((N.E.)) NE Healy Rd to US Forest Service (USFS) Rd 54; E on USFS Rd 54 to ((US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US

Forest Service)) USFS Rd 53; S on ((US Forest Service)) USFS Rd 53 to ((US Forest Service)) USFS Rd 4205 ((Gumboot)) Gumboot Rd); S on ((US Forest Service)) USFS Rd 4205 to ((US Forest Service)) USFS Rd 42 (Green Fork Rd); SW on ((US Forest Service)) USFS Rd 42 to ((US Forest Service)) USFS Rd 41 at Sunset Falls; E on ((US Forest Service)) USFS Rd 41 to Hemlock Rd; E on Hemlock Rd to the Hemlock Rd bridge over the Wind River; SE down the Wind River to the Columbia River; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Wind River); N on Cape Horn Rd to SR 14; W on SR 14 to Salmon Falls Rd; N on Salmon Falls Rd to Canyon Creek Rd; NW on Canyon Creek Rd to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to ((N.E.)) NE 39th St; W on ((N.E.)) NE 39th St ((to N.E.)) which turns into NE Miller Rd; SW on ((N.E.)) NE Miller Rd to ((N.E.)) NE 28th St; W on ((N.E.)) NE 28th St to ((N.E.)) NE 392nd Ave; S on ((N.E.)) NE 392nd Ave ((to N.E.)) which turns into NE Hughes Rd; S on ((N.E.)) NE Hughes Rd approximately 1/8((th)) mile to the power transmission lines; W along the northern margin of the power transmission lines to ((N.E.)) NE Ammeter Rd; SW on ((N.E.)) NE Ammeter Rd ((to N.E.)) which turns into NE 322nd Ave; S on ((N.E.)) NE 322nd Ave to ((N.E.)) NE 9th St; W on ((N.E.)) NE 9th St to ((N.E.)) NE 312th Ave; N on ((N.E.)) NE 312th Ave ((to N.E.)) which turns into NE 10th St; W on ((N.E.)) NE 10th St ((to N.E.)) which turns into NE Zeek Rd; W on ((N.E.)) NE Zeek Rd to ((N.E.)) NE Blair Rd; NW on ((N.E.)) NE Blair Rd to ((N.E.)) NE Reilly Rd; NE on ((N.E.)) NE Reilly Rd ((to N.E.)) with turns into NE 292nd Ave; ((N.E.)) E on ((N.E.)) NE 292nd Ave to ((N.E.)) NE Stauffer Rd; NE then NW on ((N.E.)) NE Stauffer Rd to ((N.E.)) NE Ireland Rd; W on ((N.E.)) NE Ireland Rd to ((N.E.)) NE 292nd Ave; N on ((N.E.)) NE 292nd Ave to ((N.E.)) NE 53rd St; W on ((N.E.)) NE 53rd St ((to SR 500; NW on SR 500 to N.E.)) which turns into NE Bradford Rd then turns into NE 53rd St again to NE 237th Ave; N on 237th Ave to NE 232nd Ave; N on ((N.E.)) NE 232nd Ave to ((N.E.)) NE 68th St; W on ((N.E.)) NE 68th St to ((N.E.)) NE 217th Ave; N on ((N.E.)) NE 217th Ave to ((N.E.)) NE 83rd St; E on ((N.E.)) NE 83rd St to ((N.E.)) NE 222nd Ave; N on ((N.E.)) NE 222nd Ave to NE 109th St; W on ((N.E.)) NE 109th St to ((N.E.)) NE 212th Ave; N on ((N.E.)) NE 212th Ave to ((N.E.)) NE Powell Rd; NE on ((N.E.)) NE Powell Rd to ((N.E.)) NE Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to ((N.E.)) NE Berry Rd; W then SW on ((N.E.)) NE Berry Rd to ((N.E.)) NE 240th Ave; N on ((N.E.)) NE 240th Ave ((to N.E.)) which turns into NE 237th St; W on ((N.E.)) NE 237th St to ((N.E.)) NE 232nd Ave; N on ((N.E.)) NE 232nd Ave to ((N.E.)) NE Allworth Rd; W on ((N.E.)) NE Allworth Rd to ((N.E.)) NE 222nd Ave; N on ((N.E.)) NE 222nd Ave ((to N.E.)) which turns into NE Cresap Rd((; NW on N.E. Cresap Rd to N.E.)) which turns into NE 220th Ave((; N on N.E. 220th Ave)) to ((N.E.)) NE 259th St; W on ((N.E.)) NE 259th St to ((N.E.)) NE 182nd Ave; N on ((N.E.)) NE 182nd Ave to ((N.E.)) NE 279th St; E on ((N.E.)) NE 279th St to ((N.E.)) NE 197th Ave; N on ((N.E.)) NE 197th Ave to ((N.E.)) NE Basket Flats

Rd; E on ~~((N.E.))~~ NE Basket Flats Rd to ~~((N.E.))~~ NE Hantwick Rd; N then NW on ~~((N.E.))~~ NE Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to NE Railroad Ave; NW on NE Railroad Ave ~~((to N.E.))~~, which turns into S Railroad Ave then N Railroad Ave in the town of Yacolt, to W Yacolt Rd; W on W Yacolt Rd ~~((; W on N.E. Yacolt Rd))~~ to ~~((N.E.))~~ NE Amboy Rd; N on ~~((N.E.))~~ NE Amboy Rd to ~~((N.E.))~~ NE 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

This change corrects clerical errors or omissions that occurred during the revision and improvement of the boundaries. Without these corrections the boundaries would be incomplete or incorrect.

- The boundary for GMU 574 Wind River was changed to:

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at the town of Trout Lake; S on State Route (SR) 141 to the SR 141 bridge over the White Salmon River Bridge at Husum; S on the White Salmon River to the Columbia River; W down the Columbia River to the mouth of ~~((the))~~ Wind River (including all islands in the Columbia River that are both north of the Washington state line and between the White Salmon River and ~~((the))~~ Wind River); NW up the Wind River to the Hemlock Rd bridge ~~((over the Wind River))~~; E on Hemlock Rd to ~~((the))~~ Wind River Rd; N on ~~((the))~~ Wind River Rd to ~~((the))~~ US Forest Service (USFS) Rd 6517 (Warren Gap Rd); E on ~~((the US Forest Service))~~ USFS Rd 6517 to ~~((US Forest Service))~~ USFS Rd 65 (Panther Creek Rd); N on ~~((US Forest Service))~~ USFS Rd 65 to ~~((US Forest Service Road 60))~~ USFS Rd ((24)) 60 ~~((Carson-((Guler)) Gular Rd))~~; NE on ~~((US Forest Service))~~ USFS Rd 60 to ~~((US Forest Service))~~ USFS Rd 24 (also called Carson-~~((Guler))~~ Gular Rd); E on ~~((US Forest Service))~~ USFS Rd ~~((24))~~ ~~((60))~~ 24 to SR 141; NE ~~((on SR 141))~~ on SR 141 to the town of Trout Lake ~~((;))~~ and the point of beginning.

This change corrects clerical errors or omissions that occurred during the revision and improvement of the boundaries. Without these corrections the boundaries would be incomplete or incorrect.

WAC 232-28-336 Game management units (GMUs) boundary descriptions—Region six.

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

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

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

- The boundary for Elk Area 6064 was changed to:
Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed east of Gotton Creek and Lake Quinault excluding US Forest Service (USFS) Colonel Bob Wilderness Area.
- This change retains the ability to implement a master hunter hunt in an elk area of checkerboard ownership of both private land and United States Forest Service land. Excluding the wilderness area elimi-

nates land from the elk area that does not have safety issues and does not require master hunter participation to conduct a general season elk hunt. This change is a negotiated compromise between all of the involved stakeholders in the valley.

- The proposed change for Elk Area 5053 was deleted and the original boundary language listed below was restored:

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.)

Additional discussion is needed with all of the vested stakeholders before the new proposed boundary can be implemented. The department will continue to work this issue and revisit the topic for the upcoming 2012-2014 three-year package process.

WAC 232-28-351 2009-2011 Deer general seasons and definitions.

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

- All Option 2 hunts were removed from the rule, as the fish and wildlife commission chose and adopted Option 1 hunts. Additionally, for clarity, the term "Option 1" was removed from all Option 1 hunts.
- Under Modern Firearm, Late General Season, Eastern Washington White-tailed Deer, Game Management Units (GMUs) 105 through 124: GMUs 117 and 121 were removed from this sequence to accommodate a 4 pt. min. restriction hunt in these GMUs. This corrects an omission that was filed with the code reviser.
- Under Modern Firearm, Late General Season, Eastern Washington White-tailed Deer: White-tailed 4 pt. min., Nov. 5-19, for GMUs 117 and 121 was added. This corrects an omission that was filed with the code reviser.
- Under Hunters 65 and Over, Disabled, or Youth General Season; Eastern Washington White-tailed Deer; Game Management Units (GMUs) 101-121: GMUs 117 and 121 were removed from this sequence to accommodate a 4 pt. min. or antlerless restriction hunt in these GMUs. This corrects an omission that was filed with the code reviser.
- Under Hunters 65 and Over, Disabled, or Youth General Season; Eastern Washington White-tailed Deer: White-tailed 4 pt. min. or antlerless, Oct. 20-23, for GMUs 117 and 121 was added. This corrects an omission that was filed with the code reviser.

- Under Early Archery General Deer Seasons: Add GMU 636 to Western Washington Black-tailed Deer, Sept. 1-23, 2 pt. min. or antlerless. This change corrects an error from 2010. All of the other deer seasons in 636 are either 2 pt. min. or 2 pt. min. and antlerless depending on the weapon type. This change makes them all consistent.
- Remove GMU 636 from Western Washington Black-tailed Deer, Sept. 1-18, any deer. This change corrects an error from 2010. All of the other deer seasons in 636 are either 2 pt. min. or 2 pt. min. and antlerless depending on the weapon type.
- Under Early Archery General Deer Seasons, Eastern Washington Mule Deer, Sept. 1-18: Delete GMUs 162, 166, and 169. This change removes a redundancy for these three GMUs which also correctly appear in the Sept. 1-23 time period.
- Under Late Archery General Deer Seasons, Eastern Washington White-tailed Deer: Change the starting date for GMUs 105, 108, 124, and 127 to Nov. 24. This change corrects an overlap with modern firearm special permits.
- Under Late Archery General Deer Seasons, Eastern Washington White-tailed Deer, Eastern Washington White-tailed Deer in GMUs 117 and 121, white-tailed 4 pt. min.: Change the starting date to Nov. 24. This change corrects an overlap with modern firearm special permits.
- Under Late Muzzleloader General Deer Seasons, Western Washington, Black-tailed Deer: Delete GMU 651 from the split seasons of any buck and any deer, and add GMU 651 to the Nov. 24 to Dec. 15, any buck time period. This change corrects an omission that was filed with the code reviser.

WAC 232-28-355 2010 Deer special permits.

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

- The date in the WAC title was changed to 2011 to reflect the current year.
- Under Quality, Modern: The following White-tailed Buck hunts- Kelly Hill, Douglas, Aladdin, 49 Degrees North, and Huckleberry were changed from 3 pt. min. to Any buck in the Special Restrictions. This change corrects an omission filed with the code reviser.
- Under Quality, Modern: The Mt. Spokane White-tailed Buck hunts were changed from 3 pt. min. to Any buck in the Special Restrictions. This change corrects an omission filed with the code reviser.
- For the Mt. Spokane hunt, Modern: The dates were changed from Nov. 19-23 to Nov. 19-22. This change corrects an overlap between this modern firearm permit and a general archery season for elk.
- Under **Quality**:
 - o The Dayton, Modern ending date was changed from Nov. 27 to Nov. 23. This change avoids an overlap with muzzleloader special permits.
 - o The number of permits was changed for the following hunts:
 - Chiwawa, Modern: 25 to 24.

- Slide Ridge, Modern: 10 to 9.
- Chiwawa, Archery: 14 to 13.
- Slide Ridge, Archery: 3 to 2.
- Desert, Archery: 18 to 20.
- Naneum, Archery: 7 to 8.
- Quilomene, Archery: 11 to 9.
- Teanaway, Archery: 14 to 13.
- L. T. Murray, Archery: 9 to 8.
- Quilomene, Muzzleloader: 2 to 3.

These changes reflect the allocation of special permits for bulls between the three primary user groups.

- The Blue Mtns. Foothills, Muzzleloader [Muzzleloader] start date was changed from Nov. 20 to Nov. 24. This change avoids an overlap with modern firearm special permits.
- For the Colfax hunt, 2nd deer, Modern, the permit number was changed from 75 to 125. This change is an attempt to address damage and nuisance complaints from citizens and town officials as well as concerns from enforcement staff.
- For the Colfax hunt, 2nd deer, Muzzleloader [Muzzleloader], the permit number was changed from 10 to 75. This change is an attempt to address damage and nuisance complaints from citizens and town officials as well as concerns from enforcement staff.
- Under Youth, Modern: Green River was changed from Any deer to Any buck. This change corrects an omission that was filed with the code reviser.
- Under Hunters with Disabilities, Archery: West Klickitat was changed from 3 pt. min. or antlerless to antlerless. This change corrects an omission that was filed with the code reviser.

WAC 232-28-356 2010 Elk special permits.

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

- For the first Prescott hunt, eastern modern firearm (EF), the date was changed from Sept. 21-25 to Sept. 20-23. This change corrects an overlap between this modern firearm permit and both a general archery season for deer and archery special permits for elk.
- For the first Peola hunt, eastern modern firearm (EF), the date was changed from Sept. 21-25 to Sept. 24-28. This change corrects an overlap between this modern firearm permit and a general archery season for deer.
- Under **Quality**:
 - o The date for Mission; Eastern Modern (EF) was changed from Sept. 20-24 to Sept. 19-23. This change avoids an overlap with muzzleloader deer season.
 - o The Green River bull hunt was changed from the Bull category to the Quality category, and the season dates were changed from Oct. 30-Nov. 5 to Nov. 12-18. After discussions with the Regional Manager the Quality category is a better fit for this hunt. Dates are negotiated annually with the landowner and the Muckle-

- shoot Indian Tribe. The season date change is a result of that negotiated agreement.
- o The number of permits was changed for the following hunts:
 - Wenaha East; eastern modern firearm (EF); 13 to 16.
 - Toutle; western modern firearm (WF); Nov. 5-15, 250 to 209.
 - Prescott; eastern archery (EA); 6 to 2.
 - Blue Creek; eastern archery (EA); 5 to 4.
 - Dayton; eastern archery (EA); 8 to 7.
 - Tucannon; eastern archery (EA); 9 to 7.
 - Wenaha East; eastern archery (EA); 5 to 6.
 - Mountain View; eastern archery (EA); 9 to 8.
 - Peaches Ridge; eastern archery (EA); 74 to 81.
 - Observatory; eastern archery (EA); 87 to 89.
 - Goose Prairie; eastern archery (EA); 60 to 70.
 - Bethel; eastern archery (EA); 18 to 25.
 - Rimrock; eastern archery (EA); 98 to 85.
 - Cowiche; eastern archery (EA); 12 to 11.
 - Margaret; western archery (WA); 20 to 23.
 - Toutle; western archery (WA); 175 to 124.
 - Olympic; western archery (WA); 6 to 5.
 - Prescott; eastern muzzleloader (EM); 2 to 1.
 - Blue Creek; eastern muzzleloader (EM); 3 to 2.
 - Dayton; eastern muzzleloader (EM); 4 to 3.
 - Wenaha West; eastern muzzleloader (EM); 4 to 2.
 - Wenaha East; eastern muzzleloader (EM); 3 to 2.
 - Peaches Ridge; eastern muzzleloader (EM); 17 to 20.
 - Observatory; eastern muzzleloader (EM); 16 to 17.
 - Goose Prairie; eastern muzzleloader (EM); 10 to 13.
 - Bethel; eastern muzzleloader (EM); 8 to 13.
 - Margaret; western muzzleloader (WM); 15 to 13.
 - Toutle; western muzzleloader (WM); 60 to 46.

These changes reflect the allocation of special permits for bulls between the three primary user groups.

- Under **Bulls**:
 - o The Green River bull hunt was moved from the Bull category to the Quality category. After discussions with Regional Manager the Quality category is a better fit for this hunt.
 - o The number of permits was changed for the following hunts:
 - Teanaway; eastern modern firearm (EF); 9 to 8.

- Peaches Ridge; eastern modern firearm (EF); 98 to 120.
- Observatory; eastern modern firearm (EF); 52 to 63.
- Goose Prairie; eastern modern firearm (EF); 55 to 77.
- Bethel; eastern modern firearm (EF); 31 to 61.
- Rimrock; eastern modern firearm (EF); 124 to 114.
- Teanaway; eastern archery (EA); 13 to 10.
- Skokomish; western archery (WA); 2 to 1.
- Teanaway; eastern muzzleloader (EM); 8 to 6.
- Skokomish; western muzzleloader (WM); 2 to 1.
- White River; western muzzleloader (WM); 4 to 3.

These changes reflect the allocation of special permits for bulls between the three primary user groups.

- Under **Antlerless**:
 - o The number of permits was changed for the following hunts:
 - Taneum; antlerless; eastern modern firearm (EF); 75 to 150.
 - Manastash; antlerless; eastern modern firearm (EF); 100 to 250.
 - Umtanum; antlerless; eastern modern firearm (EF); 100 to 200.
 - Little Naches; antlerless; eastern modern firearm (EF); 75 to 150.
 - Nile; antlerless; eastern modern firearm (EF); 10 to 5.
 - Bumping; antlerless; eastern modern firearm (EF); 15 to 5.
 - Bethel; antlerless; eastern modern firearm (EF); 10 to 5.
 - Rimrock; antlerless; eastern modern firearm (EF); 50 to 200.
 - Cowiche; antlerless; eastern modern firearm (EF); 50 to 200.
 - Taneum; antlerless; eastern muzzleloader (EM); 75 to 100.
 - Manastash; antlerless; eastern muzzleloader (EM); 75 to 100.
 - Umtanum; antlerless; eastern muzzleloader (EM); 200 to 250.
 - Nile; antlerless; eastern muzzleloader (EM); 10 to 5.
 - Bumping; antlerless; eastern muzzleloader (EM); 25 to 5.
 - Bethel; antlerless; eastern muzzleloader (EM); 10 to 5.
 - Cowiche; antlerless; eastern muzzleloader (EM); 100 to 200.

These changes are a response to recent surveys conducted in mid-February.

- Under the Antlerless category, Blue Creek, EM (eastern muzzleloader), Any, Dec. 9-Jan. 20, Antler-

less, GMU 154, the number of permits was changed from 40 to 50. This change came as a result of Region 1 wildlife and enforcement program staff working with a landowner to address elk damage issues. The change should reduce elk damage risk in the Blue Creek Unit.

- Under Youth, Dungeness, the date was changed from Dec. 1-31 to Nov. 1-Dec. 31. The special restriction was changed from 3 pt. min. to Any elk. The boundary was changed to read Elk Area 6071, north of HWY 101. These changes address concerns expressed by the landowner and the hunt coordinator and have been coordinated with Enforcement staff.
- Under **65+ Senior**:
 - o The name of the Northeast hunt was changed to Aladdin; Eastern Modern (EF); GMU 113 was deleted from the boundary, and the number of permits was changed from 10 to 5. These changes remove GMU 113 from an early season only opportunity and move it to an early and late season opportunity. The changes will help address potential damage issues identified by enforcement program.
 - o The name of the 49 Degrees North hunt was changed to Northeast; Eastern Modern (EF); GMU 113 was added to the boundary, and the number of permits was changed from 5 to 10. These changes remove GMU 113 from an early season only opportunity and move it to an early and late season opportunity. The changes will

help address potential damage issues identified by enforcement program.

- o The North Bend hunt was deleted for Western Modern, Western Muzzleloader, and Western Archery. This change reduces the potential for overharvest and reduces the total number of special permits which appear in other categories for this Elk Area, to 52 for the 2011 season.
- o The Tri-Valley hunt was deleted for Western Modern, Western Muzzleloader, and Western Archery. As a result of further discussions between Wildlife Program and Enforcement Program, there is currently not a need for damage abatement in this Elk Area. This change removes the last of the special permits for this Elk Area for the 2011 season.
- o The number of permits was changed for the following hunts:
 - Taneum; antlerless; eastern modern firearm (EM); Senior (65+); 5 to 15.
 - Manastash; antlerless; eastern modern firearm (EM); Senior (65+); 10 to 20.
 - Umtanum; antlerless; eastern modern firearm (EM); Senior (65+); 10 to 20.
 - Cowiche; antlerless; eastern modern firearm (EM); Senior (65+); 5 to 15.

These changes are a response to recent surveys conducted in mid-February.

- Under the Antlerless category, the following hunt was deleted:

Randle	WM	Any	((Jan. 1-16)) Oct. 1-7	Antlerless	Elk Area 5053	((45)) 5
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This change removes antlerless opportunity for this elk area. Additional discussion is needed with all of the vested stakeholders before antlerless permits can be implemented as a tool to reduce damage in this location. The department will continue to work this issue and revisit the topic for the upcoming 2012-2014 three-year package process.

- Under the Youth category, the following hunt was deleted:

Randle	WM	Youth	Aug. 7-13	Antlerless	Elk Area 5053	5
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This change removes antlerless opportunity for this elk area. Additional discussion is needed with all of the vested stakeholders before antlerless permits can be implemented as a tool to reduce damage in this location. The department will continue to work this issue and revisit the topic for the upcoming 2012-2014 three-year package process.

- Under the 65+ Senior category, the following hunt was deleted:

Randle	WM	65+	Aug. 21-27	Antlerless	Elk Area 5053	5
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This change removes antlerless opportunity for this elk area. Additional discussion is needed with all of the vested stakeholders before antlerless permits can be implemented as a tool to reduce damage in this location. The department will continue to work this issue and revisit the topic for the upcoming 2012-2014 three-year package process.

- Under the Master Hunter category, after the line starting with "Turnbull," a new line was added as follows:

Region 1	EM	Master Hunter	Aug. 1 -March 31	Antlerless	Designated areas in Region 1	20 ^{HC}
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This change provides an additional tool to use when addressing unpredictable elk damage issues as they arise.

- Under the Master Hunter category, the following hunt was deleted:

Randle	((Any elk tag)) WM	Master Hunter	Jan. ((17-30)) 1-7	Antlerless	Elk Area 5053	((15)) 5
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This change removes antlerless opportunity for this elk area. Additional discussion is needed with all of the vested stakeholders before antlerless permits can be implemented as a tool to reduce damage in this location. The department will continue to work this issue and revisit the topic for the upcoming 2012-2014 three-year package process.

- Under the Master Hunter category, the following hunt was deleted:

((Merwin)) Randle	((Any elk tag)) WM	Master Hunter	Jan. ((17-30-2011)) 8-16, 2012	Antlerless	Elk Area ((5060)) 5053	((7)) 5
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This change removes antlerless opportunity for this elk area. Additional discussion is needed with all of the vested stakeholders before antlerless permits can be implemented as a tool to reduce damage in this location. The department will continue to work this issue and revisit the topic for the upcoming 2012-2014 three-year package process.

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 13, 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 8, 2011.

Miranda Wecker, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 232-13-160 Public conduct on private lands under cooperative agreement with the department—Unlawful acts. (1) It is unlawful to discharge firearms or archery equipment within a posted safety zone on department

controlled lands. Violating this subsection is a misdemeanor, pursuant to RCW 77.15.230.

(2) It is unlawful to disobey posted notices or signs on department controlled lands. Violating this subsection is an infraction, pursuant to RCW 77.15.160.

(3) For purposes of this section, "department controlled lands" means land, water, and access areas, such as boat ramps and trail heads, which are privately owned and under cooperative agreement with the department.

(4) For purposes of this section, "under cooperative agreement with the department" means a legal, binding contract allowing public access to specified lands has been signed by the department and the landholder.

AMENDATORY SECTION (Amending Order 10-94, filed 4/30/10, effective 5/31/10)

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 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.

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)) 8
Selkirk Mtns. A	Oct. 1 - Nov. 30	GMU 113	Any Moose	((22)) 17
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 ^{hC}	Dec. 1 - Mar. 31	GMUs 124, 127, and 130 within Spokane County	Antlerless Only	20 ^{hC}
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

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
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 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 permit application.

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

^hThis is a damage hunt administered by a WDFW designated hunt coordinator. Only master hunters may apply, 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
Vulcan Mountain B ^a	Oct. 1-10	Sheep Unit 2	Adult ewe only Any Legal Weapon	((2)) 1
((Vulcan Mountain C^b	Oct. 1-10	Sheep Unit 2	Adult ewe only Any Legal Weapon	1))
Selah Butte ((A))	((Sept. 15 – Oct. 10)) <u>Nov. 7-30</u>	Sheep Unit 4	Any Legal Weapon	((5)) 4
Umtanum	Sept. 15 - Oct. 10	Sheep Unit 5	Any Legal Weapon	((5)) 4
Cleman Mountain A	Sept. 15 - Oct. 10	Sheep Unit 7	Any Legal Weapon	3
Cleman Mountain B	Nov. ((8)) <u>7-30</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)) 1
<u>Mt. Hull C^b</u>	<u>Oct. 1-10</u>	<u>Sheep Unit 10</u>	<u>Adult ewe only Any Legal Weapon</u>	<u>1</u>
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
Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	1
Tieton A	Sept. 15 - ((Oct. 10)) <u>30</u>	Sheep Unit 15	Any Legal Weapon	((4)) 5
Tieton B	((Nov. 8-30)) <u>Oct. 1-14</u>	Sheep Unit 15	Any Legal Weapon	((4)) 5
Manson	Nov. ((8)) <u>7-30</u>	Sheep Unit 16	Any Legal Weapon	2
Asotin	Sept. 15 - Oct. 10	Sheep Unit 17	Any Legal Weapon	((+)) 2
Chelan Butte	Sept. 15 - Oct. 10	Sheep Unit 18	Any Legal Weapon	1
Sinlahekin	Sept. 15 - Oct. 10	Sheep Unit 19	Any Legal Weapon	1

^aApplicants must be eligible to purchase a 65 years of age or older permit application.

^bApplicants must be eligible to purchase a youth bighorn sheep 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: Beginning 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, 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	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)) 3

^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 Order 10-94, filed 4/30/10, effective 5/31/10)

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 possess both an access permit from the landowner and a hunting permit from the department 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
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

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
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) 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

(5) Grande Ronde Vista

The Grande Ronde Vista is located in Asotin County, south of Asotin. There are eastern and western sections of this property. A legal description of the property is in the contract between the Grande Ronde Vista and the department.

Grande Ronde Vista Landowner Hunting Permits

The manager of the Grande Ronde Vista will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Deer

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Grande Ronde Vista East A</u>	<u>6</u>	<u>Oct. 15-18</u>	<u>Mule Deer – 3 pt. min</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East B</u>	<u>1</u>	<u>Nov. 16-20</u>	<u>Whitetail – 3 pt. min</u>	<u>Grande Ronde Vista East</u>

Elk

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Grande Ronde Vista East A</u>	<u>2</u>	<u>Sept. 19-22</u>	<u>Any Bull</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East B</u>	<u>1</u>	<u>Oct. 24-27</u>	<u>Any Bull</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East C</u>	<u>6</u>	<u>Oct. 29 - Nov. 2</u>	<u>Spike Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East D</u>	<u>8</u>	<u>Oct. 6-10</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East E</u>	<u>4</u>	<u>Nov. 19-25</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista West A</u>	<u>1</u>	<u>Sept. 10-13</u>	<u>Any Bull</u>	<u>Grande Ronde Vista West</u>
<u>Grande Ronde Vista West B</u>	<u>1</u>	<u>Sept. 23-26</u>	<u>Any Bull</u>	<u>Grande Ronde Vista West</u>

Grande Ronde Vista Special Hunting Permits

Hunters apply to Washington department of fish and wildlife for these permits.

Deer

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Grande Ronde Vista East A</u>	<u>2</u>	<u>Oct. 19-23</u>	<u>Mule Deer – 3 pt. min</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East B</u>	<u>1</u>	<u>Nov. 10-15</u>	<u>Whitetail – 3 pt. min</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East C</u>	<u>6</u>	<u>Oct. 15-23</u>	<u>Youth Only, Antlerless Only</u>	<u>Grande Ronde Vista East</u>

Elk

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Grande Ronde Vista East A</u>	<u>2</u>	<u>Oct. 1-4</u>	<u>Any Bull</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East B</u>	<u>1</u>	<u>Nov. 12-15</u>	<u>Any Bull</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East C</u>	<u>1</u>	<u>Nov. 3-7</u>	<u>Spike Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East D</u>	<u>4</u>	<u>Nov. 3-7</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East E</u>	<u>2</u>	<u>Nov. 26 - Dec. 2</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East F</u>	<u>2</u>	<u>Dec. 3-9</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East G</u>	<u>2</u>	<u>Dec. 10-16</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East H</u>	<u>2</u>	<u>Dec. 17-23</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East I</u>	<u>2</u>	<u>Dec. 31 - Jan. 6</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East J</u>	<u>2</u>	<u>Jan. 7-13</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Grande Ronde Vista East K</u>	<u>2</u>	<u>Jan. 14-20</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista East L</u>	<u>2</u>	<u>Jan. 21-27</u>	<u>Antlerless Only</u>	<u>Grande Ronde Vista East</u>
<u>Grande Ronde Vista West A</u>	<u>1</u>	<u>Sept. 27-30</u>	<u>Any Bull</u>	<u>Grande Ronde Vista West</u>
<u>Grande Ronde Vista West B</u>	<u>1</u>	<u>Oct. 1-4</u>	<u>Any Bull</u>	<u>Grande Ronde Vista West</u>

AMENDATORY SECTION (Amending Order 05-271, filed 1/3/06, effective 2/3/06)

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

GMU 101-SHERMAN (Ferry and Okanogan counties):

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

GMU 105-KELLYHILL (Stevens County):

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

GMU 108-DOUGLAS (Stevens County):

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

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

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

GMU 113-SELKIRK (Pend Oreille County):

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

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

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

GMU 121-HUCKLEBERRY (Stevens County):

Beginning at the US Hwy (US) 395 bridge over Lake Roosevelt (Columbia River) (~~(northwest)~~) NW of the town of Kettle Falls; SE on US (~~(Hwy)~~) 395 through Colville and Chewelah to State Route (SR) 292 at Loon Lake; W on SR 292 to SR 231 at the town of Springdale; S on SR 231 to the first tributary of Chamokane Creek intersecting SR 231 south of the northeast corner of the Spokane Indian reservation; (~~(W)~~) SW on the said tributary to Chamokane Creek, the northern boundary of the Spokane Indian reservation; W along the northern border of the Spokane Indian Reservation border to eastern boundary of the Colville Indian reservation on the Ferry-Stevens county line on Lake Roosevelt; N along

the Colville Indian reservation boundary to its northern corner on Lake Roosevelt; W along Colville Indian reservation boundary to the western shore of Lake Roosevelt; N along western shore of Lake Roosevelt to the US ((Hwy)) 395 bridge over Lake Roosevelt northwest of the town of Kettle Falls and the point of beginning.

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

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

GMU 127-MICA PEAK (Spokane County):

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

GMU 130-CHENEY (Spokane and Lincoln counties):

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

2 to SR 231 at the town of Reardan; N along ((State Hwy)) SR 231 to the Spokane River and to the point of beginning.

GMU 133-ROOSEVELT (Lincoln County):

Beginning at the ((west)) east end of the Grand Coulee Dam at Lake Roosevelt; E along the Grant-Okanogan, Lincoln-Okanogan, Lincoln-Ferry county lines on Lake Roosevelt to the Spokane River; E up the Spokane River, following the Lincoln-Stevens county line, to State Route (SR) 231; S on SR 231 to US Hwy (US) 2 at the town of Reardan; W on US ((Hwy)) 2 to SR 21 at the town of Wilbur; N on SR 21 to SR 174; NW on SR 174 to SR 155 at the town of Grand Coulee; NE on SR 155 to the access road to the Grand Coulee Dam causeway (access restricted); E on the causeway access road to the ((west)) east end of the Grand Coulee Dam at Lake Roosevelt and the point of the beginning.

GMU 136-HARRINGTON (Lincoln and Grant counties):

Beginning at the town of Grand Coulee at State Route (SR) 174 and Rd W ((N.E.)) NE (Grand Coulee Hill Rd); SE on SR 174 to US Hwy (US) 2 at the town of Wilbur; E on US ((Hwy)) 2 to SR 231; S on 231 to SR 23; S on SR 23 to ((I-90)) Interstate Hwy (I-90); SW on I-90 to Danekas Rd (Interstate Hwy Exit 231); W on Danekas Rd to Tokio Rd; W on Tokio Rd to Marcellus Rd; N on Marcellus Rd to Davis Rd; W on Davis Rd to Rd 12 ((N.E.)) NE; W on Rd 12 ((N.E.)) NE to Rd W ((N.E.)) NE; N on Rd W ((N.E.)) NE to Rd X ((N.E.)) NE at the town of Marlin; N on Rd X ((N.E.)) NE to Kiner Rd ((~~Lincoln County Rd 9115~~)); NE, E, N, E, and N on Kiner Rd ((~~Lincoln County Rd 9115~~)) to US ((Hwy)) 2, east of the town of Almira; SW on US ((Hwy)) 2 to ((Maxwell)) Main Rd; W on ((Maxwell Rd)) Main St to N 3rd St; N on 3rd St to Old Coulee Rd ((at the town of Almira)); N on Old Coulee Rd to Douglas Rd; W on Douglas Rd to Peterson Rd; N on Peterson Rd to 51 NE Rd ((54)); E on 51 NE Rd ((54 N.E.)) to Rd W ((N.E.)) NE; N on Rd W ((N.E.)) NE to Grand Coulee Hill Rd; N on Grand Coulee Hill Rd to SR 174 in the town of Grand Coulee and the point of the beginning.

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

Beginning at the Washington-Idaho state line and State Route (SR) 274 at the town of Willard; W on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; ((W on)) Fairbanks Rd to Spring Valley Rd; NW on Spring Valley Rd to Dunn Rd; SW on Dunn Rd to ((Merritt)) Merritt Rd; W on ((Merritt)) Merritt Rd to the town of Rosalia; from Rosalia, W on ((Gashouse)) Gashous Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to ((Siegal)) Siegel Rd; W on ((Siegal)) Siegel Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to ((Spuller)) Spuler Rd; S on ((Spuller)) Spuler Rd to Dewey Rd; W on Dewey Rd to ((Stoner Rd; SW on Stoner Rd to)) SR 23; N on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Jordan-Knott Rd; S on Jordan-Knott Rd to Rock Creek; S down Rock Creek to the Palouse River; S down the Palouse River to SR 26; E along SR 26 to US Hwy (US) 195 at the town of Colfax; S on US ((Hwy)) 195 to SR 270; E on SR 270 to Washington-Idaho state line; ((north)) N on the Washington-Idaho

state line to SR 274 at the town of Willard and the point of the beginning.

GMU 142-ALMOTA (Whitman County):

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

GMU 145-MAYVIEW (Garfield and Asotin counties):

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

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

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

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

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

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

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

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

Beginning at the junction of US Hwy (US) 12 and Patit Rd in the town of Dayton; E on the Patit Rd to the Hartsock Grade Rd-Maloney Mountain Rd intersection; S on Maloney Mountain Rd to US Forest Service (USFS) Rd 4625 (Maloney Mountain Rd); S and W on to (~~(US Forest Service)~~) USFS Rd 4625 to Skyline Drive Rd; SE on Skyline Drive Rd to (~~(US Forest Service)~~) USFS Rd 46 (Skyline Drive Rd); S on (~~(US Forest Service)~~) USFS Rd 46 to (~~(US Forest Service)~~) USFS Rd 64; S on (~~(US Forest Service)~~) USFS Rd 64 to (~~(US Forest Service)~~) USFS Trail 3211 (Mill Creek Watershed Intake Trail); W on (~~(US Forest Service)~~) USFS Trail 3211 to the Lewis Peak Trail; NW on the Lewis Peak Trail to Lewis Peak Rd; N on the Lewis Peak Rd to Dent Rd; N on Dent Rd to Mt. Pleasant Rd; N on the Mt. Pleasant Rd to the Jasper Mountain Rd; N on the Jasper Mountain Rd to Payne Hollow Rd; N on Payne Hollow Rd to Bowman Hill Rd; NE on Bowman Hill Rd to Lower Hogeye Rd; W on Lower Hogeye Rd to US (~~(Hwy)~~) 12 at Long Station; NE on US (~~(Hwy)~~) 12 to its junction with Patit Rd at the town of Dayton and the point of beginning.

GMU 163-MARENGO (Columbia and Garfield counties):

Beginning at the junction of US Hwy (US) 12 and Patit Rd in the town of Dayton; N and E on US (~~(Hwy)~~) 12 to the Tatman Mountain Rd at Zumwalt; SE on Tatman Mountain Rd to Linville Gulch Rd; S on the Linville Gulch Rd to the Blind Grade Rd; SW on the Blind Grade Rd to the Tucannon Rd; N on the Tucannon Rd to the Hartsock Grade Rd; S on the Hartsock Grade Rd to the Patit Rd; W on the Patit Rd to US (~~(Hwy)~~) 12 in the town of Dayton and the point of beginning.

GMU 166-TUCANNON (Columbia and Garfield counties):

Beginning at the intersection of the Hartsock Grade Rd and the Tucannon (~~(River)~~) Rd; SE on the Tucannon (~~(River)~~) Rd to the elk drift fence at the northern boundary of the W.T. Wooten Wildlife Area; E and S along the elk drift fence to the US Forest Service (USFS) Rd 40 (Mountain Rd) at the Umattilla National Forest's northern boundary; S on the (~~(US Forest Service)~~) USFS Rd 40 (~~(Mountain Rd)~~) to (~~(US Forest Service)~~) USFS Rd 4030 (Diamond Peak Rd); W on (~~(US Forest Service)~~) USFS Rd 4030 to (~~(US Forest Service)~~) USFS Trail 3113 (Diamond Peak Trail-Bullfrog Springs Trail-Oregon Butte Trail) at Diamond Peak; W on (~~(US Forest Service)~~) USFS Trail 3113 to (~~(US Forest Service)~~) USFS Trail 3136 (Teepee Trail); W along (~~(US Forest Service)~~) USFS Trail 3136 to (~~(US Forest Service)~~) USFS Rd 4608 (Teepee Rd) at Teepee Camp; W on the (~~(US Forest Service)~~) USFS Rd 4608 to (~~(US Forest Service)~~) USFS Rd 46 (Sky-

line Drive Rd); N on the (~~US Forest Service~~) USFS Rd 46 to Skyline Drive Rd; N on Skyline Drive Rd to the Maloney Mountain Rd; W on Maloney Mountain Rd to (~~US Forest Service~~) USFS Rd 4625 (Maloney Mountain Rd); E and N on the (~~US Forest Service~~) USFS Rd 4625 (Maloney Mountain Rd) to the Hartsock Grade Rd; N on the Hartsock Grade Rd to the Tucannon (~~River~~) Rd and the point of beginning.

GMU 169-WENAHA (Columbia, Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at the US Forest Service (USFS) Rd 64; N on (~~US Forest Service~~) USFS Rd 64 to (~~US Forest Service~~) USFS Rd 46 (Skyline Dr); E on (~~US Forest Service~~) USFS Rd 46 to (~~US Forest Service~~) USFS Rd 4608 (Teepee Rd) at Godman Springs; E on (~~US Forest Service~~) USFS Rd 4608 to (~~US Forest Service~~) USFS Trail 3136 (Teepee Trail) at Teepee Camp; E on the (~~US Forest Service~~) USFS Trail 3136 to (~~US Forest Service~~) USFS Trail 3113 (Oregon Butte Trail-Bullfrog Springs Trail-Diamond Peak Trail); E on (~~US Forest Service~~) USFS Trail 3113 to (~~US Forest Service~~) USFS Rd 4030 (Diamond Peak Rd) at Diamond Peak; E on (~~US Forest Service~~) USFS Rd 4030 to (~~US Forest Service~~) USFS Rd 40 (Mountain Rd); S along (~~US Forest Service~~) USFS Rd 40 to (~~US Forest Service~~) USFS Rd 4039 (South Boundary Rd); SW along (~~US Forest Service~~) USFS Rd 4039 to (~~US Forest Service~~) USFS Trail 3133 (Three Forks Trail); NW on (~~US Forest Service~~) USFS Trail 3133 to (~~US Forest Service~~) USFS Trail 3100; S on (~~US Forest Service~~) USFS Trail 3100 to the Washington-Oregon state line; due W on the Washington-Oregon state line to (~~US Forest Service~~) USFS Rd 64 and the point of beginning.

GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at US Forest Service (USFS) Trail 3100; N on (~~US Forest Service~~) USFS Trail 3100 to (~~US Forest Service~~) USFS Trail 3133 (Three Forks Trail); SE on (~~US Forest Service~~) USFS Trail 3133 (Three Forks Trail) to (~~US Forest Service~~) USFS Rd 4039 (South Boundary Rd); NE on (~~US Forest Service~~) USFS Rd 4039 to (~~US Forest Service~~) USFS Rd 40 (Mountain Rd); N on (~~US Forest Service~~) USFS Rd 40 to (~~US Forest Service~~) USFS Rd 44 (Mount Misery-Big Butte Rd) at Misery junction; E on (~~US Forest Service Rds~~) USFS Rd 44(;) to USFS Rd 43(, and); E on USFS Rd 43 to USFS Rd 4304 (~~Mount Misery Big Butte Rd~~); E on USFS Rd 4304 to West Mountain Rd; NE on the West Mountain Rd to (~~the~~) Bennett Ridge Rd(~~Mill Rd~~); N (~~and E~~) on (~~the~~) Bennett Ridge Rd(-) to Mill Rd; E on Mill Rd to State Route (SR) 129 at the town of Anatone; SW on SR 129 to the Washington-Oregon state line; due W on the Washington-Oregon state line to (~~US Forest Service~~) USFS Trail 3100 and the point of beginning.

GMU 175-LICK CREEK (Garfield and Asotin counties):

Beginning at the intersection of US Forest Service (USFS) Rd 40 (Mountain Rd) and the elk drift fence on the Umatilla National Forest's northern boundary; E along the elk drift fence to its end at the eastern border section line of Section 2, T9N, R43E; due S from the end to the elk drift fence on sec-

tion line of Section 2, T9N, R43E to Charley Creek; E down Charley Creek to Asotin Creek; S down Asotin Creek to the South Fork Asotin Creek Rd; S up the South Fork Asotin Creek Rd to Campbell Grade Rd; E on the Campbell Grade Rd to Back Rd (~~Asotin County Rd 01550~~); N and E on Back Rd (~~Asotin County Rd 01550~~) to the Cloverland Rd; S on Cloverland Rd to its junction with the Umatilla National Forest's eastern boundary fence; E and S on the (~~US Forest Service~~) USFS boundary fence past Big Butte to (~~US Forest Service~~) USFS Rd 4303 (Big Butte Rd-Mount Misery Rd); W on (~~US Forest Service Rds~~) USFS Rd 4304(;) to USFS Rd 43(, and); W on USFS Rd 43 to USFS Rd 44 (~~Big Butte~~); W on USFS Rd (~~Mount Misery Rd~~) 44 to (~~US Forest Service~~) USFS Rd 40 (Mountain Rd) at Misery junction; NW on (~~US Forest Service~~) USFS Rd 40 (Mountain Rd) to the intersection with the elk drift fence on the Umatilla National Forest's northern boundary and the point of beginning.

GMU 178-PEOLA (Garfield and Asotin counties):

Beginning at the intersection of US Hwy (US) 12 and Tatman Mountain Rd at Zumwalt; E on US (~~Hwy~~) 12 to bridge near the mouth of Alpowa Creek; N down Alpowa Creek to the Snake River; E and S along the Snake River (Asotin-Whitman county line, Washington-Idaho state line) to the mouth of Asotin Creek; W along Asotin Creek to Charley Creek; W along Charley Creek to the unit boundary marker at the eastern border section line of Section 2, T9N, R43E; N on eastern border section line of Section 2, T9N, R43E to end of the elk drift fence; W along the elk drift fence to the boundary of the W.T. Wooten Wildlife Area; NW and W along the elk drift fence to the Tucannon (~~River~~) Rd; N on the Tucannon (~~River~~) Rd to Blind Grade Rd; NE up Blind Grade Rd to the Linville Gulch Rd; N on the Linville Gulch Rd to Tatman Mountain Rd; NW up Tatman Mountain Rd to US (~~Hwy~~) 12 at Zumwalt and the point of beginning.

GMU 181-COUSE (Asotin County):

Beginning at the mouth of Asotin Creek on the Snake River at the town of Asotin; S along the Snake River (Washington-Idaho state line) to the Grande Ronde River; W along the north shore of Grande Ronde River to State Route (SR) 129; NW on SR 129 to Mill Rd in the town of Anatone; W on Mill Rd to Bennett Ridge Rd; S and W on (~~the Mill Rd~~) Bennett Ridge Rd to West Mountain Rd; SW on West Mountain Rd to Umatilla National Forest eastern boundary fence at Big Butte; N along the Umatilla National Forest boundary fence to (~~the~~) Cloverland Rd; NE on (~~the~~) Cloverland Rd to Back Rd (~~Asotin County Rd 01550~~); W and S on Back Rd (~~Asotin County Rd 01550~~) to Campbell Grade Rd; W on the Campbell Grade Rd to (~~the~~) South Fork Asotin Creek Rd; NE on (~~the~~) South Fork Asotin Creek Rd to Asotin Creek; NE down Asotin Creek to the Snake River at the town of Asotin and the point of beginning.

GMU 186-GRANDE RONDE (Asotin County):

Beginning on the Washington-Oregon state line and State Route (SR) 129; N on SR 129 to the Grande Ronde River; E along the north shore of the Grande Ronde River to the Snake River (Washington-Idaho state line); S along the Snake River (Washington-Idaho state line) to the Washington-Oregon

state line; W on the Washington-Oregon state line to SR 129 and the point of beginning.

AMENDATORY SECTION (Amending Order 05-271, filed 1/3/06, effective 2/3/06)

WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.

GMU 203-PASAYTEN (Okanogan and Whatcom counties):

Beginning at the western junction of the Pasayten Wilderness Area-Ross Lake National Recreational Area border and the US-Canadian border; E along the US-Canadian border to the eastern junction of the Pasayten Wilderness Area boundary and the US-Canadian border; S on the Pasayten Wilderness border to US Forest Service (USFS) Trail 375; W on ((US Forest Service)) USFS Trail 375 to ((US Forest Service)) USFS Trail 341; SW on ((US Forest Service)) USFS Trail 341 to its junction with ((US Forest Service)) USFS Trail 533 and ((US Forest Service)) USFS Trail 343; W on ((US Forest Service)) USFS Trail 343 to ((US Forest Service)) USFS Trail 342; SW on ((US Forest Service)) USFS Trail 342 to Pasayten Wilderness boundary; W on the Pasayten Wilderness boundary to ((US Forest Service)) USFS Trail 478 (Robinson Creek Trail); N on ((US Forest Service)) USFS Trail 478 ((Robinson Creek Trail)) to ((US Forest Service)) USFS Trail 575; S on ((US Forest Service)) USFS Trail 575 to ((US Forest Service)) USFS Trail 498; NW overland from the junction of ((US Forest Service)) USFS Trails 575 and 498 to the junction of ((US Forest Service)) USFS Trails 576 and 472; W on ((US Forest Service)) USFS Trail 576 to ((US Forest Service)) USFS Trail 2000 (Pacific Crest National Scenic Trail); N on ((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail)) to the Pasayten Wilderness Area border at Jim Pass; W on the Pasayten Wilderness Area border to Ross Lake National Recreational Area border; N on the Pasayten Wilderness Area-Ross Lake National Recreational Area border to the US-Canadian border and the point of the beginning.

GMU 204-OKANOGAN EAST (Okanogan and Ferry counties):

Beginning on the eastern shore of Osoyoos Lake and the US-Canadian border; E on the US-Canadian border to the Kettle River near the Ferry Customs Office, north of the town of Toroda; S down the Kettle River to the mouth of Toroda Creek; W up Toroda Creek to Toroda Creek Rd ((Ferry County Rd 502)); SW on Toroda Creek Rd ((Ferry County Rd 502 and Okanogan County Rd 9495)) to State Route (SR) 20 at the town of Wauconda; E on SR 20 to SR 21 at the town of Republic; S on SR 21 to the northern border of the Colville Indian reservation; W on the northern border of the Colville Indian reservation to the Okanogan River; N up the eastern shore of the Okanogan River and the eastern shore of Osoyoos Lake to the US-Canadian border and the point of beginning.

GMU 209-WANNACUT (Okanogan County):

Beginning where the Similkameen Rd ((County Rd 4568)) crosses the US-Canadian border; E on the US-Canadian border to the eastern shore of Lake Osoyoos; S along the eastern shore of Lake Osoyoos and the eastern shore of Okanogan

River to the Fourth Street Bridge at the town of Tonasket; NW on Fourth Street on the Fourth Street Bridge to County Hwy 7; S on County Hwy 7 to North Pine Creek Rd ((County Rd 9410)); SW on North Pine Creek Rd ((County Rd 9410)) to the Horse Springs Coulee Rd ((County Rd 4371)), north of Aeneas Lake; ((north)) N on Horse Springs Coulee Road ((County Road 4371)) to Loomis-Oroville ((Highway (County Road 9425)) Rd, west of Spectacle Lake; W and N on Loomis-Oroville ((Hwy (County Rd 9425)) Rd to Similkameen Rd ((County Rd 4568)); N on the Similkameen Rd ((County Rd 4568)) to the US-Canadian border and the point of beginning.

GMU 215-SINLAHEKIN (Okanogan County):

Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd ((County Rd 4568)); SE on the Similkameen Rd ((County Rd 4568)) to the Loomis-Oroville Rd ((County Rd 9425)); S on the Loomis-Oroville Rd ((County Rd 9425)), through the town of Loomis, then ((east)) E to the Horse Springs Coulee Rd ((County Rd 4371)) west of Spectacle Lake; S on the Horse Springs Coulee Rd ((County Rd 4371)) to the North Pine Creek Rd ((County Rd 9410)); NE on the North Pine Creek Rd ((County Rd 9410)) to County Hwy 7; NE on County Hwy 7 to Fourth ((Street) St and the Fourth ((Street) St Bridge which crosses the Okanogan River into the town of Tonasket; SE onto the Fourth ((Street) St Bridge and the Okanogan River; S along the eastern shore of the Okanogan River to the Tunk Creek Rd bridge crossing the Okanogan River at the town of Riverside; SW ((from said bridge)) on Tunk Creek Rd to ((the junction of Riverside)) State St; S on State St to 2nd St; W on 2nd to Cutoff Rd ((County)); SW on Cutoff Rd ((9260 and)) to US Hwy (US) 97; N on US ((Hwy) 97 to the South Pine Creek Rd ((County Rd 9410)); W on the South Pine Creek Rd ((County Rd 9410)) to Fish Lake Rd ((County Rd 4290)); W on Fish Lake Rd ((County Rd 4290)) to South Fish Lake Rd ((County Rd 4282)), along the south shore of Fish Lake; SW on South Fish Lake Rd ((County Rd 4282)), to the Sinlahekin Rd ((County Rd 4015)); SW on the Sinlahekin Rd ((County Rd 4015)), along the north shore of Conconully Lake, to Lake St E, in the town of Conconully; W on Lake St E to N Main St; N on N Main St to the Salmon Creek North Fork Rd ((County Rd 2361), at the town of Conconully); N on US Forest Service (USFS) Rd 38 (Salmon Creek North Fork Rd ((County Rd 2361) to US Forest Service)), to USFS Rd 3820; N on ((US Forest Service)) USFS Rd 3820 over Lone Frank Pass, to ((US Forest Service)) USFS Rd 39; N on ((US Forest Service)) USFS Rd 39 to the ((US Forest Service)) USFS Rd 300 at Long Swamp trailhead; W on the ((US Forest Service)) USFS 300 to ((US Forest Service)) USFS Trail 342; N on ((US Forest Service)) USFS Trail 342 to ((US Forest Service)) USFS Trail 343; E on ((US Forest Service)) USFS Trail 343 to ((US Forest Service)) USFS Trail 533 and USFS Trail 341; E on ((US Forest Service)) USFS Trail 341 to ((US Forest Service)) USFS Trail 375; E on ((US Forest Service)) USFS Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

GMU 218-CHEWUCH (Okanogan County):

Beginning at Harts Pass on the US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail); N on the ((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail)) to ((US Forest Service)) USFS Trail 576 at Buffalo Pass; E on ((US Forest Service)) USFS Trail 576 to its junction with ((US Forest Service)) USFS Trail 472; SE overland from the junction of ((US Forest Service)) USFS Trails 576 and 472 to the junction of ((US Forest Service)) USFS Trails 498 and 575; NE on ((US Forest Service)) USFS Trail 575 to the ((US Forest Service)) USFS Trail 478 (Robinson Creek Trail); SE on the ((US Forest Service)) USFS Trail 478 ((Robinson Creek Trail)) to the Pasayten Wilderness Area boundary; E on the Pasayten Wilderness Area boundary to ((US Forest Service)) USFS Trail 342; S on ((US Forest Service)) USFS Trail 342 to ((US Forest Service)) USFS Rd 300; ((SW)) SE on ((US Forest Service)) USFS Rd 300 to the ((US Forest Service)) USFS Rd 39 ((Middle Fork Toats Coulee Creek Rd)) at Long Swamp Trailhead; S on ((US Forest Service)) USFS Rd 39 ((Middle Fork Toats Coulee Creek Rd)) to ((US Forest Service)) USFS Rd 37 (Boulder Creek Rd); SW and S on ((US Forest Service)) USFS Rd 37 ((Boulder Creek Rd)) to the Eastside Chewuch River Rd ((County Rd 9137)); S on the Eastside Chewuch River Rd ((County Rd 9137)) to State Route (SR) 20 at the town of Winthrop; NW on SR 20 to the ((US Forest Service)) USFS Trail 2000 (Pacific Crest National Scenic Trail); N on ((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail)) to Harts Pass and the point of beginning.

GMU 224-PEARRYGIN (Okanogan County):

Beginning at the intersection of US Forest Service (USFS) Rd 39 and ((US Forest Service)) USFS Rd 3820; S on ((US Forest Service)) USFS Rd 3820, through Lone Frank Pass, to the North Fork Salmon Creek Rd ((US Forest Service)) USFS Rd 38); SE on the North Fork Salmon Creek Rd ((US Forest Service)) USFS Rd 38((County Rd 2361)) to ((West Fork Rd (County Rd 2017)) N Main St at the town of Conconully; S on N Main St to Broadway St W; W on Broadway St W to West Fork Rd; SW on West Fork Rd ((County Rd 2017) to US Forest Service)) to USFS Rd 42 (North Summit Rd); SW on ((US Forest Service)) USFS Rd 42 ((North Summit Rd)) to State Route (SR) 20 at Loup Loup Summit; W on SR 20, through the town of Twisp, to the Eastside Chewuch River Rd at the town of Winthrop; N on the Eastside Chewuch River Rd to ((US Forest Service)) USFS Rd 37 (Boulder Creek Rd); NE on the ((US Forest Service)) USFS Rd 37 ((Boulder Creek Rd) to US Forest Service)) USFS Rd 39 (Middle Fork Boulder Creek Rd); NE on ((US Forest Service)) USFS Rd 39 ((Middle Fork Boulder Creek Rd)) to ((US Forest Service)) USFS Rd 3820 and the point of beginning.

GMU 231-GARDNER (Okanogan County):

Beginning at the crossing of US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) and State Route (SR) 20; S and E on SR 20 to the Twisp River Rd at the town of Twisp; W on the Twisp River Rd ((County Rd 9114, US Forest Service)) USFS Rd 44, ((US Forest Service)) USFS Rd 4440 to ((US Forest Service)) USFS Trail 432 (North Fork Twisp River Trail((+; N))) at the Roads End Camp-

ground; W on ((US Forest Service)) USFS Trail 432 ((North Fork Twisp River Trail)) to North Cascades National Park boundary at Twisp Pass; N and W on North Cascades National Park boundary ((US Forest Service)) to the Skagit-Chelan County line; E on the Skagit-Chelan County line to USFS Trail 2000 (Pacific Crest National Scenic Trail); N on ((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail)) to SR 20 and the point of beginning.

GMU 233-POGUE (Okanogan County):

Beginning at ((Sinlahekin Rd (County Rd 4015))) the intersection of N Main St and ((West Fork Rd (County Rd 2017) at) Broadway St W in the town of Conconully; ((north on the)) N on Main St to Lake St E; E on Lake St E to Sinlahekin Rd; N on Sinlahekin Rd ((County Rd 4015)) to ((the)) South Fish Lake Rd ((County Rd 4282)); NE on ((the)) South Fish Lake Rd ((County Rd 4282)), along the south end of Fish Lake to Fish Lake Rd ((County Rd 4290)); E on Fish Lake Rd ((County Rd 4290)) to the South Pine Creek Rd ((County Rd 9410)); E on the South Pine Creek Rd ((County Rd 9410)) to US Hwy (US) 97; S on US (Hwy) 97 to its junction with ((Riverside)) Cutoff Rd at the town of Riverside; NE ((from the junction of Riverside)) on Cutoff Rd ((and US Hwy 97 to the bridge)) to 2nd St; E on 2nd St to State St; N on State St to Tunk Creek Rd; NE on Tunk Creek Rd to the Tunk Valley Rd bridge crossing the Okanogan River ((at the town of Riverside)); S down the Okanogan River, through the town of Omak, to State Route (SR) 20 bridge at the town of Okanogan; W on SR 20 to US Forest Service (USFS) Rd 42 (North Summit Rd), east of Loup Loup Summit; N on ((US Forest Service)) USFS Rd 42 ((North Summit)) to West Fork Rd((+to)); N on West Fork Rd ((County Rd 2017); N on West Fork Rd (County Rd 2017)) to Broadway St W in the town of Conconully; E to Main St S and the point of beginning.

GMU 239-CHILIWIST (Okanogan County):

Beginning at the intersection of State Route (SR) 153 and SR 20, southeast of the town of Twisp; E on SR 20, past Loup Loup Summit, to the SR 20 bridge crossing over the Okanogan River at the town of Okanogan; SE on the said bridge to the ((bridge over the)) Okanogan River ((at the town of Okanogan)); S along the Okanogan River to the Columbia River (Douglas-Okanogan county line); W along the Columbia River (Douglas-Okanogan county line) to a point on the county line due east of the US Hwy (US) 97 bridge crossing the mouth of the Methow River at the town of Pateros; SE on US (Hwy) 97 to SR 153; NW and N on SR 153 to SR 20, southeast of the town of Twisp, and the point of beginning.

GMU 242-ALTA (Okanogan County):

Beginning at the junction of the Sawtooth Ridge line (Chelan-Okanogan county line) and US Forest Service (USFS) Trail 432 at Twisp Pass; E on ((US Forest Service)) USFS Trail 432 to Twisp River Rd at the Roads End Campground; E on the Twisp River Rd ((US Forest Service)) USFS Rd 4440, ((US Forest Service)) USFS Rd 44, ((County Rd 9114)) to State Route (SR) 20 at the town of Twisp; S and E on SR 20 to SR 153; S and SE on SR 153 to US Hwy (US) 97; N on the US (Hwy) 97 to the bridge crossing the mouth of the Methow River at the town of Pateros; E from the US (Hwy) 97 bridge to the Douglas-Okanogan county line

in Lake Pateros (Columbia River); S along Douglas-Okanogan county line in Lake Pateros (~~((Columbia River))~~) to Wells Dam; (~~(NW))~~ SE from Wells Dam, along the dam's service road to ((the junction of)) Azwell Rd (~~(and))~~; NW on Azwell Rd to US ((Hwy)) 97; S on US ((Hwy)) 97 to Apple Acres Rd; W on Apple Acres Rd to Antoine Creek Rd (~~((Chelan County Rd 8140))~~); NW on the Antoine Creek Rd (~~((Chelan County))~~) to USFS Rd 8140; NW on USFS Rd 8140((?)) to ((US Forest Service)) USFS Rd 8020 (Manastash Ridge); N on ((US Forest Service)) USFS Rd 8020 to the Sawtooth Ridge line (Chelan-Okanogan county line) at Fox Peak; NW on the Sawtooth Ridge line (~~((Chelan-Okanogan county line))~~) to its intersection with ((US Forest Service)) USFS Trail 432 at Twisp Pass and the point of beginning.

GMU 243-MANSON (Chelan County):

Beginning at the Chelan River in the town of Chelan, northwest to Lake Chelan; NW along the south shore of Lake Chelan to the Stehekin River; SE along the north shore of Lake Chelan to the Lake Chelan National Recreation boundary; NE along the National Recreation Area boundary to Sawtooth Ridge; SE along Sawtooth Ridge line (Chelan-Okanogan county line) to US Forest Service (USFS) Rd 8020 (Cooper Mtn Rd) at Fox Peak; SE on ((US Forest Service)) USFS Rd 8020 to ((US Forest Service)) USFS Rd 8140 (Antoine Creek Rd); SE on ((US Forest Service)) USFS Rd 8140 ((Antoine Creek Rd)) to Apple Acres Rd; NE on Apple Acres Rd to US Hwy (US) 97; NE on US ((Hwy)) 97 to ~~((its junction with))~~ Azwell Rd; SE ~~((from the junction of US Hwy 97 and))~~ on Azwell Rd to the Wells Dam service road; NE on the said service road to Wells Dam on the Columbia River; SW down the Columbia River (Chelan-Douglas county line) to the Chelan River; NW up the Chelan River to the town of Chelan and the point of beginning.

GMU 244-CLARK (Chelan County):

Beginning at the mouth of Stehekin River on Lake Chelan; SE along the south shore of Lake Chelan to the Glacier Peak Wilderness boundary at Bearcat Ridge; S, W and N on the Glacier Peak Wilderness boundary to the ~~((Pacific Crest Trail))~~ US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) at Kodak Peak; N on the ~~((Pacific Crest Trail (US Forest Service))~~) USFS Trail 2000((?)) to North Cascades National Park; N and E on the North Cascades National Park boundary to Lake Chelan National Recreation boundary at Hock Mountain; S along the Lake Chelan National Recreation Area boundary to the north shore of Lake Chelan; NW along the north shore of Lake Chelan to the Stehekin River and the point of beginning.

GMU 245-CHIWAHA (Chelan County):

Beginning on US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) and the Glacier Peak Wilderness boundary at Kodak Peak; SE and NE on the Glacier Peak Wilderness Area boundary to the Entiat River; SE down the Entiat River to ((US Forest Service)) USFS Rd 5700 (Mad River Rd) at the town of Ardenvoir; NW on ((US Forest Service)) USFS Rd 5700 ((Mad River Rd)) to the ((US Forest Service)) USFS Rd 5800; SW on ((US Forest Service)) USFS Rd 5800 to ((US Forest Service)) USFS Rd 7520 (Eagle Creek Rd) at French Corral; SW on ((US Forest Service)) USFS Rd 7520 ((Eagle Creek Rd)) to State Route (SR) 209

(Chumstick Hwy), north of Leavenworth; S on SR 209 (Chumstick Hwy) to US Hwy (US) 2; W and N on US ((Hwy)) 2 to ((US Forest Service)) USFS Trail 2000 (Pacific Crest National Scenic Trail) at Stevens Pass; N on ((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail)) to Glacier Peak Wilderness boundary at Kodak Peak and the point of beginning.

GMU 246-SLIDE RIDGE (Chelan County):

Beginning on the south shore of Lake Chelan at the Glacier Peak Wilderness boundary at Bearcat Ridge; SE along the south shore of Lake Chelan to Twenty-five Mile Creek; SW up Twenty-five Mile Creek to US Forest Service (USFS) Rd 8410 (Slide Ridge Rd); S and E on ((US Forest Service)) USFS Rd 8410 (Slide Ridge Rd) to ((US Forest Service)) USFS Trail 1448, at Stormy Mountain; NW on ((US Forest Service)) USFS Trail 1448 to ((US Forest Service)) USFS Trail 1445 (Fourmile Ridge Trail); W on ((US Forest Service)) USFS Trail 1445 ((Fourmile Ridge Trail)) to ((US Forest Service)) USFS Trail 1443; W on ((US Forest Service)) USFS Trail 1443 to Lake Creek; SW down Lake Creek to the Entiat River; NW up the Entiat River to the Glacier Peak Wilderness Area boundary; NE on the Glacier Peak Wilderness boundary to south shore of Lake Chelan at Bearcat Ridge and the point of beginning.

GMU 247-ENTIAT (Chelan County):

Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; SE along the south shore of Lake Chelan to the Chelan River; SE down the Chelan River to the Columbia River (Chelan-Douglas county line); SW along the Columbia River (Chelan-Douglas county line) to the mouth of the Entiat River; NW up the Entiat River to Lake Creek; NE up Lake Creek to US Forest Service (USFS) Trail 1443; E on ((US Forest Service)) USFS Trail 1443 to ((US Forest Service)) USFS Trail 1445 (Fourmile Ridge Trail); E on ((US Forest Service)) USFS Trail 1445 ((Fourmile Ridge Trail)) to ((US Forest Service)) USFS Trail 1448; SE on ((US Forest Service)) USFS Trail 1448 to the ((US Forest Service)) USFS Rd 8410 (Slide Ridge Rd) at Stormy Mountain; N on ((US Forest Service)) USFS Rd 8410 ((Slide Ridge Rd)) to Twenty-five Mile Creek; N down Twenty-five Mile Creek to the south shore of Lake Chelan and the point of beginning.

GMU 248-BIG BEND (Douglas and Grant counties):

Beginning on State Route (SR) 17 at the Chalk Hills Rd (K ~~((N.E.))~~ NE Rd); N on the Chalk Hills Rd (K ~~((N.E.))~~ NE Rd) ~~((to Box Canyon))~~, L NE Rd ((L N.E. Rd); N on Box Canyon Rd (L N.E. Rd)) NE to the first intermittent stream crossed in Section 30, T30N, R27E; N on the first intermittent stream crossed in Section 30 T30N, R27E by the ~~((Box Canyon))~~ Chalk Hills Rd (L ((N.E.)) NE Rd) to the Columbia River; E up the Columbia River to the ~~((west))~~ east end of the Grand Coulee Dam; W on the Grand Coulee Dam causeway access road ~~((Limited))~~ access restricted to SR 155; SW on SR 155 to SR 174 at the town of Grand Coulee; NE on SR 174 to the Grand Coulee Dam feeder canal; SW up the Grand Coulee Dam feeder canal to Banks Lake; S along the west shore of Banks Lake to a point due east from Mold Rd (Rd 9 ~~((N.E.))~~ NE); W from the point due east of Mold Rd on the west shore of Banks Lake to Mold Rd (Rd 9 ~~((N.E.))~~ NE); W on Mold Rd (Rd 9 ~~((N.E.))~~ NE) to SR 17; N along SR 17 to

SR 172; W on SR 172, through the town of Mansfield, to Bridgeport Hill Rd (~~((Mathieson Rd,)) Road B ((N.E. Rd)) NE~~); N on the Bridgeport Hill Rd (~~((Mathieson Rd,)) Road B ((N.E. Rd)) NE~~) to (~~(West Foster Creek Rd; N on West Foster Creek Rd to)~~) SR 17; E on SR 17 to the Chalk Hills Rd (K ~~((N.E.)) NE~~ Rd) and the point of beginning.

GMU 249-ALPINE (Kittitas and Chelan counties):

Beginning on US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) and the Alpine Lakes Wilderness boundary near Josephine Lake south of Stevens Pass; E, S, and W on the Alpine Lakes Wilderness boundary to (~~(US Forest Service))~~ USFS Trail 2000 (Pacific Crest National Scenic Trail) near Kendall Peak Lake; N on (~~(US Forest Service))~~ USFS Trail 2000 (~~((Pacific Crest Trail))~~) to the Alpine Lakes Wilderness boundary near Josephine Lake and the point of beginning.

GMU 250-SWAKANE (Chelan County):

Beginning at the intersection of US Hwy (US) 2 and State Route (SR) 209 (Chumstick Hwy (~~((SR 209))~~)); SE on US (~~(Hwy))~~ 2 to the Columbia River (Chelan-Douglas county line); NE on Chelan-Douglas county line (in the Columbia River) to the Entiat River; NW up the Entiat River to (~~(the Mad River Rd (-))~~) US Forest Service (USFS) Rd 5700 ((-)) (Mad River Rd) at the town of Ardenvoir; N on (~~(the Mad River Rd (US Forest Service))~~) USFS Rd 5700 ((-)) to ((US Forest Service)) USFS Rd 5800; SW on (~~(US Forest Service))~~ USFS Rd 5800 to ((US Forest Service)) USFS Rd 7520 at French Corral; S on (~~(US Forest Service))~~ USFS Rd 7520 to ((US Forest Service)) USFS Rd 7520 (Eagle Creek Rd); SW on (~~(US Forest Service))~~ USFS Rd 7520 ((Eagle Creek Rd)) to SR 209 (Chumstick Hwy); S on SR 209 (~~((Chumstick Hwy))~~) to US (~~(Hwy))~~ 2 and the point of the beginning.

GMU 251-MISSION (Kittitas and Chelan counties):

Beginning at US Hwy (US) 2 and the Columbia River (Chelan-Douglas county line); S down the Columbia River (Chelan-Douglas county line) to Tarpiscan Creek; W up Tarpiscan Creek to North Fork Tarpiscan Creek; W up North Fork Tarpiscan Creek to WA Dept((-)) of Fish and Wildlife (~~((Rd No-))~~) WDFW 14 Rd (Tarpiscan Rd); N approximately 100 feet on (~~(WA Dept. of Fish and Wildlife Rd No-))~~ WDFW 14 ((Tarpiscan)) Rd ((-)) to ((WA Dept. of Fish and Wildlife Rd No-)) WDFW 10.10 Rd (North Fork ~~((Tarpiscan))~~ Creek Rd); W along (~~(WA Dept. of Fish and Wildlife Rd No-))~~ WDFW 10.10 ((North Fork Tarpiscan Creek)) Rd ((-)) to the ((WA Dept. of Fish and Wildlife Rd)) WDFW 10 Rd (Colockum ~~((Pass))~~ Rd); W along the (~~(WA Dept. of Fish and Wildlife Rd))~~ WDFW 10 ((Colockum Pass)) Rd ((-)) to ((WA Dept. of Fish and Wildlife Rd)) WDFW 9 Rd (Naneum Ridge Rd); NW on (~~(WA Dept. of Fish and Wildlife Rd))~~ WDFW 9 ((Naneum Ridge)) Rd ((-)) to Naneum Ridge (Chelan-Kittitas county line) at Wenatchee Mountain; NW along Naneum Ridge (~~((Chelan-Kittitas county line))~~), past Mission Peak, to US Forest Service (USFS) Rd 9712 (Liberty-Beehive Rd); NW on (~~(US Forest Service))~~ USFS Rd 9712 ((Liberty-Beehive Rd)) to ((US Forest Service)) USFS Rd 9716; N on (~~(US Forest Service))~~ USFS Rd 9716 to US ((Hwy)) 97 at Swauk Pass; NW on the Wenatchee Mountain Range divide (Kittitas-Chelan county line) to the Alpine Lakes Wilderness Area boundary (~~((at))~~) near Navaho Peak; N

and E on Alpine Lakes Wilderness Area boundary to (~~(US Forest Service))~~ USFS Trail 2000 (Pacific Crest National Scenic Trail); N on (~~(US Forest Service))~~ USFS Trail 2000 ((Pacific Crest Trail)) to US ((Hwy)) 2; E on US (~~(Hwy))~~ 2 to the Columbia River (Chelan-Douglas county line) and the point of beginning.

GMU 254-SAINT ANDREWS (Douglas and Grant counties):

Beginning at the intersection of Main St and E Railroad Ave (both State Route (SR) 172) in the town of Mansfield; NE on Railroad St to SR 172 (Road 14 NE); E on SR 172 to SR 17; S on SR 17 to Mold Rd (Rd 9 ~~((N.E.))~~ NE); E on the Mold Rd (Rd 9 ~~((N.E.))~~ NE) to the road's end; due E from the end of Mold Rd (Rd 9 ~~((N.E.))~~ NE) to the western shore of Banks Lake; S along the west shore of Banks Lake to US Hwy (US) 2; W on US (~~(Hwy))~~ 2 to SR 172; N (~~(and E))~~ on SR 172 (~~((to))~~) (Road C NW) and E (Road 14 NW, Road 14 NE) on SR 172 to Main St (SR 172) at the town of Mansfield; SE on Main St to E Railroad Ave and the point of beginning.

GMU 260-FOSTER CREEK (Douglas County):

Beginning at the town of Brewster and the Columbia River (Douglas-Okanogan county line); E on the Columbia River (Douglas-Okanogan county line), past the town of Bridgeport to the first intermittent stream crossed in Section 30, T30N, R27E by (~~(the Box Canyon))~~ Chalk Hills Rd (Rd ((-)) L ((N.E. Rd)) NE); S up the first intermittent stream crossed in Section 30, T30N, R27E by (~~(the Box Canyon))~~ Chalk Hills Rd to the ((Box Canyon)) Chalk Hills Rd (L ((N.E.)) NE Rd); E and S on (~~(Box Canyon))~~ Chalk Hills Rd (Rd L ((N.E.)) NE, Rd K NE) to ((the Chalk Hills Rd (K N.E. Rd) to)) State Route (SR) 17; W on SR 17 to (~~(the West Foster Rd; S on West Foster Rd to Dyer))~~ Bridgeport Hill Rd; S on Bridgeport Hill Rd to Dyer Hill Rd (N Division Rd); W and N on Dyer Hill Rd (~~((to Gallaher))~~) (N Division Rd ((-)), Rd 20 ((N.E. Rd) W)) NE to NW on ((Gallaher Rd to)) Old Dyer ((Hill Rd (North Division Rd)); N on Dyer Hill Rd to Cold Springs Rd (Bonita Flats) Rd((~~-~~)) at the town of Dyer; W on Cold Springs Rd (Rd 25 NW) to Bonita Flats Rd; W from the intersection of Bonita Flats Rd(~~-~~) to the Columbia River then west) and Cold Springs Rd to the Douglas-Okanogan county line on the Columbia River; N up the Columbia River (Douglas-Okanogan county line) to town of Brewster and the point of beginning.

GMU 262-WITHROW (Douglas County):

Beginning at Cold Springs Rd (Rd 25 NW) and the Old Dyer ((Hill)) Rd at the town of Dyer; (~~((S))~~) SE on the Old Dyer ((Hill)) Rd (North Division Rd ((- to Gallaher Rd (-)), R 20 ((N.E. Rd) E)) NE; SE on ((Gallaher)) Dyer Hill Rd ((20 N.E. Rd)) to Bridgeport Hill Rd (B ((N.E.)) NE Rd); S on the Bridgeport Hill Rd to State Route (SR) 172; W and S on SR 172 (Rd 14 NW, Rd C NW) to US Hwy (US) 2; W on US (~~(Hwy))~~ 2, through the town of Douglas, to E Poplar St in the town of Waterville(~~(-))~~); W on E Poplar to N Chelan Ave; S on N Chelan Ave to W Locust St; W on W Locust St to S Central Ave; S on S Central Ave to W Elm St; W on W Elm St to US 2; W on US 2 to the Columbia River at the town of Orondo then west to the Chelan-Douglas county line in the Columbia River; N up the Columbia River (Chelan-Douglas, Okano-

gan-Douglas county line), past the Wells Dam, to the point due west of the ((Cold Springs Rd; E from the point on the Columbia River (Chelan-Douglas county line) which is due east)) intersection of Bonita Flats Rd and Cold Springs Rd (Rd 25 NW) at the end of Bonita Flats Rd; E to ((Cold Springs Rd; E)) said intersection; NE on the Cold Springs Rd to Old Dyer Rd at the town of Dyer and the point of beginning.

GMU 266-BADGER (Douglas County):

Beginning at US Hwy (US) 2 at the town of Orondo; E on US ((Hwy)) 2 to W Elm St at the town of Waterville; E on W Elm St to S Central Ave; N on S Central Ave to W Locust St; E on W Locust St to N Chelan Ave; N on N Chelan Ave to E Poplar St; E on Poplar St to US 2; E on US 2, through the town(s) of ((Waterville and)) Douglas, to ((the)) Westerman Rd ((K-S-W-)) Rd K SW; S on ((the)) Westerman Rd (K ((S-W-)) SW Rd) to Alstown Cutoff Rd ((f)) W (Rd 3 ((S-W- Rd) at the town of) SW); W and S on Alstown((-W on the)) Cutoff Rd to Alstown Rd ((3-S-W- Rd) to the)) W (Rd 4 SW), at the town of Alstown; W on Alstown Rd to Titchenal Canyon Rd; SW on ((the)) Titchenal Canyon Rd to ((the Sheehan Rd; S on the Sheehan Rd to the)) Rock Island Grade Rd; SW on ((the)) Rock Island Grade Rd to the Columbia River (Chelan-Douglas county line) at the Rock Island Dam; N up the Columbia River (Chelan-Douglas county line), through the town of Wenatchee, to a point in the Columbia River due west of the town of Orondo; E to US ((Hwy)) 2 at the town of Orondo and the point of beginning (includes Turtle Rock Island).

GMU 269-MOSES COULEE (Douglas and Grant counties):

Beginning on US Hwy (US) 2 and the Westerman Rd (((K-S-W-)) Rd K SW); E on US ((Hwy)) 2 to the Moses Coulee Rd; S on Moses Coulee Rd to Coulee Meadows Rd; S on Coulee Meadows Rd to Sagebrush Flats Rd ((J-N-W-)) NW at the Douglas-Grant county line; S on ((Rd J-N-W- to Rd 23 N-W-; E on Rd 23 N-W- to Sagebrush Flats Rd; S on)) Sagebrush Flats Rd J to Rd ((J-N-W-)) NW; S on J Rd ((J-N-W-)) NW to Overen Rd (Rd 20 ((N-W-)) NW); SW on ((the)) Overen Rd (((Rd 20 N-W-)) NW to Baird Springs Rd NW; SW on Baird Springs Rd NW, across ((SR)) State Route 28, to ((the)) Crescent Bar Rd NW; S along ((the)) Crescent Bar Rd NW to the Crescent Bar boat launch on the Columbia River; W from the Crescent Bar boat launch to the Douglas-Kittitas county line on the Columbia River; N up the Columbia River (Douglas-Kittitas county line) to ((the)) Rock Island Grade Rd at the Rock Island Dam; N on Rock Island Grade Rd to ((the Sheehan Rd; N on the Sheehan Rd to the)) Titchenal Canyon Rd; N on ((the)) Titchenal Road Canyon Rd to ((the)) Alstown Rd ((f)) W (Rd 3 ((S-W- Rd) SW); E on ((the)) Alstown Rd ((f)) W to Alstown Cutoff Rd (Rd 3 ((S-W- Rd), through) SW), at the town of Alstown; N and E on Alstown Cutoff Rd to ((the)) Westerman Rd (((K)) Rd ((S-W-)) K SW); N on ((the)) Westerman Rd to US ((Hwy)) 2 and the point of beginning.

GMU 272-BEEZLEY (Grant, Lincoln, and Douglas counties):

Beginning at the junction of State Route (SR) 155 and SR 174 in the town of Grand Coulee; SE on SR 174 to ((Rd W

NE-)) NE Grand Coulee Hill Rd NE; S on Grand Coulee Hill Rd((; S on Rd W N.E.)) NE to ((Rd)) 52 ((N.E.; E on Rd 52 N.E. to X Rd N.E.)) Rd NE; E and S on ((X)) 52 Rd NE to W Rd NE; S on W Rd NE to 51 Rd ((N.E-)) NE; E on 51 Rd NE to Peterson Rd; S on Peterson Rd to Douglas Rd; E on Douglas Rd to Old Coulee Rd; S on Old Coulee Rd to ((Maxwell Rd)) N 3rd St, at the town of Almira; S on N 3rd St to Main St; E on ((Maxwell Rd)) Main St to SR 2; E on SR 2 to Kiner Rd; S on Kiner Rd to X Rd ((X-N.E-)) NE; S on ((Rd)) X ((N.E-)) Rd NE to ((Rd)) W ((N.E-)) Rd NE, at the town of Marlin; S on ((Rd)) W ((N.E-)) Rd NE to North Frontage Rd E; W on North Frontage Rd ((to Rd U N.E.; S on Rd U N.E-)) E to ((I-90)) U Rd; S on U Rd to Interstate Hwy (I)-90; W on I-90 to the Columbia River (Grant-Kittitas county line), at the Vantage Bridge; N up the Columbia River (Grant-Kittitas county line) to a point due west of Crescent Bar boat launch; E from the Grant-Kittitas county line on the Columbia River to the Crescent Bar boat launch and Crescent Bar Rd; N on Crescent Bar Rd to ((SR 28; N across SR 28 to)) Baird Springs Rd NW at SR 28; NE on Baird Springs Rd NW to Overen Rd NW; NE on Overen Rd NW to J Rd ((J-N-W-)) NW; N on J Rd ((J-N-W-)) NW to Sagebrush Flats Rd NW; N on Sagebrush Flats Rd NW to Coulee Meadows Rd at the Grant-Douglas county line; N on Coulee Meadows Rd to the Moses Coulee Rd; N on the Moses Coulee Rd to US Hwy (US) 2; E on US ((Hwy)) 2 to the west shore of Banks Lake; N along the west shore of Banks Lake to the feeder canal for the Grand Coulee Dam; NE along the feeder canal to SR 174; SW on SR 174 to SR 155 and the point of beginning.

GMU 278-WAHLUKE (Grant, Franklin, and Adams counties):

Beginning at ((I-90)) Interstate (I)-90 and the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; NE and E on I-90 to Beverly Burke Rd; S on Beverly Burke Rd to Frenchman Hills Rd; E on Frenchman Hills Rd to State Route (SR) 262; E on SR 262 to SR 17; N on SR 17 to I-90; E on I-90 to Rd U ((S-E-)) SE; S on Rd U ((S-E- to)) SE which turns into Booker Rd at the Grant-Adams County Line; S on Booker Rd to SR 26; W on SR 26 to SR 17; S on SR 17 to Scotney Rd; SW on Scotney Rd to Mail Rd; W on Mail Rd to Muse Rd; W on Muse Rd to SR 24; W on SR 24 to the Columbia River (Benton-Grant county line) at the Vernita Bridge; W and N along the Columbia River (Benton-Grant((-)), Yakima-Grant, and Kittitas-((Yakima)) Grant county lines) to I-90 at the Vantage Bridge and the point of beginning.

GMU 284-RITZVILLE (Adams, Grant, Lincoln, and Whitman counties):

Beginning at ((I-90)) Interstate (I)-90 and Rd U ((N-E-)) NE; N on Rd U ((N-E-)) NE to North Frontage Rd; E on North Frontage Rd to Rd W ((N-E-)) NE; N on Rd W ((N-E-)) NE to Rd 12 ((N-E-)) NE; E on Rd 12 ((N-E-)) NE to Davis Rd; E on Davis Rd to Marcellus Rd; S on Marcellus Rd to Tokio Rd; E on Tokio Rd to Danekas Rd; E on Danekas Rd to I-90; NE on I-90 to State Route (SR) 23; S on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Jordan-Knott Rd; S on Jordan-Knott Rd to Rock Creek; S down Rock Creek to the Palouse River; S and W down the Palouse River to Old SR 26, west of the town of Hooper; W on Old SR 26,

across the Palouse River to SR 26; W on SR 26 to Booker Rd; N on Booker Rd (~~((t))~~) which turns into Rd U ((S.E.)) SE to the Adams-Grant County Line; N on Rd U ((S.E.)) SE to I-90 and point of beginning.

GMU 290-DESERT (Grant County):

Beginning at ~~((I-90)) Interstate Hwy (I-90)~~ and Beverly Burke Rd ~~((Rd R S.W.)) SW~~, SW of the town of George; E on I-90 to State Route (SR) 17; S on SR 17 to SR 262; W on SR 262 to Frenchman Hills Rd ~~((Rd 7 S.W.)) SW~~; W on Frenchman Hills Rd ~~((Rd 7 S.W.)) SW~~ to Beverly Burke Rd SW; N along Beverly Burke Rd SW to I-90 and the point of beginning.

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

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

GMU 328-NANEUM (Kittitas and Chelan counties):

Beginning on US Hwy (US) 97 and US Forest Service (USFS) Rd 9716 at Blewett Pass; E on ~~((US Forest Service)) USFS Rd 9716 to ((US Forest Service)) USFS Rd 9712 (Liberty-Beehive Rd)~~; E on ~~((US Forest Service)) USFS Rd 9712 ((Liberty-Beehive Rd))~~ to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept.(-)) of Fish and Wildlife (WDFW) Rd 9 at Wenatchee Mountain; SE on Naneum Ridge Rd ~~((WA Dept. of Fish and Wildlife)) WDFW Rd 9~~ to Colockum ~~((Pass)) Rd ((WA Dept. of Fish and Wildlife)) WDFW 10 Rd ((+0))~~; S on Colockum ~~((Pass)) Rd ((WA Dept. of Fish and Wildlife)) WDFW 10 Rd ((+0))~~ to the ~~((Highline)) North Branch Canal ((t))~~; NW along the North Branch Canal(-); NW along the Highline Canal (North Branch Canal)) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US ~~((Hwy)) 97~~; N on US ~~((Hwy)) 97~~ to Blewett Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties):

Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of the east point of the Cape Horn cliffs in the center of sec. 16 T20N R22E; S from the Columbia River (Douglas-Kittitas county line) to the east point of the Cape Horn cliffs in the center of sec. 16 T20N R22E; ~~((S)) SW up ((Cape Horn)) slope to ((its)) the cliff's rim overlooking West Bar~~; SE along ~~((the top of Cape Horn and)) the rim of the ((West Bar)) cliffs ((cliffs)) overlooking West Bar((-) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17)) until the cliffs diminish near the section line dividing sections 25 and 26 in T20N, R22E; continue E about 400 feet to WA Dept. of Fish and Wildlife (WDFW) 14.17 Rd; S and W along ~~((WA Dept. of Fish and Wildlife Rd)) WDFW 14.17 Rd to ((WA Dept. of Fish and Wildlife)) WDFW 14 Rd ((14 rear gate))~~; S on ~~((WA Dept. of Fish and Wildlife)) WDFW 14 Rd ((14))~~ to Tekison Creek; ~~((SE)) S and E~~ along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to~~

the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to ~~((I-90)) Interstate Hwy (I-90) bridge at the town of Vantage~~; W along I-90 to ~~((Highline)) North Branch Canal ((t))~~; N on North Branch Canal(-); N on Highline Canal (North Branch Canal)) to Colockum Rd ~~((WA Dept. of Fish and Wildlife)) WDFW 10 Rd ((+0))~~; N on Colockum Rd to ~~((North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd)) (WDFW 10.10 Rd))~~; E on ~~((North Fork Tarpiscan)) WDFW 10.10 Rd~~ to Tarpiscan Rd ~~((WA Dept. of Fish and Wildlife)) WDFW 14 Rd ((+4))~~; S on Tarpiscan Rd ~~((WA Dept. of Fish and Wildlife Rd 14)) approximately 100 feet~~ to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):

Beginning on the Columbia River at ~~((Cape Horn)) the east point of the Cape Horn cliffs in the center of sec. 16 T20N R22E~~; ~~((S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd)) SW up the slope to up the rim of the cliffs overlooking West Bar; SE along the rim until the cliff diminishes near the section line of 25 and 26 in T20N, R22E; continue E about 400 feet to WA Dept. of Fish and Wildlife (WDFW) 14.17 Rd; S and W on WDFW 14.17 Rd to ((WA Dept. of Fish and Wildlife)) WDFW 14 Rd ((14 near the gate))~~; S on ~~((WA Dept. of Fish and Wildlife)) WDFW 14 Rd((-14))~~ to Tekison Creek; ~~((SE)) E and S~~ down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of ~~((Cape Horn)) the east point of the Cape Horn cliffs in the center of sec. 16 T20N R22E~~; S from the aforesaid point in the Columbia River to the east point of the Cape Horn cliffs and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):

Beginning on US Hwy (US) 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to ~~((Highline)) North Branch Canal~~; N, E and S along ~~((Highline)) North Branch Canal to ((I-90)) Interstate Hwy (I-90)~~ and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to ~~((Umptanum)) Umptanum Rd~~; S ~~((up Umptanum)) on Umptanum Rd~~ to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to State Route (SR) 10; SE on SR 10 to US ~~((Hwy)) 97~~ junction; N on US ~~((Hwy)) 97~~ to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):

Beginning at ~~((I-90)) Interstate Hwy (I-90)~~ and US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) at Snoqualmie Pass; N on ~~((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail))~~ to the Alpine Lakes Wil-

derness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line which is the Wenatchee Mountain Range Divide; E on ~~((US Forest Service Trail 1226))~~ the Wenatchee Mountain Range Divide to US Hwy ~~(US)~~ 97 at Blewett Pass; S on US ~~((Hwy))~~ 97 to State Route (SR) 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to ~~((US Forest Service))~~ USFS Trail 2000 ((Pacific Crest Trail)) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):

Beginning at US Forest Service ~~(USFS)~~ Trail 2000 (Pacific Crest National Scenic Trail) and ~~((I-90))~~ Interstate Hwy (I-90) at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to ~~((US Forest Service))~~ USFS Trail 1367; W on ~~((US Forest Service))~~ USFS Trail 1367 to ((US Forest Service)) USFS Trail 1363 (Peaches Ridge Trail); S on US Forest Trail 1363 ~~((Peaches Ridge Trail))~~ to ~~((US Forest Service))~~ USFS Trail 1388; W on ~~((US Forest Service))~~ USFS Trail 1388 to ((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail)) to Blowout Mountain; N on ~~((US Forest Service))~~ USFS Trail 2000 ((Pacific Crest)) to Cedar River Watershed boundary; N on Cedar River Watershed boundary to USFS Trail 2000; N on USFS Trail((+)) 2000 to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):

Beginning at ~~((I-82))~~ Interstate Hwy (I-82) and State Route (SR) 821; N on SR 821 to SR 823 ~~((Harrison Rd))~~; W on SR 823 ~~((Harrison Rd))~~ to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to ~~((Ellensburg--))~~ Wenas Rd; W and S along ~~((Ellensburg--))~~ Wenas Rd to ((North Fork Wenas Rd(-)) Audubon Rd((-W5000))); NW along ~~((North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service))~~ Audubon Rd to North Fork Wenas Creek at the junction of WA Dept of Natural Resources (DNR) W5200 Rd; NW on North Fork Wenas Creek to US Forest Service (USFS) Rd 1701; USFS Rd 1701 to USFS Trail ((4W))694; NW on ((US Forest Service)) USFS Trail ((4W))694 and Manastash Ridge to end of USFS Trail 694; NW on Manastash Ridge to ((US Forest Service) Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service)) USFS Trail 1388 ((at Quartz Mountain)); NW along ~~((US Forest Service Rd))~~ USFS Trail 1388 to ((US Forest Service)) USFS Trail 1363 (Peaches Ridge Trail); N and E along ~~((US Forest Service))~~ USFS Trail 1363 ((Peaches Ridge Trail) to US Forest Service)) to USFS Trail 1367; SE along ~~((US Forest Service))~~ USFS Trail 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to

Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):

Beginning at US Forest Service ~~(USFS)~~ Rd 1701 and ~~((Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to))~~ North Fork Wenas Creek; S on North Fork Wenas Creek To WA Dept of Natural Resources (DNR) W5000 Rd at the junction with DNR W5200 Rd; SE on W5000 Rd to the ~~((North Fork Wenas Rd(-))~~ Audubon Rd((+))); SE on the ~~((North Fork))~~ Audubon Rd to Wenas Rd; NE on Wenas Rd to ~~((Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to))~~ Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to ~~((I-82))~~ Interstate Hwy (I-82); SE on I-82 to US Hwy ~~(US)~~ 12 at the city of Yakima; NW on US ~~((Hwy))~~ 12 to State Route (SR) 410; NW on SR 410 ~~(as it existed prior to 2009 landslide)~~ to ~~((US Forest Service))~~ USFS Rd 1701; N on ~~((US Forest Service))~~ USFS Rd 1701 to ((Barber Spring Rd-US Forest Service Trail 4W694 intersection)) North Fork Wenas Creek and the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):

Beginning at US Forest Service ~~(USFS)~~ Rd 1388 and ~~((US Forest Service))~~ USFS Trail 2000 (Pacific Crest National Scenic Trail) ~~((at Blowout Mountain))~~; SE on ~~((US Forest Service))~~ USFS Rd 1388 and Manastash Ridge to the end of USFS Rd 1388; SE on Manastash Ridge to ~~((US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service))~~ USFS Trail ((4W))694; E on ~~((US Forest Service))~~ USFS Trail ((4W))694 to ((US Forest Service)) USFS Rd 1701 ((T17N, R15E, NW 1/4 of Section 12))); S on ~~((US Forest Service))~~ USFS Rd 1701 to State Route (SR) 410; NW and SW on SR 410 to ~~((US Forest Service Trail 2000 (Pacific Crest Trail))~~ Mount Rainier National Park boundary near Chinook Pass; N on ~~((US Forest Service))~~ the National Park boundary to the Pierce-Yakima county line (Cascades Mountain Range Crest) in T17N, R10E, Sec 35; NE on the Pierce-Yakima county line to USFS Trail 2000 ((Pacific Crest Trail) to US Forest Service)) in T17N, R10E, Sec 36; N on USFS Trail 2000 to USFS Rd 1388 ((at Blowout Mountain)) and the point of beginning.

GMU 352-NILE (Yakima County):

Beginning on the ~~((Bumping Lake))~~ US Forest Service (USFS) Rd 1800 and State Route (SR) 410; E and ~~((S))~~ SE on SR 410 ~~(as it existed prior to the 2009 landslide)~~ to the lower Nile ~~((Loop))~~ Rd ~~(south SR 410 detour)~~; W and N on the ~~((Lower))~~ Nile ~~((Loop))~~ Rd to ~~((US Forest Service))~~ USFS Rd 1500 (Clover Springs Rd); W on ~~((US Forest Service))~~ USFS Rd 1500 to ((US Forest Service)) USFS Rd 1502 (McDaniel Lake Rd); W on the ~~((US Forest Service))~~ USFS Rd 1502 ((McDaniel Lake Rd)) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to ~~((US Forest Service))~~ USFS Trail 973 (Richmond Mine ((Rd)) Trail); N on ~~((US Forest Service))~~ USFS Trail 973 ((Rich-

mond Mine Trail))) to ((US Forest Service)) USFS Rd 1800 (Bumping Lake Rd); N on the ((US Forest Service)) USFS Rd 1800 ((Bumping Lake Rd)) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):

Beginning ((on US Forest Service Trail 2000 (Pacific Crest Trail) and SR)) at the Mount Rainier National Park boundary and State Route (SR) 410 at Chinook Pass; NE on SR 410 to US Forest Service (USFS) Rd 1800 (Bumping Lake Rd); SW on the ((US Forest Service)) USFS Rd 1800 ((Bumping Lake Rd)) to ((US Forest Service)) USFS Trail 973 (Richmond Mine ((Rd)) Trail); SE on ((US Forest Service)) USFS Trail 973 ((Richmond Mine Rd)) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to ((US Forest Service)) USFS Rd 1502 (McDaniel Lake Rd); SE on ((US Forest Service)) USFS Rd 1502 ((McDaniel Lake Rd)) to ((US Forest Service)) USFS Rd 1500; S on ((US Forest Service)) USFS Rd 1500 to US Hwy (US) 12; W on US ((Hwy)) 12 to ((US Forest Service)) USFS Trail 2000 (Pacific Crest National Scenic Trail) at White Pass; N on the ((US Forest Service Trail 2000 (Pacific Crest Trail))) USFS Trail 2000 to the Mount Rainier National Park boundary in T15N, R11E, Sec 20; N on the National Park boundary to SR 410 at Chinook Pass and the point of beginning. ((Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.))

GMU 360-BETHEL (Yakima County):

Beginning on State Route (SR) 410 (as it existed prior to 2009 landslide) and ((the)) lower Nile ((Loop)) Rd; SE on SR 410 to US Hwy (US) 12; SW on US ((Hwy)) 12 to US Forest Service (USFS) Rd 1500 (Bethel Ridge Rd); N and E on ((US Forest Service)) USFS Rd 1500 to Nile ((Loop)) Rd; SE on Nile ((Loop)) Rd (New SR 410) to south SR 410((-, southeast of the town of Nile,)) detour and the point of beginning.

GMU 364-RIMROCK (Yakima County):

Beginning on US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) and US Hwy (US) 12 at White Pass; E on US ((Hwy)) 12 to ((US Forest Service)) USFS Rd 1302 ((Jump Off Rd) at Windy Point); SW on ((US Forest Service)) USFS Rd 1302 ((Jump Off Rd)) (WA Dept of Natural Resources (DNR) C3000 Rd) to ((US Forest Service Trail 1127, southeast of the)) Jump Off ((Lookout)); ((SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136)) SW from Jump Off along the crest of Divide Ridge to Darland Mountain; SW from Darland Mountain on USFS Trail 615 and Klickton Divide to where USFS Trial 615 ends; SW along the Klickton Divide to Spenser Point; NW on the Yakama Indian Reservation boundary from Spenser Point to the ((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail)); N on the ((US Forest Service)) USFS Trail 2000 ((Pacific Crest Trail)) to US ((Hwy)) 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy (US) 12 to US Forest Service (USFS) Rd 1302 ((Jump Off Rd) at Windy Point); NE and SE on US ((Hwy)) 12 to ((I-82)) Interstate Hwy (I-82); NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W ((up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; SW up Reservation Creek)) and NW on the Yakama Indian Reservation boundary to ((the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; N along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station)) Reservation Creek and the main divide between the Diamond Fork and Ahtanum Creek drainages; N along the aforementioned divide to Darland Mountain; NE along the crest of Divide Ridge to Jump Off and USFS Rd 1302 (WA Dept of Natural Resources (DNR) C3000); NE on ((US Forest Service)) USFS Rd 1302 ((Jump Off Rd)) to US ((Hwy)) 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):

Beginning at the Vantage Bridge where ((I-90)) Interstate Hwy (I-90) crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at ((Vanderbilt)) Vanderbilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

GMU 372 RATTLESNAKE HILLS (Benton and Yakima counties):

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on State Route (SR) 24; E and S down the Columbia River (Grant-Benton ((county line)) then ((the)) Benton-Franklin county line((-, along the Columbia River,)) to the mouth of the Yakima River; NW up the Yakima River to SR 823 ((Harrison Rd)) south of the town of Pomona; E along SR 823 ((Harrison Rd)) to SR 821; SE on SR 821 to Firing Center Rd at ((I-82)) Interstate Hwy (I-82); E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning.

GMU 373-HORSE HEAVEN (Benton and Yakima counties):

Beginning at the mouth of the Yakima River and Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to State Route (SR) 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton (~~(Hwy)~~) Rd (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; E along the Yakima River the point of beginning.

GMU 379-Ringold (Franklin, Grant, and Adams counties):

Beginning at the Vernita Bridge on State Route (SR) 24 and the west shore of the Columbia River (Grant-Benton county line); N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; S on SR 17 to US Hwy (US) 395; S on US 395 through Pasco (via westbound ~~((I-182))~~ Interstate Hwy (I)-182) to the US 395 Blue Bridge and the Franklin-Benton county line in the Columbia River; W and N along the Columbia River (Benton-Franklin county line) to the Vernita Bridge and the point of beginning.

GMU 381-Kahlotus (Franklin and Adams counties):

Beginning at the junction of State Route (SR) 17 and SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to the US Hwy (US) 395 Blue Bridge; N on US 395 through Pasco (via eastbound ~~((I-182))~~ Interstate Hwy (I)-182) to SR 17; N on SR 17 to the SR 26 junction and the point of beginning.

GMU 382-EAST KLICKITAT (Klickitat County):

Beginning at the US Hwy (US) 97 Bridge on the Columbia River at the town of Maryhill; N on US ~~((Hwy))~~ 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road in Sec 33 T7N, R20E; S and E on the power transmission line access road to the ~~((electrical))~~ power transmission lines; N and E on the ~~((electrical))~~ power transmission lines to the Mabton-Bickleton ~~((Hwy))~~ Rd (Glade Rd); S on the Mabton-Bickleton ~~((Hwy))~~ Rd to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to State Route (SR) 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to

the US ~~((Hwy))~~ 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US ~~((Hwy))~~ 97 Bridge at Maryhill.

GMU 388-GRAYBACK (Klickitat County):

Beginning at the US Hwy (US) 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US ~~((Hwy))~~ 97 bridge and the Klickitat River); ~~((NW and))~~ N up the Klickitat River to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US ~~((Hwy))~~ 97 (Satus Pass Hwy); S on US ~~((Hwy))~~ 97 to US ~~((Hwy))~~ 97 bridge crossing the Columbia River and the point of beginning.

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

WAC 232-28-334 Game management units (GMUs) boundary descriptions—Region four.**GMU 407-NORTH SOUND (Whatcom, Skagit, Snohomish and King counties):**

Beginning at the NW corner of Whatcom county line and the US-Canadian border; E on the US-Canadian border to a point due north of Silver Lake Rd; S to Silver Lake Rd; S on Silver Lake Rd to State Route (SR) 542 (Mount Baker Hwy); SW on SR 542 (Mount Baker Hwy) to Mosquito Lake Rd; S on Mosquito Lake Rd to SR 9 (Valley Hwy); S on SR 9 (Valley Hwy) ~~((through))~~ to SR 20 in the town of Sedro-Woolley ~~((then))~~; W and S on SR 20 to SR 9; S on SR 9 to SR 530 at the town of Arlington; NE on SR 530 to Jim Creek-Trafton Rd at the Trafton School in the town of Trafton; SE along Jim Creek-Trafton Rd (242nd St. NE) to the City of Seattle power transmission line; SW on the transmission line to Jordan Rd in Section 20, T31N, R6E; SE along Jordan Rd to SR 92 at the town of Granite Falls; E on SR 92 to South Alder Ave; S on South Alder Ave to ~~((East))~~ E Pioneer St; E ~~((and SE))~~ on East Pioneer St to Menzel Lake Rd; ~~((S))~~ SE on Menzel Lake Rd to North Lake Roesiger Rd; S on North Lake Roesiger Rd to South Lake Roesiger Rd; S on South Lake Roesiger Rd to 242nd St SE; S on 242nd St SE to Woods Creek Rd; S on Woods Creek Rd to US Hwy 2 at the town of Monroe; W on US Hwy 2 to SR 203 at the town of Monroe; S on SR 203 to ~~((NE))~~ NE Woodinville-Duvall Rd at the town of Duvall; W on ~~((NE))~~ NE Woodinville-Duvall Rd to the Snoqualmie River; N down the Snoqualmie River to the Snohomish River; W down the Snohomish River to its mouth on the Puget Sound; W from the mouth of the Snohomish River to the northern tip of Gedney Island; due W from the northern tip of Gedney Island to a point on the Snohomish-Island county line; N along the Island-Snohomish county line in Possession Sound and Port Susan to Juniper Beach and N through Davis Slough to the Island-Snohomish-Skagit county junction; W and N along Island-Skagit county line through Skagit Bay and W through Deception Pass to San Juan-Skagit county line; N on the San Juan-Skagit county

line to a point due West of Kelly's Point on Guemes Island; E from the San Juan-Skagit county line to Bellingham Channel; N through the middle of Bellingham Channel(⊖), then NE from Bellingham Channel to Carter Point on Lummi Island; NW from Carter Point to the Skagit-Whatcom county line; W along Skagit-Whatcom county line to the Whatcom-San Juan county line; NW along the Whatcom-San Juan county line to the US-Canadian border and the point of beginning.

GMU 410-ISLANDS (San Juan and Island counties):

Beginning at the junction of San Juan-Whatcom county lines and the US-Canadian border at the northernmost point in San Juan County; SE on the San Juan-Whatcom county line to the junction of San Juan-Whatcom-Skagit county lines; E on the Skagit-Whatcom county line to the first point where the Skagit-Whatcom county line turns SE; SE from the Skagit-Whatcom county line to Carter Point on Lummi Island; SW down the middle of Bellingham Channel to a point due W of Kelly's Point on Guemes Island and including Cypress Island; W to the Skagit-San Juan county line; S through Rosario Strait on the San Juan-Skagit county line to the San Juan-Skagit-Island county line; E on the Skagit-Island county line through Deception Pass and S through Skagit Bay to the Island-Snohomish-Skagit county junction; SE on the Island-Snohomish county line through Davis Slough, Juniper Beach, Port Susan, Possession Sound to the Island-Kitsap county line; NW on the Island-Kitsap-Jefferson county line through Puget Sound, Admiralty Inlet, and the Strait of Juan De Fuca; W on the Clallam-Jefferson-San Juan county lines to the US-Canadian border; N on the US-Canadian border, through Middle Bank, Haro Strait, and Boundary Pass, to the northernmost corner of San Juan-Whatcom county line and the point of beginning.

GMU 418-NOOKSACK (Whatcom and Skagit counties):

Beginning at the US-Canadian border and the western border of the North Cascades National Park; S on the North Cascades National Park boundary to Noisy Diobsud Wilderness Area boundary; W and S on Noisy Diobsud Wilderness Area boundary to a point due E of the head waters of Watson Creek; W to the headwaters of Watson Creek; S down Watson Creek to Thunder Creek; W down Thunder Creek to Baker River Rd; S along Baker River Rd to State Route (SR) 20 at the town of Concrete; W along SR 20 to SR 9 at the town of Sedro-Woolley; N along SR 9 to Mosquito Lake Rd; N on the Mosquito Lake Rd to SR 542 (Mount Baker Hwy); N on SR 542 (~~((Mount Baker Hwy))~~) to the Silver Lake Rd; N on the Silver Lake Rd to its northern most point; N from the Silver Lake Rd to the US-Canadian border; E on the US-Canadian border to the western border of the North Cascades National Park and the point of beginning.

GMU 426-DIABLO (Skagit and Whatcom counties):

Beginning at the US-Canadian border and the western boundary of the Ross Lake National Recreation Area; S on the Ross Lake National Recreation Area boundary, across SR 20 (North Cascades Hwy) and Skagit River(⊖), then NE and E on the Ross Lake National Recreation Area boundary to a point 2 miles east of Panther Creek, where the recreation boundary connects with the Okanogan National Forest boundary; S on North Cascades National Park boundary to the Skagit-Chelan county line at Fisher Peak; SE along the

Skagit-Chelan county line(~~((across SR 20))~~) to the US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail); N on the (~~((US Forest Service))~~) USFS Trail 2000 (~~((Pacific Crest Trail))~~) to the Pasayten Wilderness boundary at Jim Pass; W along the Pasayten Wilderness boundary to the Ross Lake National Recreation Area boundary; N along the Ross Lake National Recreation Area-Pasayten Wilderness Area boundary to the US-Canadian border; W along the US-Canadian border to the NW corner of the Ross Lake National Recreation Area and the point of beginning.

GMU 437-SAUK (Skagit and Snohomish counties):

Beginning at the intersection of State Route (SR) 9 and SR 20, W of the town of Sedro-Woolley; E along SR 20 to Baker River Rd at the town of Concrete; N on Baker River Rd to Thunder Creek; E up Thunder Creek to Watson Creek; N up Watson Creek to its headwaters; E from the headwaters of Watson Creek to Noisy Diobsud Wilderness boundary; N and E on Noisy Diobsud Wilderness boundary to North Cascades National Park boundary; S and E along the North Cascades National Park boundary to the Ross Lake National Recreation Area boundary; S along the Ross Lake National Recreation Area boundary, across the SR 20 (North Cascade Hwy) and the Skagit River(⊖), then E along the Ross Lake National Recreation Area boundary to the North Cascades National Park boundary near Big Devil Peak; SE on the North Cascades National Park boundary to the Cascade River Rd; S on Cascade River Rd to US Forest Service (USFS) Rd 1590; S on (~~((US Forest Service))~~) USFS Rd 1590 (~~((US Forest Service))~~) USFS Trail 769 (South Fork Cascade River Trail); S on (~~((US Forest Service))~~) USFS Trail 769 (~~((South Fork Cascade River Trail))~~) to the Glacier Peak Wilderness Area boundary; W and S on Glacier Peak Wilderness Area Boundary to the Suiattle River; W down the Suiattle River to the Sauk River; N on the Sauk River to SR 530 (Sauk Valley Rd); S on SR 530 to the town of Darrington; W on SR 530 to SR 9 at the town of Arlington; N on SR 9 to SR 20, W of the town of Sedro-Woolley, and the point of beginning.

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties):

Beginning at the intersection of (~~((Hwy))~~) State Route (SR) 530 (Arlington-Darrington Hwy) and Jim Creek Rd at the town of Trafton; NE on SR 530 to the town of Darrington, where it is called Seeman St; N on SR 530 (Sauk Valley Rd) to the Sauk River; S on the Sauk River to Suiattle River; E along the Suiattle River to the Glacier Peak Wilderness Area boundary; S on the Glacier Peak Wilderness Area boundary to US Forest Service (USFS) Trail 650, West of June Mountain; W on the (~~((US Forest Service))~~) (USFS) Trail 650(⊖) to (~~((US Forest Service))~~) (USFS) Trail 1050 (Quartz Creek Trail) at Curry Gap; S on the (~~((US Forest Service))~~) USFS Trail 1050 (~~((Quartz Creek Trail))~~) to (~~((US Forest Service))~~) USFS Rd 6300; E on (~~((US Forest Service))~~) USFS Rd 6300 to (~~((US Forest Service))~~) USFS Trail 1051; NE on Trail 1051 to Henry M. Jackson Wilderness boundary; S along the Henry M. Jackson Wilderness boundary to Meadow Creek; S down Meadow Creek to Rapid River; E up Rapid River to (~~((US Forest Service))~~) USFS Trail 2000 (Pacific Crest National Scenic Trail) at Lake Janus; S on the (~~((US Forest Service))~~) USFS 2000 (~~((Pacific Crest Trail))~~) to SR 2 at Stevens

Pass; W on SR 2 to Woods Creek Rd at the town of Monroe; N on Woods Creek Rd to 242nd St SE; N on 242nd St SE to South Lake Roesiger Rd; N on South Lake Roesiger Rd to North Lake Roesiger Rd; N on North Lake Roesiger Rd to Menzel Lake Rd; N on Menzel Lake Rd to East Pioneer St; (~~NW and~~) W on East Pioneer St to South Alder Ave; N on South Alder Ave to SR 92 (E Stanley St); W on SR 92 to Jordan Rd; NW on Jordan Rd, through the town of Jordan, to the City of Seattle power transmission lines; NE on the transmission lines to Jim Creek-Trafton Rd (242nd St. NE); W on Jim Creek-Trafton Rd to SR 530 at the town of Trafton and the point of beginning.

GMU 450-CASCADE (Skagit and Snohomish counties):

Beginning on the Glacier Peak Wilderness boundary and Jordan Creek, W of Jordan Lakes; N and E on the wilderness boundary to US Forest Service (USFS) Trail 769; N on (~~US Forest Service~~) USFS Trail 769 to (~~US Forest Service~~) USFS Rd 1590; N on (~~US Forest Service~~) USFS Rd 1590 to the (~~US Forest Service~~) USFS Rd 15 (Cascade River Rd); N on (~~US Forest Service~~) USFS Rd 15 (~~Cascade River Rd~~) to the North Cascades National Park boundary; E on the North Cascades National Park boundary to (~~US Forest Service~~) USFS Trail 2000 (Pacific Crest National Scenic Trail); S on (~~US Forest Service~~) USFS Trail 2000 (~~Pacific Crest Trail~~) to the Rapid River at Lake Janus; NW down the Rapid River to Meadow Creek; N up Meadow Creek to Henry M. Jackson Wilderness Area boundary; N along the Henry M. Jackson Wilderness boundary to (~~US Forest Service~~) USFS Trail 1051; S on (~~US Forest Service~~) USFS Trail 1051 to (~~US Forest Service~~) USFS Rd 6300; W on (~~US Forest Service~~) USFS Rd 6300 to (~~US Forest Service~~) USFS Trail 1050; N on (~~US Forest Service~~) USFS Trail 1050 to (~~US Forest Service~~) USFS Trail 650 at Curry Gap; E on (~~US Forest Service~~) USFS Trail 650 to the Glacier Peak Wilderness boundary west of June Mountain; N on the Glacier Peak Wilderness boundary, across the Suiattle River, to Jordan Creek and the point of beginning.

GMU 454-ISSAQUAH (King and Snohomish counties):

Beginning at the mouth of the Snohomish River at the city of Everett; SE up the Snohomish River to the Snoqualmie River; SE up the Snoqualmie River to NE Woodinville-Duvall Rd; E on NE Woodinville-Duvall Rd to State Route (SR) 203 at the town of Duvall; S on SR 203 to SR 202 (Fall City-Snoqualmie Rd) at the town of Fall City; S on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River, to Preston-Fall City Rd; SW on Preston-Fall City Rd to (~~I-90~~) SE 82nd St at the town of Preston; E on SE 82nd St to Interstate Hwy (I-90); E on I-90 to SR 18; S on SR 18 to the Raging River; SE along the Raging River to Kerriston Rd; S on Kerriston Rd to the City of Seattle Cedar River Watershed boundary; W, S and E along the Cedar River Watershed boundary to US Forest Service (USFS) Rd 5100; S along (~~US Forest Service~~) USFS Rd 5100 to the posted boundary of the Green River Watershed; S along the posted boundary of the Green River Watershed to the (~~US Forest Service~~) USFS Rd 5410; S on (~~US Forest Service~~) USFS Rd 5410 to (~~US Forest Service~~) USFS Rd 5400; E on (~~US Forest Service~~) USFS Rd 5400 to the junction with posted boundary of the Green River Watershed; S on the posted Tacoma Green

River Watershed boundary to (~~US Forest Service~~) USFS Rd 7110 (Weyerhaeuser (Weyco) 5200 line) near Lynn Lake; SW on (~~US Forest Service~~) USFS Rd 7110 (~~Weyerhaeuser~~) Weyco 5200 line) to (~~US Hwy~~) SR 410; W on SR 410 to SR 164 at the city of Enumclaw; W on SR 164 to SR 18 at the city of Auburn; W on SR 18 to SR 99; N on SR 99 to SR 509; W on SR 509 to Redondo Way South; NW on Redondo Way South to the town of Redondo on Puget Sound; SW across Admiralty Inlet on the Pierce-King county line to the point (~~[where] [were]~~) where the county line turns southeast, northwest of Dash Point; W and N along the King county line to King, Snohomish, and Kitsap county line junction in the Puget Sound west of Point Wells; N on the Snohomish county line through Possession Sound to a point on the Snohomish county line due west of the northern tip of Gedney Island (Hat Island); E to the northern tip of Gedney Island (~~(Hat Island)~~); E from the northern tip of Gedney Island (~~(Hat Island)~~) to the mouth of the Snohomish River and the point of beginning.

GMU 460-SNOQUALMIE (King and Snohomish counties):

Beginning at State Route (SR) 203 and SR 2 at the town of Monroe; E on SR 2 to US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) at Stevens Pass; S on the (~~US Forest Service~~) USFS Trail 2000 (~~Pacific Crest Trail~~) to the City of Seattle Cedar River Watershed; W on the Cedar River Watershed boundary to Kerriston Rd; N on Kerriston Rd to the Raging River; W and N along the Raging River to SR 18; N on SR 18 to (~~I-90~~) Interstate Hwy (I-90); W on I-90 to SE 82nd St at the town of Preston; NE on SE 82nd St to Preston-Fall City Rd; N on the Preston-Fall City Rd to SR 202 (Fall City-Snoqualmie Rd); N on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River, to SR 203; N on SR 203 to SR 2 at the town of Monroe and the point of beginning.

GMU 466-STAMPEDE (King County):

Beginning on the US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) and the east boundary of the City of Seattle Cedar River Watershed; S on the (~~US Forest Service~~) USFS Trail 2000 (~~Pacific Crest Trail~~), past Blowout Mountain, to (~~US Forest Service~~) USFS Rd 7038 at its closest point to the (~~Pacific Crest~~) USFS Trail 2000 near Windy Gap north of Pyramid Peak; NW on (~~US Forest Service~~) USFS Rd 7038 to (~~US Forest Service~~) USFS Rd 7036; NW on (~~US Forest Service~~) USFS Rd 7036 to (~~US Forest Service~~) USFS Rd 7030; NW on (~~US Forest Service~~) USFS Rd 7030 to (~~US Forest Service~~) USFS Rd 7032; NW on (~~US Forest Service~~) USFS Rd 7032 to (~~US Forest Service~~) USFS Trail 1172; W on (~~US Forest Service~~) USFS Trail 1172 to about 1/4 mile past Williams Hole to the posted boundary of the City of Tacoma Green River Watershed; N on the posted City of Tacoma Green River Watershed boundary to the City of Seattle Cedar River Watershed boundary; N along City of Seattle Cedar River Watershed boundary to (~~US Forest Service~~) USFS Trail 2000 (~~Pacific Crest Trail~~) and the point of beginning.

GMU 485-GREEN RIVER (King County):

Beginning at the junction of NW corner of the city of Tacoma Green River Watershed and US Forest Service (USFS) Rd

5100; E on the boundary between the Green River Watershed and the Cedar River Watershed to ~~((US Forest Service)) USFS Rd 5060~~; S on ~~((US Forest Service)) Rd 5060~~ to the posted boundary of the Green River Watershed; along the southern boundary of the Green River Watershed over Huckleberry Mountain and Grass Mountain to the ~~((US Forest Service)) USFS Rd 5400~~; NW along ~~((US Forest Service)) USFS Rd 5400~~ to ~~((US Forest Service)) USFS Rd 5410~~; N along ~~((US Forest Service)) USFS Rd 5410~~ to posted boundary of the City of Tacoma Green River Watershed; N along the posted boundary of the City of Tacoma Green River Watershed to ~~((US Forest Service Rd)) USFS 5100~~; N along ~~((US Forest Service)) USFS Rd 5100~~ to City of Tacoma Green River Watershed and City of Seattle Cedar River Watershed border and the point of beginning.

GMU 490-CEDAR RIVER (King County):

The area within the posted boundary of the city of Seattle's Cedar River Watershed.

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

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):

Beginning at the intersection of ~~((I-5)) Interstate Hwy (I)-5~~ and State Route (SR) 6; ~~((west)) W~~ on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser Weyco 7000 line; W and N on ~~((Weyerhaeuser)) Weyco~~ 7000 line to ~~((Weyerhaeuser)) Weyco~~ 7400 line; N on ~~((Weyerhaeuser)) Weyco~~ 7400 line to ~~((Weyerhaeuser)) Weyco~~ 7050 line; NE on ~~((Weyerhaeuser)) Weyco~~ 7050 line to ~~((Weyerhaeuser)) Weyco~~ 7000 line; NW and N on ~~((Weyerhaeuser)) Weyco~~ 7000 line to the ~~((Weyerhaeuser)) Weyco~~ 7800 line; N on ~~((Weyerhaeuser)) Weyco~~ 7800 line to ~~((Weyerhaeuser)) Weyco~~ 7800 F line; NE on ~~((Weyerhaeuser)) Weyco~~ 7800 F line to ~~((Weyerhaeuser)) Weyco~~ 720 line; E on ~~((Weyerhaeuser)) Weyco~~ 720 line to ~~((Weyerhaeuser)) Weyco~~ 723 line; NW on ~~((Weyerhaeuser)) Weyco~~ 723 line to the ~~((Weyerhaeuser)) Weyco~~ C line; NE on ~~((Weyerhaeuser)) Weyco~~ C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy (US) 12 at the town of Oakville; E on US ~~((Hwy)) 12~~ to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy (US) 12 and the ~~((Rainier Timber)) Rayonier~~ 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US ~~((Hwy)) 12~~ to State Route (SR) 131; S on SR 131 to US Forest Service (USFS) Rd 25; S on the ~~((US Forest Service)) USFS Rd 25~~ to the Cispus River; W on the Cispus River to the ~~((Rainier Timber)) Rayonier~~ 271 line; S on the ~~((Rainier Timber)) Rayonier~~ 271 line to the ~~((Rainier Timber)) Rayonier~~ 300 line; W on the ~~((Rainier Timber)) Rayonier~~ 300 line to the ~~((Rainier Timber 100 line; N on the Rainier Timber)) Rayonier~~ 100 line (Kosmos Haul Rd); N on the Rayonier 100 line to US ~~((Hwy)) 12~~ and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to State Route (SR) 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper (IP) 1000 line; N on ~~((International Paper)) IP~~ 1000 line to ~~((International Paper)) IP~~ 1050 line; E on ~~((International Paper)) IP~~ 1050 line to ~~((International Paper)) IP~~ 2200 line; E and S on ~~((International Paper)) IP~~ 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser Weyco 9312 line; E on ~~((Weyerhaeuser)) Weyco~~ 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public ~~((Highway)) Hwy (PH)~~ 10 Rd; E along the Public ~~((Highway)) Hwy (PH)~~ 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on ~~((I-5)) Interstate Hwy (I)-5~~ and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy (US) 12 bridge; NE on US ~~((Hwy)) 12~~ to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the ~~((Rainier Timber)) Rayonier~~ 100 Mainline (Kosmos Haul Rd); N on the ~~((Rainier Timber)) Rayonier~~ 100 Mainline to US ~~((Hwy)) 12~~; W on US ~~((Hwy)) 12~~ to Davis Lake Rd; N and W on Davis Lake Rd to Main St at town of Morton; W on Main St to SR 508; W on ~~((Highway)) SR~~ 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at State Route (SR) 6 and 3rd St ~~((South)) S~~ at the town of Pe Ell; S on 3rd St ~~((South)) S~~ to Muller Rd; S on Muller Rd to Weyerhaeuser Weyco 1000 line; S on ~~((Weyerhaeuser)) Weyco~~ 1000 line to ~~((Weyerhaeuser)) Weyco~~ 1800 line; S on ~~((Weyerhaeuser)) Weyco~~ 1800 line to ~~((Weyerhaeuser)) Weyco~~ 500 line; SE on ~~((Weyerhaeuser)) Weyco~~ 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 ~~((Elochoman Valley Rd))~~ to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon

Creek Rd to ~~((Weyerhaeuser))~~ Weyco 5000 line; N on ~~((Weyerhaeuser))~~ Weyco 5000 line to ~~((Weyerhaeuser))~~ Weyco 5800 line; NE on ~~((Weyerhaeuser))~~ Weyco 5800 line to power transmission line(§) (Section 21, T11N, R8W); E, NE, ~~((and))~~ then N on the power transmission line to the Trap Creek A Line; E and N on the Trap Creek A Line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy ~~(US)~~ 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service ~~(USFS)~~ Rd 47; N on ~~((US Forest Service))~~ USFS Rd 47 to ~~((US Forest Service))~~ USFS Rd 85; W and N on ~~((US Forest Service))~~ USFS Rd 85 to ~~((US Forest Service))~~ USFS Rd 52; N on ~~((US Forest Service))~~ USFS Rd 52 to the Nisqually River; W down the Nisqually River to State Route (SR) 7; S on ~~((Hwy))~~ SR 7 to Main St at town of Morton; E on Main St to Davis Lake Rd; E on Davis Lake Rd to US ~~((Hwy))~~ 12; E on US ~~((Hwy))~~ 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy ~~(US)~~ 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service ~~(USFS)~~ Rd 47; N on ~~((US Forest Service))~~ USFS Rd 47 to ~~((US Forest Service))~~ USFS Rd 85; W and N on ~~((US Forest Service))~~ USFS Rd 85 to ~~((US Forest Service))~~ USFS Rd 52; W and N on ~~((US Forest Service))~~ USFS Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the USFS Trail 2000 (Pacific Crest National Scenic Trail ~~((US Forest Service Trail 2000))~~); S along the ~~((Pacific Crest Trail (US Forest Service))~~ USFS Trail 2000(§) to US ~~((Hwy))~~ 12; W on US ~~((Hwy))~~ 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy ~~(US)~~ 12 and US Forest Service ~~(USFS)~~ Trail 2000 (Pacific Crest National Scenic Trail) at White Pass; S on ~~((Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service))~~ USFS Trail 2000 to the Yakama Indian Reservation border; S on the Yakama Indian Reservation border to USFS Trail 2000; S on USFS Trail 2000 to USFS Trail 98 at Sheep Lake; W on ~~((US Forest Service))~~ USFS Trail 98 to ~~((US Forest Service))~~ USFS Rd 2160 at Walupt Lake; W on ~~((US Forest Service))~~ USFS Rd 2160 to ~~((US Forest Service))~~ USFS Rd 21; S and W on ~~((US Forest Service))~~ USFS Rd 21 to ~~((US Forest Service))~~ USFS Rd 23; S on ~~((US Forest Service))~~ USFS Rd 23 to ~~((US Forest Service))~~ USFS Trail 263; S and W on ~~((US Forest Service))~~ USFS 263 to ~~((US Forest Service))~~ USFS Trail 261; S on ~~((US Forest Service))~~ USFS Trail 261 to ~~((US Forest Service))~~ USFS Trail 1; W on ~~((US Forest Service))~~ USFS Trail 1 to ~~((US Forest Service))~~ USFS Rd 99; W on ~~((US Forest Service))~~ USFS Rd 99 to ~~((US Forest Service))~~ USFS Rd 26; N on ~~((US Forest Service))~~ USFS Rd 26 to ~~((US Forest Service))~~ USFS Rd 2612; W on ~~((US Forest Service))~~ USFS Rd 2612 to ~~((US Forest Service))~~ USFS Trail 217; N and W on ~~((US Forest Service))~~ USFS Trail 217 to Weyerhaeuser ~~(Weyco)~~ 2600 line; ~~((Weyerhaeuser))~~ W on Weyco 2600 line to ~~((Weyerhaeuser))~~ Weyco 2658 line; N on ~~((Weyerhaeuser))~~ Weyco 2658 line to ~~((Rainier Timber))~~ Rayonier

(Campbell Group) 430 line; N on ~~((Rainier Timber))~~ Rayonier 430 line to the ~~((Rainier Timber))~~ Rayonier Mainline 400 line; N and E on ~~((Rainier Timber))~~ Rayonier Mainline 400 line to ~~((Rainier Timber))~~ Rayonier 300 line; E on ~~((Rainier Timber))~~ Rayonier 300 line to ~~((Rainier Timber))~~ Rayonier 271 line; N on ~~((Rainier Timber))~~ Rayonier 271 line to the Cispus River; E on the Cispus River to ~~((US Forest Service))~~ USFS Rd 25; N on ~~((US Forest Service))~~ USFS Rd 25 to State Route (SR) 131; N on SR 131 to US ~~((Hwy))~~ 12; E on US ~~((Hwy))~~ 12 to the ~~((Pacific Crest Trail (US Forest Service))~~ USFS Trail 2000(§) at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of ~~((I-5))~~ Interstate Hwy (I-5) and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser ~~(Weyco)~~ 4400 line; N along ~~((Weyerhaeuser))~~ Weyco 4400 line to ~~((Weyerhaeuser))~~ Weyco 2421 line; N along ~~((Weyerhaeuser))~~ Weyco 2421 line to ~~((Weyerhaeuser))~~ Weyco 2400 line; NW along ~~((Weyerhaeuser))~~ Weyco 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service ~~(USFS)~~ Rd 2612; E on ~~((US Forest Service))~~ USFS Rd 2612 to ~~((US Forest Service))~~ USFS Trail 217; N and W on ~~((US Forest Service))~~ USFS Trail 217 to ~~((Weyerhaeuser))~~ Weyco 2600 line; W on ~~((Weyerhaeuser))~~ Weyco 2600 line to ~~((Weyerhaeuser))~~ Weyco 2658 line; N on ~~((Weyerhaeuser))~~ Weyco 2658 line to ~~((Rainier Timber (Campbell Group))~~ Rayonier 430 line; N on ~~((Rainier Timber))~~ Rayonier 430 line to ~~((Rainier Timber))~~ Rayonier 400 Mainline; N and E on ~~((Rainier Timber))~~ Rayonier 400 Mainline to ~~((Rainier Timber))~~ Rayonier 100 Mainline; N on ~~((Rainier Timber))~~ Rayonier 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy ~~(US)~~ 12; SW on US ~~((Hwy))~~ 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser ~~(Weyco)~~ 3020 line; NW along ~~((Weyerhaeuser))~~ Weyco 3020 line to ~~((Weyerhaeuser))~~ Weyco 3000 line; E along ~~((Weyerhaeuser))~~ Weyco 3000 line to US Forest Service ~~(USFS)~~ Trail 216G; SE along ~~((US Forest Service))~~ USFS Trail 216G to ~~((the intersection of US Forest Service Trail 238 and US Forest Service))~~ USFS Trail 216; S on ~~((US Forest Service))~~ USFS Trail ~~((238))~~ 216 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the ~~((Mount))~~ Mt. St. Helens crater's southern edge to the headwaters of Ape Canyon Creek;

NE down Ape Canyon Creek to ((US Forest Service)) USFS Trail 225 (Smith Creek Trail); N and NW on ((US Forest Service)) USFS Trail 225 ((Smith Creek Trail)) to ((US Forest Service)) USFS Rd 99; NE along ((US Forest Service)) USFS Rd 99 to ((US Forest Service)) USFS Rd 26; N on ((US Forest Service)) USFS Rd 26 to ((US Forest Service)) USFS Trail 1; W on ((US Forest Service)) USFS Trail 1 to ((US Forest Service)) USFS Trail 214; NW on ((US Forest Service)) USFS Trail 214 to ((US Forest Service)) USFS Trail 211; W on ((US Forest Service)) USFS Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to State Route (SR) 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the State Route (SR) 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service (USFS) Trail 211; NE on ((US Forest Service)) USFS Trail 211 to ((US Forest Service)) USFS Trail 214; SE on ((US Forest Service)) USFS Trail 214 to ((US Forest Service)) USFS Trail 1; E on ((US Forest Service)) USFS Trail 1 to ((US Forest Service)) USFS Rd 26; N on the ((US Forest Service)) USFS Rd 26 (Ryan Lake Rd) to ((US Forest Service)) USFS Rd 2612; W on ((US Forest Service)) USFS Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and State Route (SR) 6, south of the town of Doty; E on SR 6 to ((I-5)) Interstate Hwy (I)-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser (Weyco) 9312 line; W on ((Weyerhaeuser)) Weyco 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper ((Rd)) (IP) 2200 line; N and W on ((International Paper Rd)) IP 2200 line to ((International Paper Rd)) IP 1050 line; W on ((International Paper Rd)) IP 1050 line to ((International Paper Rd)) IP 1000 line; S on ((International Paper Rd)) IP 1000 line to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek

to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 ((Elochoman Valley Rd)) to ((Weyerhaeuser)) Weyco 500 line at Camp 2; NW on ((Weyerhaeuser)) Weyco 500 line to ((Weyerhaeuser)) Weyco 1800 line; N on ((Weyerhaeuser)) Weyco 1800 line to ((Weyerhaeuser)) Weyco 1000 line; N on ((Weyerhaeuser)) Weyco 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser (Weyco) 4100 line; E on ((Weyerhaeuser)) Weyco 4100 line to ((Weyerhaeuser)) Weyco 4950 line; S and E on ((Weyerhaeuser)) Weyco 4950 line to ((Weyerhaeuser)) Weyco 235 line; SE on ((Weyerhaeuser)) Weyco 235 line to ((Weyerhaeuser)) Weyco 200 line; W on ((Weyerhaeuser)) Weyco 200 line to ((Weyerhaeuser)) Weyco 240 line; SE on ((Weyerhaeuser)) Weyco 240 line to ((Weyerhaeuser)) Weyco 243 line; E on ((Weyerhaeuser)) Weyco 243 line to ((Weyerhaeuser)) Weyco 135A line; S on ((Weyerhaeuser)) Weyco 135A line to ((Weyerhaeuser)) Weyco 135 line; E on ((Weyerhaeuser)) Weyco 135 line to ((Weyerhaeuser)) Weyco 134 line; SW on ((Weyerhaeuser)) Weyco 134 line to ((Weyerhaeuser)) Weyco 133 line; SW on ((Weyerhaeuser)) Weyco 133 line to ((Weyerhaeuser)) Weyco 130 line; SW on ((Weyerhaeuser)) Weyco 130 line to ((Weyerhaeuser)) Weyco 1680 line; W on ((Weyerhaeuser)) Weyco 1680 line to ((Weyerhaeuser)) Weyco 1600 line; SE on ((Weyerhaeuser)) Weyco 1600 line to ((Weyerhaeuser)) Weyco 1400 line; W on ((Weyerhaeuser)) Weyco 1400 line to ((Weyerhaeuser)) Weyco 1420 line which is the Kalama/Coweeman Summit; SE on ((Weyerhaeuser)) Weyco 1420 line to ((Weyerhaeuser)) Weyco 1426 line; W on ((Weyerhaeuser)) Weyco 1426 line to ((Weyerhaeuser)) Weyco 1428 line; SW on ((Weyerhaeuser)) Weyco 1428 line to ((Weyerhaeuser)) Weyco 1429 line which turns into ((Weyerhaeuser)) Weyco 6400 line; SW down ((Weyerhaeuser)) Weyco 6400 line to ((Weyerhaeuser)) Weyco 6000 line; E on ((Weyerhaeuser)) Weyco 6000 line to ((Weyerhaeuser)) Weyco 6450 line; SE for approximately one mile on ((Weyerhaeuser)) Weyco 6450 line (crossing the Kalama River) to ((Weyerhaeuser)) Weyco 6452 line; SE on ((Weyerhaeuser)) Weyco 6452 line to Dubois Rd; SE on Dubois Rd to State Route (SR) 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on State Route (SR) 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser (Weyco) 6600 line (Rock Creek Rd); NE on (Weyerhaeuser) Weyco 6600 line ((Rock Creek Rd)) to (Weyerhaeuser) Weyco 6690 Rd; N and E on (Weyerhaeuser) Weyco 6690 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to (State Route) SR 503 bridge crossing; S and W along SR 503 to (N.E.) NE 221st Ave; N about 1/4 mile on (N.E.) NE 221st Ave to (N.E.) NE Cedar Creek Rd; W along (N.E.) NE Cedar Creek Rd to (N.E.) NE Pup Creek Rd; N on (N.E.) NE Pup Creek Rd to (N.E. Buncombe) NE Buncombe Hollow Rd; N about 1/4 mile on (N.E. Buncombe) NE Buncombe Hollow Rd to (electrical) power transmission line; S and W on the (electrical) power transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of State Route (SR) 503 (Lewis River Rd) and US Forest Service (USFS) Rd 81 (Merrill Lake Rd); N on (US Forest Service) USFS Rd 81 to Weyerhaeuser (Weyco) 7200 line; NW on (Weyerhaeuser) Weyco 7200 line to (Weyerhaeuser) Weyco 7400 line; N on (Weyerhaeuser) Weyco 7400 line to (Weyerhaeuser) Weyco 5500 line; E and N on (Weyerhaeuser) Weyco 5500 line to (Weyerhaeuser) Weyco 5670 line; N and E on (Weyerhaeuser) Weyco 5670 line to (Weyerhaeuser) Weyco 5660 line; N on (Weyerhaeuser) Weyco 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to (US Forest Service) USFS Trail ((238) 216; N on (US Forest Service) USFS Trail ((238) 216 to (the intersection of US Forest Service Trail 216 and US Forest Service) USFS Trail 216G; NW on (US Forest Service) USFS Trail 216G to (Weyerhaeuser) Weyco 3000 line; W on (Weyerhaeuser) Weyco 3000 line to (Weyerhaeuser) Weyco 3020 line; SE on (Weyerhaeuser) Weyco 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to (Weyerhaeuser) Weyco 2400 line; S on (Weyerhaeuser) Weyco 2400 line to (Weyerhaeuser) Weyco 2421 line; S on (Weyerhaeuser) Weyco 2421 line to (Weyerhaeuser) Weyco 4400 line; S and W along (Weyerhaeuser) Weyco 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to (Weyerhaeuser) Weyco 4100 line; E on (Weyerhaeuser) Weyco 4100 line to the (Weyerhaeuser) Weyco 4950 line; S and E on (Weyerhaeuser) Weyco 4950 line to (Weyerhaeuser) Weyco 235 line; SE on (Weyerhaeuser) Weyco 235 line to (Weyerhaeuser) Weyco 200 line; W on (Weyerhaeuser) Weyco 200 line to (Weyerhaeuser) Weyco 240 line; SE on (Weyerhaeuser) Weyco 240 line to (Weyerhaeuser) Weyco 243 line; E on

(Weyerhaeuser) Weyco 243 line to (Weyerhaeuser) Weyco 135A line; S on (Weyerhaeuser) Weyco 135A line to (Weyerhaeuser) Weyco 135 line; E on (Weyerhaeuser) Weyco 135 line to (Weyerhaeuser) Weyco 134 line; SW on (Weyerhaeuser) Weyco 134 line to (Weyerhaeuser) Weyco 133 line; SW on (Weyerhaeuser) Weyco 133 line to (Weyerhaeuser) Weyco 130 line; SW on (Weyerhaeuser) Weyco 130 line to (Weyerhaeuser) Weyco 1680 line; W on (Weyerhaeuser) Weyco 1680 line to (Weyerhaeuser) Weyco 1600 line; SE on (Weyerhaeuser) Weyco 1600 line to (Weyerhaeuser) Weyco 1400 line; W on (Weyerhaeuser) Weyco 1400 line to (Weyerhaeuser) Weyco 1420 line which is the Kalama/Coweeman Summit; SE on (Weyerhaeuser) Weyco 1420 line to (Weyerhaeuser) Weyco 1426 line; W on (Weyerhaeuser) Weyco 1426 line to (Weyerhaeuser) Weyco 1428 line; SW on (Weyerhaeuser) Weyco 1428 line to (Weyerhaeuser) Weyco 1429 line; SW on (Weyerhaeuser) Weyco 1429 line to (Weyerhaeuser) Weyco 6400 line; SW on (Weyerhaeuser) Weyco 6400 line to (Weyerhaeuser) Weyco 6000 line; E on (Weyerhaeuser) Weyco 6000 line to (Weyerhaeuser) Weyco 6450 line; SE for approximately one mile on (Weyerhaeuser) Weyco 6450 line (crossing the Kalama River) to (Weyerhaeuser) Weyco 6452 line; SE on (Weyerhaeuser) Weyco 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to (Weyerhaeuser) Weyco 6600 line (Rock Creek Rd); NE on (Weyerhaeuser) Weyco 6600 line ((Rock Creek Rd)) to (Weyerhaeuser) Weyco 6690 ((Rd)) line; N and E on (Weyerhaeuser) Weyco 6690 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to (US Forest Service) USFS Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Cowlitz, Skamania, Klickitat, Yakima and Lewis counties):

Beginning on State Route (SR) 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service (USFS) Rd 82 (Mount Adams Recreational Area Rd); N on (US Forest Service) USFS Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to (US Forest Service) USFS Trail 2000 (Pacific Crest National Scenic Trail) in Section 3, T11N, R11E; S on (US Forest Service) USFS Trail 2000 ((Pacific Crest Trail)) to (US Forest Service) USFS Trail 98 at Sheep Lake; W on (US Forest Service) USFS Trail 98 to (US Forest Service) USFS Rd 2160 at Walupt Lake; W on (US Forest Service) USFS Rd 2160 to (US Forest Service) USFS Rd 21; S and W on (US Forest Service) USFS Rd 21 to (US Forest Service) USFS Rd 23; S on (US Forest Service) USFS Rd 23 to (US Forest Service) USFS Trail 263; S and W on (US Forest Service) USFS Trail 263 to (US Forest Service) USFS Trail 261; S on (US Forest Service) USFS Trail 261 to (US Forest Service) USFS Trail 1; W on (US Forest Service) USFS Trail 1 to (US Forest Service) USFS Rd 99; S and W on (US Forest Service) USFS Rd 99 to (US Forest Service) USFS Trail 225 (Smith Creek Trail); S on (US Forest Service) USFS Trail 225 to Ape Canyon Creek; S and W up Ape Canyon Creek to (Mount) Mt. St.

Helens crater's eastern edge; W along ~~((Mount))~~ Mt. St. Helens crater's southern edge to headwaters of S Fork Toutle River; W along S Fork Toutle River to Weyerhaeuser ~~(Weyco)~~ Weyco 5660 line; S along ~~((Weyerhaeuser))~~ Weyco 5660 line to ~~((Weyerhaeuser))~~ Weyco 5670 line; S and W on ~~((Weyerhaeuser))~~ Weyco 5670 line to ~~((Weyerhaeuser))~~ Weyco 5500 line; S and W on ~~((Weyerhaeuser))~~ Weyco 5500 line to ~~((Weyerhaeuser))~~ Weyco 7400 line; S and E on ~~((Weyerhaeuser))~~ Weyco 7400 line to ~~((Weyerhaeuser))~~ Weyco 7200 line; S and E on ~~((Weyerhaeuser))~~ Weyco 7200 line to ~~((US Forest Service))~~ USFS Rd 81; S on ~~((US Forest Service))~~ USFS Rd 81 to ~~((State Route))~~ SR 503; N and E on ~~((State Route))~~ SR 503 to Dog Creek; S down Dog Creek to the N shore of Yale Reservoir; E along N shore of Yale Reservoir to N Fork Lewis River; E up the Lewis River to Swift Dam and Swift Reservoir; E along the N shore of Swift Reservoir to N Fork Lewis River; E up N Fork Lewis River to ~~((US Forest Service))~~ USFS Rd 90 Bridge (Eagle Cliff); E on ~~((US Forest Service))~~ USFS Rd 90 to ~~((US Forest Service))~~ USFS Rd 51 (Curly Creek Rd); SE on ~~((US Forest Service))~~ USFS Rd 51 ~~((Curly Creek Rd))~~ to ~~((US Forest Service))~~ USFS Rd 30; NE on ~~((US Forest Service))~~ USFS Rd 30 to ~~((US Forest Service))~~ USFS Rd 24; SE on ~~((US Forest Service))~~ USFS Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to ~~((N.E. Buncombe))~~ NE Buncombe Hollow Rd; S on ~~((N.E. Buncombe))~~ NE Buncombe Hollow Rd to ~~((N.E.))~~ NE Pup Creek Rd; S on ~~((N.E.))~~ NE Pup Creek Rd to ~~((N.E.))~~ NE Cedar Creek Rd; E on ~~((N.E.))~~ NE Cedar Creek Rd to NE 221st Ave; S along NE 221st Ave ~~((about 1/4 mile))~~ to SR 503~~((; SE along SR 503))~~, to ~~((N.E.))~~ NE Amboy Rd; S on ~~((N.E.))~~ NE Amboy Rd to ~~((N.E.))~~ W Yacolt Rd; E on W Yacolt Rd to N Railroad Ave; SE on N Railroad Ave, which becomes S Railroad Ave; SE on S Railroad Ave which becomes NE Railroad Ave; SE on NE Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to ~~((N.E.))~~ NE 197th Ave; S on ~~((N.E.))~~ NE 197th Ave to ~~((N.E.))~~ NE 279th St; W on ~~((N.E.))~~ NE 279th St to ~~((N.E.))~~ NE 182nd Ave; S on ~~((N.E.))~~ NE 182nd Ave to ~~((N.E.))~~ NE 259th St; E on ~~((N.E.))~~ NE 259th St to ~~((N.E.))~~ NE 220th Ave; S on ~~((N.E.))~~ NE 220th Ave ~~((to N.E.))~~ which turns into NE Cresap Rd; SE on ~~((N.E.))~~ NE Cresap Rd ~~((to N.E.))~~ which turns into NE 222nd Ave; S on ~~((N.E.))~~ NE 222nd Ave to ~~((N.E.))~~ NE Allworth Rd; E on ~~((N.E.))~~ NE Allworth Rd to NE 232nd Ave; S on ~~((N.E.))~~ NE 232nd Ave to ~~((N.E.))~~ NE 237th St; E on ~~((N.E.))~~ NE 237th St ~~((to N.E.))~~ which turns into NE 240th Ave; S on ~~((N.E.))~~ NE 240th Ave to ~~((N.E.))~~ NE Berry

Rd; NE on ~~((N.E.))~~ NE Berry Rd to the DNR L-1410 Rd; SE on DNR L-1410 Rd to the DNR L-1400 Rd; W on DNR L-1400 Rd ~~((to N.E.))~~ which turns into NE Rawson Rd; W on ~~((N.E.))~~ NE Rawson Rd to ~~((N.E.))~~ NE Powell Rd; SW on ~~((N.E.))~~ NE Powell Rd to ~~((N.E.))~~ NE 212th Ave; S on ~~((N.E.))~~ NE 212th Ave to ~~((N.E.))~~ NE 109th St; E on ~~((N.E.))~~ NE 109th St to ~~((N.E.))~~ NE 222nd Ave; S on ~~((N.E.))~~ NE 222nd Ave to ~~((N.E.))~~ NE 83rd St; W on ~~((N.E.))~~ NE 83rd St to ~~((N.E.))~~ NE 217th Ave; S on ~~((N.E.))~~ NE 217th Ave to ~~((N.E.))~~ NE 68th St; E on ~~((N.E.))~~ NE 68th St to ~~((N.E.))~~ NE 232nd Ave; S on ~~((N.E.))~~ NE 232nd Ave to ~~((SR 500; SE on SR 500 to N.E.))~~ NE 54th St; E on NE 54th St to NE 237th Ave; S on NE 237th Ave to NE 53rd St; E on ~~((N.E.))~~ NE 53rd St which turns into NE Bradford Rd then back into NE 53rd St to ~~((N.E.))~~ NE 292nd Ave; S on ~~((N.E.))~~ NE 292nd Ave to ~~((N.E.))~~ NE Ireland Rd; E on ~~((N.E.))~~ NE Ireland Rd to ~~((N.E.))~~ NE Stauffer Rd; E then SW on ~~((N.E.))~~ NE Stauffer Rd to ~~((N.E.))~~ NE 292nd Ave; S on ~~((N.E.))~~ NE 292nd Ave ~~((to N.E.))~~ which turns into NE Reilly Rd; SW on ~~((N.E.))~~ NE Reilly Rd to ~~((N.E.))~~ NE Blair Rd; SE on ~~((N.E.))~~ NE Blair Rd to ~~((N.E.))~~ NE Zeek Rd; E on ~~((N.E.))~~ NE Zeek Rd ~~((to N.E.))~~ which turns into NE 10th St; E on ~~((N.E.))~~ NE 10th St ~~((to N.E.))~~ which turns into NE 312th Ave; S on ~~((N.E.))~~ NE 312th Ave to ~~((N.E.))~~ NE 9th St; E on ~~((N.E.))~~ NE 9th St to ~~((N.E.))~~ NE 322nd Ave; N on ~~((N.E.))~~ NE 322nd Ave ~~((to N.E.))~~ which turns into NE Ammeter Rd; NE on ~~((N.E.))~~ NE Ammeter Rd approximately 1/8(~~(th)~~) mile to the power transmission lines; E along the northern margin of the power transmission lines to ~~((N.E.))~~ NE Hughes Rd; N on ~~((N.E.))~~ NE Hughes Rd ~~((to N.E.))~~ which turns into NE 392nd Ave; N on ~~((N.E.))~~ NE 392nd Ave to ~~((N.E.))~~ NE 28th St; E on ~~((N.E.))~~ NE 28th St to ~~((N.E.))~~ NE Miller Rd; NE on ~~((N.E.))~~ NE Miller Rd ~~((to N.E.))~~ which turns into NE 39th St; E on ~~((N.E.))~~ NE 39th St to Skye Rd; SE on Skye Rd to ~~((Washougal River Rd; S on))~~ Washougal River Rd; S on Washougal River Rd to Canyon Creek Rd; SE on Canyon Creek Rd to Salmon Falls Rd; S on Salmon Falls Rd to State Route (SR) 14; E on SR 14 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at State Route (SR) 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE ~~((along))~~ up Canyon Creek to ~~((N.E.))~~ NE Healy Rd; E on ~~((N.E.))~~ NE Healy Rd to US Forest Service (USFS) Rd 54; E on ~~((US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service))~~ USFS Rd 54 to USFS Rd 53; S on ~~((US Forest Service))~~ USFS Rd 53 to ~~((US Forest Service))~~ USFS Rd 4205 ~~((Gumboot))~~ Gumboot Rd; S on ~~((US Forest Service))~~ USFS Rd 4205 to ~~((US Forest Service))~~ USFS Rd 42 (Green Fork Rd); SW on ~~((US Forest Service))~~ USFS Rd 42 to ~~((US Forest Service))~~ USFS Rd 41 at Sunset Falls; E on ~~((US Forest Service))~~ USFS Rd 41 to Hemlock Rd; E on Hemlock Rd to the Hemlock Rd bridge over the Wind River; SE down the Wind River to the Columbia River; W down the Columbia River to

the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Wind River); N on Cape Horn Rd to SR 14; W on SR 14 to Salmon Falls Rd; N on Salmon Falls Rd to Canyon Creek Rd; NW on Canyon Creek Rd to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to ~~((N.E.))~~ NE 39th St; W on ~~((N.E.))~~ NE 39th St ~~((to N.E.))~~ which turns into NE Miller Rd; SW on ~~((N.E.))~~ NE Miller Rd to ~~((N.E.))~~ NE 28th St; W on ~~((N.E.))~~ NE 28th St to ~~((N.E.))~~ NE 392nd Ave; S on ~~((N.E.))~~ NE 392nd Ave ~~((to N.E.))~~ which turns into NE Hughes Rd; S on ~~((N.E.))~~ NE Hughes Rd approximately 1/8(~~(th))~~) mile to the power transmission lines; W along the northern margin of the power transmission lines to ~~((N.E.))~~ NE Ammeter Rd; SW on ~~((N.E.))~~ NE Ammeter Rd ~~((to N.E.))~~ which turns into NE 322nd Ave; S on ~~((N.E.))~~ NE 322nd Ave to ~~((N.E.))~~ NE 9th St; W on ~~((N.E.))~~ NE 9th St to ~~((N.E.))~~ NE 312th Ave; N on ~~((N.E.))~~ NE 312th Ave ~~((to N.E.))~~ which turns into NE 10th St; W on ~~((N.E.))~~ NE 10th St ~~((to N.E.))~~ which turns into NE Zeek Rd; W on ~~((N.E.))~~ NE Zeek Rd to ~~((N.E.))~~ NE Blair Rd; NW on ~~((N.E.))~~ NE Blair Rd to ~~((N.E.))~~ NE Reilly Rd; NE on ~~((N.E.))~~ NE Reilly Rd ~~((to N.E.))~~ with turns into NE 292nd Ave; ~~((N.E.))~~ E on NE 292nd Ave to ~~((N.E.))~~ NE Stauffer Rd; NE then NW on ~~((N.E.))~~ NE Stauffer Rd to ~~((N.E.))~~ NE Ireland Rd; W on ~~((N.E.))~~ NE Ireland Rd to ~~((N.E.))~~ NE 292nd Ave; N on ~~((N.E.))~~ NE 292nd Ave to ~~((N.E.))~~ NE 53rd St; W on ~~((N.E.))~~ NE 53rd St ~~((to SR 500; NW on SR 500 to N.E.))~~ which turns into NE Bradford Rd then turns into NE 53rd St again to NE 237th Ave; N on 237th Ave to NE 232nd Ave; N on ~~((N.E.))~~ NE 232nd Ave to ~~((N.E.))~~ NE 68th St; W on ~~((N.E.))~~ NE 68th St to ~~((N.E.))~~ NE 217th Ave; N on ~~((N.E.))~~ NE 217th Ave to ~~((N.E.))~~ NE 83rd St; E on ~~((N.E.))~~ NE 83rd St to ~~((N.E.))~~ NE 222nd Ave; N on ~~((N.E.))~~ NE 222nd Ave to NE 109th St; W on ~~((N.E.))~~ NE 109th St to ~~((N.E.))~~ NE 212th Ave; N on ~~((N.E.))~~ NE 212th Ave to ~~((N.E.))~~ NE Powell Rd; NE on ~~((N.E.))~~ NE Powell Rd to ~~((N.E.))~~ NE Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to ~~((N.E.))~~ NE Berry Rd; W then SW on ~~((N.E.))~~ NE Berry Rd to ~~((N.E.))~~ NE 240th Ave; N on ~~((N.E.))~~ NE 240th Ave ~~((to N.E.))~~ which turns into NE 237th St; W on ~~((N.E.))~~ NE 237th St to ~~((N.E.))~~ NE 232nd Ave; N on ~~((N.E.))~~ NE 232nd Ave to ~~((N.E.))~~ NE Allworth Rd; W on ~~((N.E.))~~ NE Allworth Rd to ~~((N.E.))~~ NE 222nd Ave; N on ~~((N.E.))~~ NE 222nd Ave ~~((to N.E.))~~ which turns into NE Cresap Rd ~~((; NW on N.E. Cresap Rd to N.E.))~~ which turns into NE 220th Ave ~~((; N on N.E. 220th Ave))~~ to ~~((N.E.))~~ NE 259th St; W on ~~((N.E.))~~ NE 259th St to ~~((N.E.))~~ NE 182nd Ave; N on ~~((N.E.))~~ NE 182nd Ave to ~~((N.E.))~~ NE 279th St; E on ~~((N.E.))~~ NE 279th St to ~~((N.E.))~~ NE 197th Ave; N on ~~((N.E.))~~ NE 197th Ave to ~~((N.E.))~~ NE Basket Flats Rd; E on ~~((N.E.))~~ NE Basket Flats Rd to ~~((N.E.))~~ NE Hantwick Rd; N then NW on ~~((N.E.))~~ NE Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to NE Railroad Ave; NW on NE Railroad Ave ~~((to N.E.))~~ which turns into S Railroad Ave then N Railroad Ave in the town of Yacolt, to W Yacolt Rd; W on W Yacolt Rd ~~((; W on N.E. Yacolt Rd))~~ to ~~((N.E.))~~ NE Amboy Rd; N on ~~((N.E.))~~ NE Amboy Rd to ~~((N.E.))~~ NE 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service (USFS) Rd 90 at the Eagle Cliff bridge; E on ~~((US Forest Service))~~ USFS Rd 90 to ~~((US Forest Service))~~ USFS Rd 51 (Curly Creek Rd); SE on ~~((US Forest Service))~~ USFS Rd 51 to ~~((US Forest Service))~~ USFS Rd 30 (Wind River Rd); N on ~~((US Forest Service))~~ USFS Rd 30 to ~~((US Forest Service))~~ USFS Rd 24 (Twin Butte Rd); S on ~~((US Forest Service))~~ USFS Rd 24 to ~~((US Forest Service))~~ USFS Rd 60 (Carson Guler Rd); SW on ~~((US Forest Service))~~ USFS Rd 60 to ~~((US Forest Service))~~ USFS Rd 65; SW on ~~((US Forest Service))~~ USFS Rd 65 to ~~((the US Forest Service))~~ USFS Rd 6517 (Warren Gap Rd); W on ~~((US Forest Service))~~ USFS Rd 6517 to the Wind River Rd; S on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to ~~((US Forest Service))~~ USFS Rd 41 (Sunset-Hemlock Rd); W on the ~~((US Forest Service))~~ USFS Rd 41 to ~~((US Forest Service))~~ USFS Road 42 (Green Fork Rd) at Sunset Falls; NE on ~~((US Forest Service))~~ USFS Rd 42 to ~~((US Forest Service))~~ USFS Rd 4205 (~~((Gumboat))~~ Gumboot Rd); N on ~~((US Forest Service))~~ USFS Rd 4205 to ~~((US Forest Service))~~ USFS Rd 53; NW on ~~((US Forest Service))~~ USFS Rd 53 to ~~((US Forest Service))~~ USFS Rd 54 ~~((N.E.))~~ NE Healy Rd; W on ~~((US Forest Service))~~ USFS Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at the town of Trout Lake; S on State Route (SR) 141 to the SR 141 bridge over the White Salmon River Bridge at Husum; S on the White Salmon River to the Columbia River; W down the Columbia River to the mouth of ~~((the))~~ Wind River (including all islands in the Columbia River that are both north of the Washington state line and between the White Salmon River and ~~((the))~~ Wind River); NW up the Wind River to the Hemlock Rd bridge ~~((over the Wind River))~~; E on Hemlock Rd to ~~((the))~~ Wind River Rd; N on ~~((the))~~ Wind River Rd to ~~((the))~~ US Forest Service (USFS) Rd 6517 (Warren Gap Rd); E on ~~((the US Forest Service))~~ USFS Rd 6517 to ~~((US Forest Service))~~ USFS Rd 65 (Panther Creek Rd); N on ~~((US Forest Service))~~ USFS Rd 65 to ~~((US Forest Service Road 60 (Carson Guler Rd))~~ USFS Rd 60; NE on ~~((US Forest Service))~~ USFS Rd 60 to ~~((US Forest Service))~~ USFS Rd 24 (also called Carson-~~((Guler))~~ Gular Rd); E on ~~((US Forest Service))~~ USFS Rd 24 to SR 141; NE on SR 141 to the town of Trout Lake~~((;))~~ and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat and Yakima counties):

Beginning at the mouth of the White Salmon River on the Columbia River; N up the White Salmon River to the State Route (SR) 141 bridge over the White Salmon River at Husum; N on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service (USFS) Rd 82 (Mount Adams Recreational Area Rd); N on ~~((US Forest Ser-~~

~~vice Road~~) USFS Rd 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the White Salmon River).

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

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

WAC 232-28-336 Game management units (GMUs) boundary descriptions—Region six.

GMU 601-HOKO (Clallam County):

Beginning on the Makah Indian reservation boundary and the Strait of Juan de Fuca; SE along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River; S along the Hoko River to State Route (SR) 112; SE on SR 112 to the Hoko-Ozette Rd; SW on the Hoko-Ozette Rd to the Olympic National Park boundary near Ozette; N along the Olympic National Park boundary to the Makah Indian reservation boundary; E and N along the Makah Indian reservation boundary to the Strait of Juan de Fuca and the point of beginning.

GMU 602-DICKEY (Clallam County):

Beginning at the mouth of the Hoko River and the Strait of Juan de Fuca; SE along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River; S along the Clallam River to State Route (SR) 112; S on SR 112 to ~~((the))~~ SR 113 (Burnt Mountain Rd ((SR-113))); S on ~~((the Burnt Mountain Rd))~~ SR 113((?)) to US Hwy (US) 101 at the town of Sappho; SW on US ~~((Hwy))~~ (US) 101 to the LaPush Rd; SW on ~~((the))~~ LaPush Rd to the Olympic National Park boundary; N along the Olympic National Park boundary to ~~((the))~~ Hoko-Ozette Rd; NE on ~~((the))~~ Hoko-Ozette Rd to SR 112; NW on SR 112 to the Hoko River; NW on the Hoko River to its mouth on the Strait of Juan De Fuca and the point of beginning.

GMU 603-PYSHT (Clallam County):

Beginning at the mouth of the Clallam River on Strait of Juan de Fuca; E along the shore of the Strait of Juan de Fuca to the mouth of the Elwha River; S along the Elwha River to the Olympic National Park boundary; W along the Olympic National Park boundary to one mile west of Lake Crescent; S on the Olympic National Park boundary to US Hwy (US) 101; W on US ~~((Hwy))~~ (US) 101 to the State Route (SR) 113 (Burnt Mountain Rd ((SR-113))); N on ~~((the Burnt Mountain Rd))~~ SR 113((?)) to SR 112; N on SR 112 to the Clallam

River; N along the Clallam River to its mouth and the point of beginning.

GMU 607-SOL DUC (Clallam County):

Beginning at US Hwy (US) 101 at the town of Sappho; E on US ~~((Hwy))~~ (US) 101 to the Olympic National Park boundary; S and W along the Olympic National Park boundary to the Bogachiel River; W along the Bogachiel River to US ~~((Hwy))~~ (US) 101; N on US ~~((Hwy))~~ (US) 101, through the town of Forks, to the town of Sappho and the point of beginning.

GMU 612-GOODMAN (Jefferson and Clallam counties):

Beginning approximately two miles east of the town of LaPush on the Olympic National Park boundary and LaPush Rd intersection; NE on LaPush Rd to US Hwy (US) 101 at the town of Forks; S on US ~~((Hwy))~~ (US) 101, across the Hoh River, and west to Olympic National Park Boundary; N on the Olympic National Park boundary to LaPush Rd and the point of beginning.

GMU 615-CLEARWATER (Jefferson County):

Beginning on US Hwy (US) 101 and the Bogachiel River; E along the Bogachiel River to the Olympic National Park boundary; SE and W on the Olympic National Park boundary to the Quinault Indian reservation boundary; W on the Quinault Indian reservation boundary to the Olympic National Park boundary; N along the Olympic National Park boundary to US ~~((Hwy))~~ (US) 101; E, N, and W on US ~~((Hwy))~~ (US) 101 to the Bogachiel River and the point of beginning.

GMU 618-MATHENY (Jefferson and Grays Harbor counties):

Beginning at the boundary junction of Olympic National Park and the Quinault Indian reservation, east of the Queets River Rd; N, E, S, and W along the Olympic National Park boundary to the park and Quinault Indian reservation boundary junction, north of Lake Quinault; NW along the Quinault Indian reservation boundary to its junction with the boundary of Olympic National Park, east of the Queets River Rd, and the point of beginning, including the Olympic National Forest land and private land one mile west of Lake Quinault and bounded by the Olympic National Park and the Quinault Indian reservation.

GMU 621-OLYMPIC (Jefferson, Clallam and Mason counties):

Beginning at the Olympic National Park boundary and the Elwha River; N along the Elwha River to US Hwy (US) 101; E on US ~~((Hwy))~~ (US) 101, through Port Angeles and Sequim, to the Chimacum Center Rd at the town of Quilcene; N on the Chimacum Center Rd to the East Quilcene Rd; E on the East Quilcene Rd to Quilcene Bay; S along the shore of Quilcene Bay to Dabob Bay; S along the shore of Dabob Bay to Hood Canal; SW along the shore of Hood Canal to Finch Creek; upstream on Finch Creek to US ~~((Hwy))~~ (US) 101; S on US ~~((Hwy))~~ (US) 101 to State Route (SR) 119 (Lake Cushman Rd); W on SR 119 to Standstill Dr (Power Dam Rd); W on Standstill Dr ~~((Power Dam Rd))~~ to Upper Cushman Dam and the shore of Lake Cushman; NW on the west shore of Lake Cushman to the North Fork Skokomish River; N along the North Fork Skokomish River to the Olympic National Park

boundary; N and W on the Olympic National Park boundary to the Elwha River and the point of beginning.

GMU 624-COYLE (Clallam and Jefferson counties):

Beginning at the mouth of the Elwha River (~~(and)~~) on the Strait of Juan de Fuca; (~~(north)~~) N from the mouth of the Elwha River to the Clallam county line in the Strait of Juan De Fuca; NE on the Clallam county line to Clallam-San Juan county line; NE on the Clallam-San Juan county line to the Jefferson-San Juan county line; NE on the Jefferson-San Juan county line to the Jefferson-Island county line; S then SE on the Jefferson-Island county line to the Kitsap-Island county line; SE on the Kitsap-Island county line to a point due east of Point No Point; W from the Kitsap-Island county line to Point No Point; NW, S, N, and SW along the coast of the Kitsap peninsula to Cougar Spit; W from Cougar Spit to Finch Creek at the town of Hoodspport; NE along the east shore of Hood Canal to Dabob Bay; N along the shore of Dabob Bay and Quilcene Bay to East Quilcene Rd; W on East Quilcene Rd to the Chimacum Center Rd; S on Chimacum Center Rd to US Hwy (US) 101; N and W on US (~~(Hwy)~~) 101 through Sequim and Port Angeles to the Elwha River; N down the Elwha River to its mouth (~~(and)~~) on the Strait of Juan de Fuca and the point of beginning.

GMU 627-KITSAP (Kitsap, Mason, and Pierce counties):

Beginning at the Hood Canal Bridge; E, S, N, and SE along the shore of the Kitsap peninsula to Point No Point; due E from Point No Point to Kitsap-Island county line in the Puget Sound; S along the Kitsap-Island county line to the Kitsap-Snohomish county line; S along the Kitsap-Snohomish county line to Kitsap-King county line; S along the Kitsap-King county line to the King-Pierce county line; S on the King-Pierce county line to the outlet of the Tacoma Narrows; S through the Tacoma Narrows, past Fox Island (which is included in this GMU), to Carr Inlet; NW up Carr Inlet around McNeil and Gertrude Islands (which are excluded from this GMU), to Pitt Passage; SW through Pitt Passage and Drayton Passage to the Pierce-Thurston county line in the Nisqually Reach; NW along the Pierce-Thurston county line to the Pierce-Mason county line; NW on the Pierce-Mason county line in the Nisqually Reach to North Bay; along the east shore of North Bay to State Route (SR) 3 at the town of Allyn; N on SR 3 to the Old Belfair Hwy at the town of Belfair; N on the Old Belfair Hwy to the Bear Creek-Dewatto Rd; W on the Bear Creek-Dewatto Rd to the Dewatto Rd West; N along the Dewatto Rd to (~~(its intersection with the)~~) Albert Pfundt Rd; N on the Albert Pfundt Rd to Anderson Creek; E down Anderson Creek to the east shore of the Hood Canal; N from Anderson Creek along the east shore of Hood Canal to the Hood Canal bridge and the point of beginning.

GMU 633-MASON (Mason and Kitsap counties):

Beginning at the mouth of Anderson Creek on the eastern shore of Hood Canal; W along Anderson Creek to Albert Pfundt Rd; S on the Albert Pfundt Rd to West Dewatto Rd; S on West Dewatto Rd to Bear Creek-Dewatto Rd; E along Bear Creek-Dewatto Rd to Old Belfair Hwy; S on Old Belfair Hwy to State Route (SR) 3 at the town of Belfair; S on SR 3 to North Bay at the town of Allyn; N along the west shore of North Bay; S along the east shore of North Bay to Pierce-

Mason county line at Case Inlet; SE along the Pierce-Mason county line through Case Inlet to the Mason-Thurston county line; W along the Mason-Thurston county line through Dana Passage, Squaxin Passage, and Totten Inlet to US Hwy (US) 101 at Oyster Bay; N on US (~~(Hwy)~~) 101 to Finch Creek at the town of Hoodspport; E from Finch Creek across Hood Canal to Cougar Spit on the east shore of the Hood Canal; N from Cougar Spit along the east shore of Hood Canal to the mouth of Anderson Creek and the point of beginning.

GMU 636-SKOKOMISH (Grays Harbor and Mason counties):

Beginning on the Olympic National Park boundary and the North Fork of the Skokomish River; S along the North Fork Skokomish River to Lake Cushman; SE along the west shore of Lake Cushman to Standstill Dr (Power Dam Rd) at the Upper Cushman Dam; E on the Standstill Dr to State Route (SR) 119 (~~(-SE on)~~) (Lake Cushman Rd); SE on SR 119 to US Hwy (US) 101 at the town of Hoodspport; S on US (~~(Hwy)~~) 101 to the Shelton-Matlock Rd at the town of Shelton; W on the Shelton-Matlock Rd to the Matlock-Brady Rd; S on the Matlock-Brady Rd to Deckerville Rd south of the town of Matlock; W on Deckerville Rd to Boundary Rd (Middle Satsop Rd); W and S on Boundary Rd (~~((Middle Satsop Rd))~~) to Kelly Rd; N on Kelly Rd to US Forest Service (USFS) Rd 2368 (Simpson Timber 500 line); N on (~~(US Forest Service)~~) USFS Rd 2368 (~~((Simpson Timber 500 line))~~) to (~~(US Forest Service)~~) USFS Rd 2260 (Simpson Timber 600 line); W on (~~(US Forest Service)~~) USFS Rd 2260 (~~((Simpson Timber 600 line))~~) to USFS Rd 22 (Wynoochee Rd (~~((US Forest Service Rd 22))~~)); NW and W on (~~(US Forest Service)~~) USFS Rd 22 (~~((Wynoochee Rd))~~) to (~~(US Forest Service)~~) USFS Rd 2294, 1/4 mile east of Big Creek; NW on (~~(US Forest Service)~~) USFS Rd 2294, which parallels Big Creek, to junction with (~~(US Forest Service)~~) USFS Rd 2281; W on (~~(US Forest Service)~~) USFS Rd 2281, to the watershed divide between the Humptulips River watershed and the Wynoochee River watershed; N on the ridge between the Humptulips River watershed and Wynoochee River watershed to Olympic National Park boundary; E along the Olympic National Park boundary to the north fork of the Skokomish River and the point of beginning.

GMU 638-QUINAULT RIDGE (Grays Harbor and Jefferson counties):

Beginning on the Olympic National Park boundary and the Quinault Indian reservation boundary at the northwest corner of Lake Quinault; NE along the west shore of Lake Quinault to the Quinault River; NE on the Olympic National Park boundary, which is along the Quinault River, to the Olympic National Park boundary west of Bunch Creek; S and NE on the Olympic National Park boundary to the ridge between the Wynoochee River watershed and Humptulips River watershed; S along the ridge between the Humptulips River watershed and the Wynoochee River watershed to its intersection with US Forest Service (USFS) Rd 2281; E along (~~(US Forest Service)~~) USFS Rd 2281 to (~~(US Forest Service)~~) USFS Rd 2294; SE on (~~(US Forest Service)~~) USFS Rd 2294, paralleling Big Creek, to (~~(US Forest Service)~~) USFS Rd 22 (Donkey Creek Rd); W on the (~~(US Forest Service)~~) USFS Rd 22 (~~((Donkey Creek Rd))~~) to US Hwy (US) 101; N on US

((Hwy)) 101 to the Quinault Indian reservation boundary; NE on the reservation boundary to Lake Quinault; NW along the south shore of Lake Quinault to the Olympic National Park boundary and the point of beginning.

GMU 642-COPALIS (Grays Harbor County):

Beginning at the Quinault Indian reservation and US Hwy (US) 101 south of Lake Quinault; S on US ((Hwy)) 101 to the Hoquiam River in the city of Hoquiam; S along the Hoquiam River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the Pacific Ocean; N along the shore of the Pacific Ocean to the Quinault Indian reservation boundary; E and NE along the Quinault Indian reservation to US ((Hwy)) 101 south of Lake Quinault and the point of beginning.

GMU 648-WYNOOCHEE (Grays Harbor County):

Beginning at the junction of US Hwy (US) 101 and the US Forest Service (USFS) Rd 22 (Donkey Creek Rd); NE along the USFS Rd 22 (Donkey Creek Rd ((US Forest Service Rd 22))) to its junction with the Donkey Creek-Grisdale Rd; ((continuing)) E on ((this road (US Forest Service)) USFS Rd 22 (Donkey Creek-Grisdale Rd)) to Camp Grisdale (south of Wynoochee Lake); S along ((the)) USFS Rd 22 (Wynoochee Rd ((US Forest Service Rd 22))) to ((US Forest Service)) USFS Rd 2260 (Simpson Timber 600 line); E on ((US Forest Service)) USFS Rd 2260 ((Simpson Timber 600 line)) to ((US Forest Service)) USFS Rd 2368 (Simpson Timber 500 line); S on ((US Forest Service)) USFS Rd 2368 ((Simpson Timber 500 line)) to Kelly Rd; S on Kelly Rd to Boundary Rd (Middle Satsop Rd); S on Boundary Rd ((Middle Satsop Rd)) to Cougar Smith Rd; W on Cougar Smith Rd to the west fork of the Satsop River; S down the west fork Satsop River to the Satsop River; S down the Satsop River to US ((Hwy)) 12; W along US ((Hwy)) 12 to its junction with US ((Hwy)) 101 in the town of Aberdeen; SE along US ((Hwy)) 101 to the north shore of the Chehalis River; W along the north shore of the Chehalis River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the mouth of the Hoquiam River; N up the Hoquiam River to US ((Hwy)) 101; W and N along US ((Hwy)) 101 to its junction with the USFS Rd 22 (Donkey Creek Rd ((US Forest Service Rd 22))) and the point of beginning. INCLUDES Rennie Island.

GMU 651-SATSOP (Grays Harbor, Mason and Thurston counties):

Beginning at the US Hwy (US) 12 bridge on the Satsop River; N up the Satsop River to its junction with the west fork of the Satsop River; N up the west fork of the Satsop River to Cougar Smith Rd; E on Cougar Smith Rd to Boundary Rd (Middle Satsop Rd); N and E on Boundary Rd ((Middle Satsop Rd)) to Deckerville Rd; E on Deckerville Rd to Matlock-Brady Rd; N on Matlock-Brady Rd to the town of Matlock; E on Shelton-Matlock Rd to its junction with US ((Hwy)) 101 west of the town of Shelton; S on US ((Hwy)) 101 to its junction with State Route (SR) 8; W on SR 8 to its junction with US ((Hwy)) 12; W along US ((Hwy)) 12 to bridge over the Satsop River and the point of beginning.

GMU 652-PUYALLUP (Pierce and King counties):

Beginning at Redondo Junction on the shore of Puget Sound and Redondo Way ((South)) S; SE on Redondo Way ((South)) S to State Route (SR) 509; E on SR 509 to Pacific Hwy ((South)) S (Old Hwy 99(~~SR 99~~)); S on Pacific Hwy ((South)) S to SR 18 at the city of Auburn; E on SR 18 to SR 164; SE on SR 164 to SR 410 (Chinook Pass Hwy) at the town of Enumclaw; E on SR 410 to the second set of power transmission lines near the Mud Mountain Dam Rd; SW on the power transmission lines to the White River; NW along the White River to ((the Kapowsin Tree Farm ownership line (along west line of Section 6, T19N, R7E); W and)) SR 410; S ((along the Kapowsin Tree Farm ownership line)) on SR 410 to ((South Prairie Creek (Section 14, T19N, R6E); S up South Prairie Creek)) SR 165; S on SR 165 to the first intersection with a power transmission line at T19N, R06E, Sec 21; SW on this power transmission line to Orville Rd ((East)) E at the Puyallup River; S on Orville Rd ((East)) E to SR 161; S on SR 161 to the Mashel River; down the Mashel River to the Nisqually River (Pierce-Thurston county line); NW along the Nisqually River, ((which is)) along the Pierce-Thurston county line, to the Nisqually Reach in the Puget Sound; NW along the Thurston-Pierce county line in the Nisqually Reach to a point on the Thurston-Pierce county line southeast of Drayton Passage Channel; NE through Drayton Passage and Pitt Passage to Carr Inlet; E and S around McNeil Island to a point southwest of the Tacoma Narrows (including McNeil, Gertrude, Anderson and Ketron Islands); NE through the Tacoma Narrows to a point on the Pierce-King county line northeast of the main channel of the Tacoma Narrows; E on the Pierce-King county line to the point where the county line turns southeast, northwest of Dash Point; E to Redondo Junction on the eastern shore of the Puget Sound and the point of beginning.

GMU 653-WHITE RIVER (King and Pierce counties):

Beginning at the lookout station at ((Grass Mountain mainline)) US Forest Service (USFS) Rd 7110((~~)) (Grass Mountain mainline)) and the city of Tacoma Green River Watershed boundary; E on the Green River Watershed boundary to ((US Forest Service)) USFS Rd 7032; E along ((US Forest Service)) USFS Rd 7032 to ((US Forest Service)) USFS Rd 7030; SE along ((US Forest Service)) USFS Rd 7030 to ((Forest Service)) USFS Rd 7036; SE along ((US Forest Service)) USFS Rd 7036 to ((US Forest Service)) USFS Rd 7038; SE on ((US Forest Service)) USFS Rd 7038 to ((US Forest Service)) USFS Trail 2000 (Pacific Crest National Scenic Trail) at its closest point to ((US Forest Service)) USFS Rd 7038 near Windy Gap north of Pyramid Peak; S on the ((US Forest Service)) USFS Trail 2000(~~Pacific~~) to Pierce-Yakima County Line (Cascades Crest ((Trail)) in T17N, R10E, Sec 35; S on the county line to the ((Mount)) Mt. Rainier National Park boundary ((at)) in T17 R, R10E, Sec 35; S on the park boundary to Chinook Pass; N and W on the ((Mount)) Mt. Rainier National Park boundary to the Carbon River; NW down the Carbon River to the power transmission line at T19N, R06E, Sec 21; NE along the power transmission line to ((South Prairie Creek; N along South Prairie Creek)) SR 165; NE on SR 165 to ((intersection with Kapowsin Tree Farm ownership line (Section 14, T19N, R6E); E and N along Kapowsin Tree Farm ownership line))~~

SR 410; NE on SR 410 to the White River (~~((along west line of Section 6, T19N, R7E))~~); SE along the White River to the power transmission lines on the north side of the White River near Mud Mountain Dam Rd; NE on the power transmission lines to State Route (SR) 410; E on SR 410 to (~~((US Forest Service))~~) USFS Rd 7110; N on (~~((US Forest Service))~~) USFS Rd 7110 to the city of Tacoma Green River Watershed and the point of beginning.

GMU 654-MASHEL (Pierce County):

Beginning at the power transmission line at the Puyallup River Bridge on Orville Rd (~~((East))~~) E; NE on the power (~~((transmission))~~) line to the Carbon River; SE along the Carbon River to the west boundary of Mt. Rainier National Park; S on the Mt. Rainier National Park boundary to the Nisqually River; W down the Nisqually River to the mouth of the Mashel River; N up the Mashel River to the State Route (SR) 161 bridge (Eatonville-LaGrande Rd); N on SR 161 through Eatonville to Orville Rd (~~((East (Kapowsin Eatonville Rd))~~) E; N on Orville Rd (~~((East))~~) E to the Puyallup River bridge and the point of beginning.

GMU 658-NORTH RIVER (Grays Harbor and Pacific counties):

Beginning at the Pacific Ocean and the south shore of Grays Harbor at the Westport Jetty; E along the south shore of Grays Harbor to the mouth of the Chehalis River at the town of Aberdeen; E up the Chehalis River to the US Hwy (US) 101 bridge (~~((and US Hwy 101))~~); S on US (~~((Hwy))~~) 101 to the Willapa River at the town of Raymond; W down the Willapa River to Willapa Bay; W along the north shore of Willapa Bay to the Pacific Ocean; N along the Pacific (~~((Ocean))~~) Coast to the south shore of Grays Harbor at the Westport Jetty and the point of beginning.

GMU 660-MINOT PEAK (Grays Harbor and Pacific counties):

Beginning at the intersection of US Hwy (US) 12 and US (~~((Hwy))~~) 101 at the town of Aberdeen; E and S on US (~~((Hwy))~~) 12 to (~~((North))~~) N State St at the town of Oakville; S on (~~((North))~~) N State St to South Bank Rd; W on South Bank Rd to Garrard Creek Rd; SW on Garrard Creek Rd to Oakville-Brooklyn Rd; W on Oakville-Brooklyn Rd to North River Valley Rd; W on North River Valley Rd to Smith Creek Rd; W on Smith Creek Rd to US (~~((Hwy))~~) 101; N on US (~~((Hwy))~~) 101 to US (~~((Hwy))~~) 12 at the town of Aberdeen and the point of beginning.

GMU 663-CAPITOL PEAK (Grays Harbor and Thurston counties):

Beginning at US Hwy (US) 12 and State Route (SR) 8 at the town of Elma; E on SR 8 to US (~~((Hwy))~~) 101; E on US (~~((Hwy))~~) 101 to Delphi Rd SW; S on Delphi Road SW to 110th Ave SW; E on 110th Ave SW to Littlerock Rd; S on Littlerock Rd to US (~~((Hwy))~~) 12; NW on US (~~((Hwy))~~) 12 to SR 8 at the town of Elma and the point of beginning.

GMU 666-DESCHUTES (Thurston County):

Beginning on US Hwy (US) 101 at the Mason-Thurston county line southeast of Oyster Bay; NE on the Mason-Thurston county line, through Totten Inlet, Squaxin Passage and Dana Passage, to the Pierce-Thurston county line in the

Nisqually Reach; SE through the Nisqually Reach along the Pierce-Thurston county line to the mouth of the Nisqually River; SE on the Nisqually River to State Route (SR) 507; SW on SR 507 to Old Hwy 99 SE (~~((SR 99))~~) at the town of Tenino; SW on Old Hwy 99 SE (~~((SR 99 to I))~~) to SR 12 at Interstate Hwy-5; W on SR 12 to Littlerock Rd; N on the Littlerock Rd to 110th Ave SW; W on 110th Ave SW to Delphi Rd SW; N on Delphi Rd SW to US (~~((Hwy))~~) 101; NW on US (~~((Hwy))~~) 101 to the Mason-Thurston county line southeast of Oyster Bay and the point of beginning.

GMU 667-SKOOKUMCHUCK (Thurston and Lewis counties):

Beginning at the State Route (SR) 507 bridge on the Nisqually River; SE up the Nisqually River (Pierce-Thurston county line) to SR 7 bridge at the town of Elbe on Alder Lake; S on SR 7 to (~~((SR 508))~~) Main St at the town of Morton; S on Main St to SR 508; W on SR 508 to the Centralia-Alpha Rd; W and N on the Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to (~~((I-5))~~) Interstate Hwy (I)-5; N on I-5 to Old Hwy 99 SE (~~((SR 99))~~); NE on Old Hwy 99 SE (~~((SR 99))~~) to SR 507; NE on SR 507 to the Nisqually River bridge and the point of beginning.

GMU 672-FALL RIVER (Pacific, Lewis and Grays Harbor counties):

Beginning at the intersection of US Hwy (US) 101 and State Route (SR) 6 at the town of Raymond; N on US (~~((Hwy))~~) 101 to Smith Creek Rd; NE on Smith Creek Rd to North River Valley Rd; E on North River Valley Rd to Oakville-Brooklyn Rd; E on the Oakville-Brooklyn Rd to Garrard Creek Rd; S on Garrard Creek Rd to Weyerhaeuser (Weyco) C line at mile post 5; W on the (~~((Weyerhaeuser))~~) Weyco C line to (~~((Weyerhaeuser))~~) Weyco 723 line; S on the (~~((Weyerhaeuser))~~) Weyco 723 line to (~~((the Weyerhaeuser))~~) Weyco 720 line; W on the (~~((Weyerhaeuser))~~) Weyco 720 line to (~~((Weyerhaeuser))~~) Weyco 7800 F line; S on (~~((Weyerhaeuser))~~) Weyco 7800 F line to (~~((Weyerhaeuser))~~) Weyco 7800 line; S and SE on (~~((Weyerhaeuser))~~) Weyco 7800 line to (~~((Weyerhaeuser))~~) Weyco 7000 line; SW on (~~((Weyerhaeuser))~~) Weyco 7000 line to (~~((Weyerhaeuser))~~) Weyco 7050 line; S on (~~((Weyerhaeuser))~~) Weyco 7050 line to (~~((Weyerhaeuser))~~) Weyco 7400 line; S and E on (~~((Weyerhaeuser))~~) Weyco 7400 line to (~~((Weyerhaeuser))~~) Weyco 7000 line; E on (~~((the Weyerhaeuser))~~) Weyco 7000 line to Elk Creek Rd; E on Elk Creek Rd to Stevens Rd at the town of Doty; E on Stevens Rd to SR 6; S, W and NW on SR 6 to US (~~((Hwy))~~) 101 at the town of Raymond and the point of beginning.

GMU 673-WILLIAMS CREEK (Pacific County):

Beginning at US Hwy (US) 101 bridge crossing the Willapa River at the town of Raymond; S on US (~~((Hwy))~~) 101 to State Route (SR) 6; SE on SR 6 to the Trap Creek A line; S and W on the Trap Creek A line to power transmission lines; S(~~((S))~~) and (~~((then W))~~) SW on the power transmission lines to Weyerhaeuser (Weyco) 5800 line (Section (~~((24))~~) 22, T11N, R8W); SW along the (~~((Weyerhaeuser))~~) Weyco 5800 line to (~~((Weyerhaeuser))~~) Weyco 5000 line (Deep River main line); SW on the (~~((Weyerhaeuser))~~) Weyco 5000 line (~~((Deep River~~

main line)) to the Salmon Creek Rd; SW along the Salmon Creek Rd to SR 4; W on SR 4 to US ((Hwy)) 101 at Johnson's Landing; W on US ((Hwy)) 101 to the Naselle River bridge; W down the Naselle River to Willapa Bay; N along the east shore of Willapa Bay to the Willapa River; SE and NE up the Willapa River to the US ((Hwy)) 101 bridge and the point of beginning.

GMU 681-BEAR RIVER (Pacific and Wahkiakum counties):

Beginning at the US Hwy (US) 101 bridge at the Naselle River; E on US ((Hwy)) 101 to State Route (SR) 4; SE on SR 4 to Deep River bridge; S down the Deep River to the Columbia River; W along the shore of the Columbia River to the mouth of the Wallacut River (including all islands in the Columbia both north of the Washington-Oregon state line and between the Deep River and the Wallacut River); N up the Wallacut River to US ((Hwy)) 101; NW on US ((Hwy)) 101 to alternate US ((Hwy)) 101, north of the Ilwaco Airport; N on alternate US ((Hwy)) 101 to US ((Hwy)) 101; E and NE on US ((Hwy)) 101 to Bear River; N down Bear River to Willapa Bay; N along the eastern shore of Willapa Bay to the mouth of the Naselle River; SE up the Naselle River to the US ((Hwy)) 101 bridge and the point of beginning.

GMU 684-LONG BEACH (Pacific County):

Beginning at the mouth of Bear River on Willapa Bay; S up Bear River to US Hwy (US) 101; W and SW on US ((Hwy)) 101 to alternate US ((Hwy)) 101, north of the Ilwaco Airport; S on alternate US ((Hwy)) 101 to US ((Hwy)) 101; W on US ((Hwy)) 101 to the Wallacut River; S along the Wallacut River to the Columbia River; W down the Columbia River to its mouth on the Pacific Ocean (including all islands in the Columbia River both north of the Washington-Oregon state line and between the Wallacut River and the mouth of the Columbia River); N, E, S, and E along the shoreline of the Long Beach peninsula to Bear River and the point of beginning.

GMU 699-LONG ISLAND (Pacific County):

Includes all of Long Island.

AMENDATORY SECTION (Amending Order 10-94, filed 4/30/10, effective 5/31/10)

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 Mon-

ument'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 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 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 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~~ [~~Pressentin~~])) Pressentin Creek; south up ((~~Pressentine~~ [~~Pressentin~~])) Pressentin 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 Degger Road; north on Degger 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))) 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 and one-half mile either side of (~~State Road~~) SR 6 between the east end of Elk Prairie (~~Road~~) Rd and the Mallis Landing (~~Road~~) Rd, and all lands within a half mile of Elk Creek Rd bounded on the south by Monohon Landing Rd.

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): 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.

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 Fridger 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 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 Spo-

kane 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 Kenoyier 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 and Whitman counties): That part of GMU 284 beginning at the town of Wash-tucna; north on SR 261 to Weber Road; east on Weber Road to Benzel Road; north on Benzel Road to Wellsandt Road; east on Wellsandt Road to 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 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 Wash-tucna 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 Norton Canyon Road; north on 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)) Rd~~ and Hwy 97; ~~((northeast)) NE~~ on Havillah ~~((Road)) Rd~~ to Dry Gulch Extension ~~((road; north)) Rd; N~~ to Dry Gulch ~~((Road; north)) Rd; N~~ on Dry Gulch ~~((Road)) Rd~~ to Oroville-Chesaw ~~((Road; west)) Rd; W~~ on Oroville-Chesaw ~~((Road)) Rd~~ to Molson ~~((Road; north)) Rd; N~~ on Molson ~~((Road)) Rd~~ to Nine Mile ~~((road; north)) Rd; N~~ and ~~((west)) W~~ on Nine Mile ~~((Road)) Rd~~ to the Canadian border at the old Sidley Town Site; ~~((west)) W~~ along the border to the east shore of Lake Osoyoos; ~~((south)) S~~ around Lake Osoyoos to the Okanogan River; ~~((south)) S~~ along the east bank of the Okanogan River to the Tonasket Fourth Street Bridge ~~((at Riverside over the Okanogan River; east)); E~~ on ~~((Tunk Creek Rd to Chewiliken Valley Rd; northeast along Chewiliken Valley Road to Talkire Lake Road; north on Talkire Lake Rd))~~ Fourth Street to Hwy ~~((20; west on Hwy 20 to the junction of Hwy 20 and Hwy))~~ 97; ~~((north)) N~~ 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)) Street~~ Bridge; ~~((south)) S~~ along Hwy 7 to Pine Creek ~~((Road; west)) Rd; W~~ along Pine Creek Rd to Horse Spring Coulee Rd; ~~((north)) W and N~~ on Horse Spring Coulee Rd to Beeman Rd; ~~((west)) W~~ on Beeman Rd to North Lemanasky Rd; ~~((south)) S~~ along North Lemanasky ~~((Road)) Rd~~ to Pine Creek Rd; ~~((south)) S~~ on Pine Creek Rd to Hagood Cut-off ~~((Road; south)) Rd; S~~ on Hagood Cut-off Rd to South Pine Creek Rd; ~~((east)) E~~ on South Pine Creek Rd to Hwy 97; ~~((south)) S~~ on Hwy 97 to Town of Riverside North Main Street junction; ~~((southeast)) SE~~ on North Main

Street to Tunk Valley ~~((road)) Rd~~ and the Okanogan River Bridge; ~~((north)) E~~ on Tunk Creek Rd to Chewiliken Valley Rd; NE along Chewiliken Valley Rd to Talkire Lake Rd; N on Talkire Lake Rd to Hwy 20; W on Hwy 20 to the ~~((west shore)) junction~~ of ~~((the Okanogan River to the Tonasket)) Hwy 20 and Hwy 97~~; N on Hwy 97 to Fourth Street ~~((bridge and the)); W~~ on Fourth Street to 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.

AMENDATORY SECTION (Amending Order 10-94, filed 4/30/10, effective 5/31/10)

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*).

MODERN FIREARM DEER SEASONS

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.

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.

Hunt Season	2009 Dates	2010 Dates	2011 Dates	Game Management Units (GMUs)	Legal Deer
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), 105, 108, 111, 113, 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
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>			Oct. 15-28	117, 121	White-tailed, 4 pt. min.
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, 454, 466, 501 through 520, 524 through 560, 568, 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), 108, 111, 113, 124	Any white-tailed buck
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>			Nov. 5-19	117, 121	White-tailed, 4 pt. min.
HUNTERS 65 AND OVER, DISABLED, OR YOUTH GENERAL SEASONS					
Eastern Washington White-tailed Deer	Oct. 17-30	Oct. 21-24	Oct. 15-28	(101 through) 124	Any white-tailed deer
			Oct. 20-23	101, 105, 108, 111, 113	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
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>			Oct. 20-23	117, 121	White-tailed, 4 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, 621 through 633, 642 through 652, 658 through 672, 684 and 699	Any deer
				460, 503, 574, 601, 603, 615, 673	Any buck
				437, 636, 654, 681	2 pt. min. or antlerless
				578	3 pt. min.

Hunt Area	2009 Dates	2010 Dates	2011 Dates	Game Management Units (GMUs)	Legal Deer
	Sept. 1-20	Sept. 1-19	Sept. 1-18	516, 524, 556, 560, ((636,)) 638, 653 506, 530, 550, 602, 607, 612, 618	Any deer 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
		Sept. 1-24	Sept. 1-23	101 ((through 121)), 105, 108, 111, 113	Any white-tailed buck
Eastern Washington White-tailed Deer	Sept. 1-25	Sept. 1-24	Sept. 1-23	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, 172	White-tailed, 3 pt. min. or antlerless
	Sept. 1-20	Sept. 1-19	Sept. 1-18	149	White-tailed, 3 pt. min.
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>			Sept. 1-23	117, 121	<u>White-tailed, 4 pt. min.</u>
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, 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, 627, 642, 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, 178 272, 278, 373	3 pt. min. or antlerless 3 pt. min. or antlerless
	Dec. 2-8	Dec. 2-8	Dec. 2-8	133, 136	Antlerless only
	Dec. 9-31	Dec. 9-31	Dec. 9-31	Deer Area 1021	Antlerless only
Eastern Washington White-tailed Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any white-tailed deer
			<u>Nov. 24 - Dec. 9</u>	<u>105, 108</u>	<u>Any white-tailed deer</u>
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	((Nov. 23-)) Dec. 10-15	105, 108 ((, 117, 121, 124))	Any white-tailed deer
			<u>Nov. 24 - Dec. 15</u>	<u>124</u>	<u>Any white-tailed deer</u>
			<u>Nov. 24 - Dec. 15</u>	127	White-tailed, 3 pt. min. or antlerless
	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	145, 163, 178	White-tailed, 3 pt. min. or antlerless
	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 only
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>			<u>Nov. 24 - Dec. 9</u>	<u>117, 121</u>	<u>White-tailed, 4 pt. min.</u>

Hunt Area	2009 Dates	2010 Dates	2011 Dates	Game Management Units (GMUs)	Legal Deer
			Dec. 10-15	117, 121	White-tailed, 4 pt. min. or antlerless

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, 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)), 105, 108, 111, 113, 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.
				373, 379	White-tailed, any deer
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>			Sept. 24 - Oct. 2	117, 121	White-tailed, 4 pt. min.
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, 651, 658	Any buck
	Nov. 26 - Dec. 6	Nov. 25 - Dec. 6	Nov. 24 - Dec. 6	((65+)) 667, 673	Any buck
Dec. 7-15	Dec. 7-15	Dec. 7-15	((65+)) 673	Any deer	
Eastern Washington White-tailed Deer	Nov. 26 - Dec. 8	Nov. 25 - Dec. 8	Nov. 24 - Dec. 8	113	Any white-tailed 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 10-94, filed 4/30/10, effective 5/31/10)

WAC 232-28-355 ((2010)) 2011 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 <u>White-tailed Buck</u>	Modern	Any	Nov. ((20-24)) <u>19-23</u>	White-tailed, ((3-pt. min.)) <u>Any buck</u>	GMU 105	5
Kelly Hill <u>Mule Deer Buck</u>	Modern	Any	Nov. 19-23	Mule deer, 3 pt. min.	GMU 105	<u>1</u>
Douglas <u>White-tailed Buck</u>	Modern	Any	Nov. ((20-24)) <u>19-23</u>	White-tailed, ((3-pt. min.)) <u>Any buck</u>	GMU 108	5
Douglas <u>Mule Deer Buck</u>	Modern	Any	Nov. 19-23	Mule deer, 3 pt. min.	GMU 108	<u>1</u>
Aladdin <u>White-tailed Buck</u>	Modern	Any	Nov. ((20-24)) <u>19-23</u>	White-tailed, ((3-pt. min.)) <u>Any buck</u>	GMU 111	5
Aladdin <u>Mule Deer Buck</u>	Modern	Any	Nov. 19-23	Mule deer, 3 pt. min.	GMU 111	<u>1</u>
49 Degrees North <u>White-tailed Buck</u>	Modern	Any	Nov. ((20-24)) <u>19-23</u>	White-tailed, ((3-pt. min.)) <u>Any buck</u>	GMU 117	5
49 Degrees North <u>Mule Buck</u>	Modern	Any	Nov. 19-23	Mule deer, 3 pt. min.	GMU 117	<u>1</u>
Huckleberry <u>White-tailed Buck</u>	Modern	Any	Nov. ((20-24)) <u>19-23</u>	White-tailed, ((3-pt. min.)) <u>Any buck</u>	GMU 121	5
Huckleberry <u>Mule Deer Buck</u>	Modern	Any	Nov. 19-23	Mule deer, 3 pt. min.	GMU 121	<u>1</u>
Mt. Spokane	Modern	Any	Nov. ((20-24)) <u>19-22</u>	White-tailed, ((3-pt. min.)) <u>Any buck</u>	GMU 124	5
<u>Watershed</u>	<u>Any Tag</u>	<u>Any</u>	<u>Oct. 1-10</u>	<u>3 pt. min.</u>	<u>GMU 157</u>	<u>5</u>
<u>Dayton</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 19-23</u>	<u>3 pt. min.</u>	<u>GMU 162</u>	<u>3</u>
Tucannon	Modern	Any	Nov. ((20-24)) <u>19-23</u>	((Mule deer,)) 3 pt. min.	GMU 166	<u>1</u>
Wenaha	Modern	Any	Nov. ((8-15)) <u>7-14</u>	Mule deer, 3 pt. min.	GMU 169	<u>2</u>
Lick Creek	Modern	Any	Nov. ((20-24)) <u>19-23</u>	((Mule deer,)) 3 pt. min.	GMU 175	<u>1</u>
Grande Ronde	Modern	Any	Nov. ((20-24)) <u>19-23</u>	((Mule deer,)) 3 pt. min.	GMU 186	<u>1</u>
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	((5)) <u>10</u>
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	((5)) <u>10</u>
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	<u>15</u>
Pearrygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	<u>15</u>
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	<u>10</u>
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	((45)) <u>20</u>
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	((20)) <u>10</u>
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	<u>8</u>
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	((25)) <u>24</u>
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	((10)) <u>9</u>
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	<u>25</u>
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	<u>17</u>
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	<u>8</u>
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	<u>9</u>
Desert	Modern	Any	Oct. ((30)) <u>29</u> - Nov. ((7)) <u>6</u>	Any buck	GMU 290	<u>15</u>
Desert	Modern	Any	Nov. ((20-28)) <u>19-27</u>	Any buck	GMU 290	<u>4</u>
Naneum	Modern	Any	Nov. ((15-21)) <u>14-20</u>	Any buck	GMU 328	<u>15</u>
Quilomene	Modern	Any	Nov. ((8-21)) <u>7-20</u>	Any buck	GMU 329	<u>14</u>
Teanaway	Modern	Any	Nov. ((15-21)) <u>14-20</u>	Any buck	GMU 335	<u>15</u>
L.T. Murray	Modern	Any	Nov. ((15-21)) <u>14-20</u>	Any buck	GMUs 336, 340	<u>16</u>

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Bethel	Modern	Any	Nov. ((8-21)) 7-20	Any buck	GMU 360	5
Cowiche	Modern	Any	Nov. ((8-21)) 7-20	Any buck	GMU 368	10
Alkali	Modern	Any	Nov. ((6-21)) 5-20	Any buck	GMU 371	5
Kahlotus	Modern	Any	Nov. 10-19	Any buck	GMU 381	10
Grayback	Modern	Any	Nov. 1-((23)) 22	3 pt. min.	GMU 388	40
Nooksack	Modern	Any	Nov. ((19-24)) 18-23	Any buck	GMU 418	25
Skagit	Modern	Any	Nov. ((19-24)) 18-23	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. ((19-24)) 18-23	2 pt. min.	GMU 437	25
Stillaguamish	Modern	Any	Nov. ((19-24)) 18-23	Any buck	GMU 448	10
Snoqualmie	Modern	Any	Nov. ((19-24)) 18-23	Any buck	GMU 460	10
Green River	Modern	Any	((Oct. 30--)) Nov. ((5)) 12-18	Any buck	GMU 485	10
Lewis River	Modern	Any	Nov. 1-((17)) 16	Any buck	GMU 560	1
Washougal	Modern	Any	Nov. 1-((17)) 16	Any buck	GMU 568	2
Siouxon	Modern	Any	Nov. 1-((17)) 16	Any buck	GMU 572	1
Wind River	Modern	Any	Nov. ((17-23)) 16-22	Any buck	GMU 574	40
West Klickitat	Modern	Any	Nov. ((17-23)) 16-22	3 pt. min.	GMU 578	40
Wynoochee	Modern	Any	Nov. 1-((24)) 23	Any buck	GMU 648	10
Satsop	Modern	Any	Nov. 1-((24)) 23	Any buck	GMU 651	10
Mashel	Modern	Any	Nov. 1-((24)) 23	2 pt. min.	GMU 654	10
Capitol Peak	Modern	Any	Nov. 1-((24)) 23	Any buck	GMU 663	10
Skookumchuck	Modern	Any	Nov. 1-((24)) 23	Any buck	GMU 667	10
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	((40)) 15
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	48
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	((44)) 13
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	((3)) 2
Desert	Archery	Any	Nov. 29 - Dec. 12	Any buck	GMU 290	((18)) 20
Naneum	Archery	Any	Nov. ((24)) 23 - Dec. 8	Any buck	GMU 328	((7)) 8
Quilomene	Archery	Any	Nov. ((24)) 23 - Dec. 8	Any buck	GMU 329	((11)) 9
Teanaway	Archery	Any	Nov. ((24)) 23 - Dec. 8	Any buck	GMU 335	((44)) 13
L. T. Murray	Archery	Any	Nov. ((24)) 23 - Dec. 8	Any buck	GMUs 336, 340	((9)) 8
West Klickitat	Archery	Any	Nov. ((24)) 23-30	3 pt. min.	GMU 578	100
Kitsap	Archery	Any	Nov. 1-((24)) 23	Any buck	GMU 627	10
Skokomish	Archery	Any	Nov. 1-((24)) 23	2 pt. min.	GMU 636	10
Blue Mtns. Foothills	Muzzleloader	Any	Nov. ((20)) 24 - Dec. 8	White-tailed, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	((60)) 70
Alta	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 242	((25)) 20
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)) 15-23	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	Nov. ((8-14)) 7-13	Any buck	GMU 335	2
L. T. Murray	Muzzleloader	Any	Nov. ((8-14)) 7-13	Any buck	GMUs 336, 340	2
Bald Mountain	Muzzleloader	Any	Nov. ((8-21)) 7-20	Any buck	GMUs 342, 346	10
Naneum	Muzzleloader	Any	Nov. ((8-14)) 7-13	Any buck	GMU 328	2
Quilomene	Muzzleloader	Any	Sept. ((25)) 24 - Oct. ((3)) 2	Any buck	GMU 329	((2)) 3
West Klickitat	Muzzleloader	Any	Dec. 1-8	3 pt. min.	GMU 578	100
Olympic	Muzzleloader	Any	Nov. 1-((24)) 23	Any buck	GMU 621	5

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Palouse	Modern	Any	Nov. ((6)) 5-19	White-tailed, 3 pt. min.	GMUs 127-142	750
Blue Mtns. Foothills ((East)) West	Modern	Any	Nov. ((8)) 7-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162-166	((100)) 110

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Mtns. Foothills <u>((West)) East</u>	Modern	Any	Nov. ((8)) <u>7</u> -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
Pearrygin	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)) <u>15</u>
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.)) <u>Sept. 1-((25))</u> <u>24</u>	Any buck	GMU 371	4
((Whiteomb	Archery	Any	Sept. 11-15	Any buck	Deer Area 3071	7
Paterson-	Archery	Any	Sept. 11-15	Any buck	Deer Area 3072	40))
Roosevelt	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24 -</u> <u>Oct. ((45)) 14</u>	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 133	((20)) <u>25</u>
Harrington	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24 -</u> <u>Oct. ((45)) 14</u>	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 136	((20)) <u>25</u>
Step toe	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24 -</u> <u>Oct. ((45)) 14</u>	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 139	((20)) <u>25</u>
Almota	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24 -</u> <u>Oct. ((45)) 14</u>	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 142	((20)) <u>25</u>
Dayton	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24 -</u> <u>Oct. ((3)) 9</u>	3 pt. min.	GMU 162	25
Tucannon	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24 -</u> <u>Oct. ((3)) 9</u>	3 pt. min.	GMU 166	10
Wenaha	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24 -</u> <u>Oct. ((3)) 9</u>	3 pt. min.	GMU 169	((25)) <u>15</u>
Mountain View	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24 -</u> <u>Oct. ((3)) 9</u>	3 pt. min.	GMU 172	15
Ritzville	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 284	1
Alkali	Muzzleloader	Any	((Sep. 26)) <u>Sept. 25 -</u> <u>Oct. ((45)) 14</u>	Any buck	GMU 371	1
<u>Whitcomb</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Sept. 10-14</u>	<u>Any buck</u>	<u>Deer Area 3071</u>	<u>7</u>
<u>Paterson</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Sept. 10-14</u>	<u>Any buck</u>	<u>Deer Area 3072</u>	<u>10</u>
Kahlotus	Muzzleloader	Any	Oct. ((2-9)) <u>1-8</u>	Any buck	GMU 381	((30)) <u>20</u>

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. ((46)) <u>15</u> -31	Antlerless	GMU 501	15
Stella	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 504	15
Mossyrock	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 505	30
South Rainier	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 513	10
Winston	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 520	20
Pysht	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 603	15
Olympic	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 621	35
Skokomish	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 636	20
Wynoochee	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 648	110
Mashel	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 654	40
North River	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 658	35
Minot Peak	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 660	20
Capitol Peak	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 663	((45)) <u>5</u>

Antlerless						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Skookumchuck	Modern	Any	Oct. ((46)) <u>15</u> -31	Antlerless	GMU 667	20
Entiat	Archery	Any	Nov. 21-30	Antlerless	GMU 247	((53)) <u>40</u>
Swakane	Archery	Any	Nov. 21-30	Antlerless	GMU 250	((70)) <u>50</u>
Whitcomb	Archery	Any	((Sep. 1-10)) <u>Sept. 15-23</u>	Antlerless	Deer Area 3071	7
Paterson	Archery	Any	((Sep. 1-10)) <u>Sept. 15-23</u>	Antlerless	Deer Area 3072	10
<u>Whitcomb</u>	<u>Archery</u>	<u>Any</u>	<u>Sept. 26-30</u>	<u>Antlerless</u>	<u>Deer Area 3071</u>	<u>7</u>
<u>Paterson</u>	<u>Archery</u>	<u>Any</u>	<u>Sept. 26-30</u>	<u>Antlerless</u>	<u>Deer Area 3072</u>	<u>10</u>
Grayback	Archery	Any	Nov. ((24)) <u>23</u> - Dec. 8	Antlerless	GMU 388	100
Sherman	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	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)) <u>Sept. 1-9</u>	Antlerless	Deer Area 3071	7
Paterson	Muzzleloader	Any	((Sep. 27 - Oct. 1)) <u>Sept. 1-9</u>	Antlerless	Deer Area 3072	10
Mossyrock	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 505	10
Stormking	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 510	5
South Rainier	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 513	5
Packwood	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 516	5
Winston	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 520	5
Coweeman	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 550	30
Yale	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 554	2
Toutle	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 556	3
Olympic	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 621	20
North River	Muzzleloader	Any	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 658	5
Satsop	Muzzleloader	Any	Nov. 24 - Dec. 15	Antlerless	GMU 651	100

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.)) <u>Sept. 1</u> - 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, <u>2012</u>	Antlerless	Deer Area 2011	20
Methow	Any	Any	((Sep.)) <u>Sept. 8</u> - Oct. 9	Antlerless	Deer Area 2012	100
North Okanogan	Any	Any	((Sep.)) <u>Sept. 8</u> - Oct. 9	Antlerless	Deer Area 2013	((50)) <u>40</u>
Central Okanogan	Any	Any	((Sep.)) <u>Sept. 8</u> - Oct. 9	Antlerless	Deer Area 2014	((25)) <u>50</u>
Omak	Any	Any	((Sep.)) <u>Sept. 8</u> - Oct. 9	Antlerless	Deer Area 2015	25
Conconully	Any	Any	((Sep.)) <u>Sept. 8</u> - Oct. 9	Antlerless	Deer Area 2016	25
Mt. Spokane	Modern	Any	Oct. ((46-29)) <u>15-28</u> and Nov. ((6)) <u>5-19</u>	White-tailed, antlerless	GMU 124	50
Spokane North	Modern	Any	Oct. ((46-29)) <u>15-28</u> and Nov. ((6)) <u>5-19</u>	White-tailed, antlerless	Deer Area 1050	350

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
Mica Peak	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	GMU 127	25
Spokane South	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	Deer Area 1060	125
Cheney	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 130	100
Spokane West	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	Deer Area 1070	75
Roosevelt	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 133	150
Harrington	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 136	150
Steptoe	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 139	150
Colfax	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	Deer Area 1080	((75)) <u>125</u>
Almota	Modern	Any	Oct. ((16-24)) <u>15-23</u>	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)) <u>15-23</u>	White-tailed, antlerless	GMU 204	((100)) <u>75</u>
Sinlahekin	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	GMU 215	40
Chewuch	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	GMU 218	10
Pearrygin	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	GMU 224	10
Gardner	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	GMU 231	10
Pogue	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	GMU 233	10
Chiliwist	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	GMU 239	10
Alta	Modern	Any	Oct. ((16-24)) <u>15-23</u>	White-tailed, antlerless	GMU 242	10
Big Bend	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 248	33
Mission	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 251	((33)) <u>10</u>
<u>Mission</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-20</u>	<u>Antlerless</u>	<u>GMU 251</u>	<u>15</u>
St. Andrews	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 254	20
Foster Creek	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 260	20
Withrow	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 262	18
Badger	Modern	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	GMU 266	13
Desert	Modern	Any	Dec. 13-26	Antlerless	GMU 290	50
Kahlotus	Modern	Any	Dec. ((4-11)) <u>3-10</u>	Antlerless	GMU 381	20
East Klickitat	Modern	Any	Oct. ((16-29)) <u>15-28</u>	Antlerless	GMU 382	30
Grayback	Modern	Any	Oct. ((16-29)) <u>15-28</u>	Antlerless	GMU 388	20
Shaw	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4004	20
Lopez	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4005	30
Orcas	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4006	30
Decatur	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4007	30
Blakely	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4008	30
Cypress	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4009	30
San Juan	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4010	30
Camano	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4011	30
Whidbey	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4012	100
Vashon-Maury	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4013	100
Guemes	Modern	Any	Oct. ((16)) <u>15-31</u> and Nov. ((18-21)) <u>17-20</u>	((Any deer-)) <u>Antlerless</u>	Deer Area 4926	30

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
Randle	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 503	5
Willapa Hills	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 506	10
Stormking	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 510	15
Packwood	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 516	15
Ryderwood	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 530	10
Coweeman	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 550	10
Yale	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 554	10
Lewis River	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 560	3
Washougal	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 568	10
Siouxon	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 572	3
Wind River	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 574	3
West Klickitat	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 578	10
High Prairie	Modern	Any	Oct. ((46-29)) <u>15-28</u>	Antlerless	Deer Area 3088	15
Anderson	Modern	Any	Oct. ((46)) <u>15-31</u> and Nov. ((48-21)) <u>17-20</u>	Antlerless	Deer Area 6014	40
Kitsap	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 627	10
Mashel	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 654	10
North River	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 658	16
Deschutes	Modern	Any	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. ((25) <u>24</u> - Dec. 15	White-tailed, antlerless	GMU 124	25
Mica Peak	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. ((25) <u>24</u> - 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) <u>Sept. 1-23</u> and Nov. ((25) <u>24</u> - Dec. 15	White-tailed, antlerless	Deer Area 1050	75
Spokane South	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. ((25) <u>24</u> - Dec. 15	White-tailed, antlerless	Deer Area 1060	25
Shaw	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. ((25) <u>24</u> - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4004	20
Lopez	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4005	20
Orcas	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4006	20
Decatur	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4007	20
Blakely	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4008	20
Cypress	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4009	20
San Juan	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4010	20
Camano	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4011	20
Whidbey	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4012	20
Vashon-Maury	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4013	20
Guemes	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Nov. 24 - Dec. 31	((Any deer) <u>Antlerless</u>	Deer Area 4926	20
Anderson	Archery	Any	((Sep. 1-24) <u>Sept. 1-23</u> and Dec. 16-31	Antlerless	Deer Area 6014	8

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
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)) Sept. 24 - Oct. ((3)) 2	White-tailed, antlerless	GMU 124	25
Spokane North	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	White-tailed, antlerless	Deer Area 1050	25
Cheney	Muzzleloader	Any	Nov. ((25)) 24 - Dec. 1	Antlerless	GMU 130	25
Spokane West	Muzzleloader	Any	Nov. ((25)) 24 - Dec. 1	Antlerless	Deer Area 1070	25
Colfax	Muzzleloader	Any	((Sep. 1-24)) Nov. 24 - Dec. 1	Antlerless	Deer Area 1080	((40)) 75
Roosevelt	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 1	Antlerless	GMU 133	25
Harrington	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 1	Antlerless	GMU 136	25
Mayview	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 145	25
Chiwawa	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 245	8
Swakane	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 250	5
Mission	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 251	5
Foster Creek	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 260	10
Moses Coulee	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 269	10
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	10
Shaw	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4004	20
Lopez	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4005	20
Orcas	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4006	20
Decatur	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4007	20
Blakely	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4008	20
Cypress	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4009	20
San Juan	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4010	20
Camano	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4011	20
Whidbey	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4012	20

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
Vashon-Maury	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4013	20
Guemes	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((25)) 24 - Dec. 15	((Any deer-)) Antlerless	Deer Area 4926	20
East Klickitat	Muzzleloader	Any	Nov. ((20)) 19-30	Antlerless	GMU 382	15
Yale	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 554	2
Washougal	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 568	10
West Klickitat	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 578	10
High Prairie	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2	Antlerless	Deer Area 3088	5
Anderson	Muzzleloader	Any	((Sep. 25)) Sept. 24 - Oct. ((3)) 2 and Nov. ((24)) 25 - Dec. 15	Antlerless	Deer Area 6014	3

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Ferry	Modern	Youth	Oct. 15-28	Antlerless	GMU 101	25
Blue Mtns. Foothills ((East)) West	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMUs 149, 154, 163, Deer Area 1010	30
Blue Mtns. Foothills ((West)) East	Modern	Youth	Oct. ((16-24)) 15-23	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)) 15-23	Antlerless	GMU 204	((35)) 30
Wannacut	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 209	10
Sinlahekin	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 215	20
Chewuch	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 218	((30)) 25
Pearygin	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 224	((35)) 25
Gardner	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 231	((45)) 10
Pogue	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 233	10
Chiliwist	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 239	((20)) 15
Alta	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 242	((25)) 15
Chiwawa	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 245	((45)) 10
Entiat	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 247	((45)) 10
Swakane	Modern	Youth	((Oct. 16-24)) Nov. 1-20	Antlerless	GMU 250	((40)) 7
Mission	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 251	((20)) 15
Bridge Port	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMUs 248, 260	20
Palisades	Modern	Youth	Oct. ((16-24)) 15-23	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)) 15-28	Antlerless	GMU 373	10
Kahlotus	Modern	Youth	Oct. ((16-24)) 15-23	Antlerless	GMU 381	10
East Klickitat	Modern	Youth	Oct. ((16-29)) 15-28	Any buck	GMU 382	5
East Klickitat	Modern	Youth	Oct. ((16-29)) 15-28	Antlerless	GMU 382	20
Grayback	Modern	Youth	Oct. ((16-29)) 15-28	Any buck	GMU 388	5
Grayback	Modern	Youth	Oct. ((16-29)) 15-28	Antlerless	GMU 388	10
Green River	Modern	Youth	((Oct. 30--)) Nov. ((5)) 12-18	Any ((deer)) buck	GMU 485	5
Lincoln	Modern	Youth	Oct. ((46)) 15-31	Antlerless	GMU 501	10
Stella	Modern	Youth	Oct. ((46)) 15-31	Antlerless	GMU 504	10
Mossyrock	Modern	Youth	Oct. ((46)) 15-31	Antlerless	GMU 505	10
Stormking	Modern	Youth	Oct. ((46)) 15-31	Antlerless	GMU 510	10

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
South Rainier	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 513	10
Packwood	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 516	10
Winston	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 520	10
Yale	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 554	10
Toutle	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 556	25
Lewis River	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 560	5
Washougal	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 568	10
Siouxon	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 572	5
Wind River	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 574	10
West Klickitat	Modern	Youth	Oct. ((46)) <u>15-31</u>	Any buck	GMU 578	5
West Klickitat	Modern	Youth	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 578	10
Skokomish	Modern	Youth	Oct. ((9)) <u>8-31</u>	((2-pt. min.-or)) Antlerless	GMU 636	5
Satsop	Modern	Youth	Oct. ((9)) <u>8-31</u>	((Any deer)) Antlerless	GMU 651	10
Mashel	Modern	Youth	Oct. ((9)) <u>8-31</u>	((2-pt. min.-or)) Antlerless	GMU 654	((20)) <u>30</u>
North River	Modern	Youth	Oct. ((9)) <u>8-31</u>	((Any deer)) Antlerless	GMU 658	10
Skookumchuck	Modern	Youth	Oct. <u>8-31</u>	Antlerless	GMU 667	<u>40</u>
Skookumchuck	Modern	Youth	Oct. ((9)) <u>8-31</u>	Any ((deer)) buck	GMU 667	((60)) <u>20</u>
East Okanogan	Muzzleloader	Youth	((Sep. 25)) <u>Sept. 24 - Oct. ((3)) <u>2</u></u>	Antlerless	GMU 204	5
Wannacut	Muzzleloader	Youth	((Sep. 25)) <u>Sept. 24 - Oct. ((3)) <u>2</u></u>	Antlerless	GMU 209	5
Pogue	Muzzleloader	Youth	((Sep. 25)) <u>Sept. 24 - Oct. ((3)) <u>2</u></u>	Antlerless	GMU 233	5
Chiliwist	Muzzleloader	Youth	((Sep. 25)) <u>Sept. 24 - Oct. ((3)) <u>2</u></u>	Antlerless	GMU 239	5
Alta	Muzzleloader	Youth	((Sep. 25)) <u>Sept. 24 - Oct. ((3)) <u>2</u></u>	Antlerless	GMU 242	5
Mission	Muzzleloader	Youth	((Sep. 25)) <u>Sept. 24 - Oct. ((3)) <u>2</u></u>	Antlerless	GMU 251	((10)) <u>7</u>

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Mtns. Foothills ((East))	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMUs 145, 149, 154, Deer Area 1010	30
East Okanogan	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 204	5
Wannacut	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 209	5
Sinlahekin	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 215	5
Chewuch	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 218	10
Pearygin	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 224	10
Gardner	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 231	5
Pogue	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 233	5
Chiliwist	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 239	10
Alta	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 242	5
Chiwawa	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 245	8
Entiat	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 247	8
Swakane	Modern	65+	((Oct. 16-24)) <u>Nov. 1-20</u>	Antlerless	GMU 250	8
Mission	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 251	8
Bridgeport	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMUs 248, 260	10
Palisades	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMUs 266, 269	10
Sunnyside	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	Oct. ((46-29)) <u>15-28</u>	Antlerless	GMU 373	10
Kahlotus	Modern	65+	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 381	10
East Klickitat	Modern	65+	Oct. ((46-29)) <u>15-28</u>	Antlerless	GMU 382	20
Grayback	Modern	65+	Oct. ((46-29)) <u>15-28</u>	Antlerless	GMU 388	5
Green River	Modern	65+	<u>Nov. 12-18</u>	Antlerless	GMU 485	<u>5</u>

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Lincoln	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 501	5
Stella	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 504	5
Mossyrock	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 505	15
Stormking	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 510	5
South Rainier	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 513	5
Packwood	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 516	5
Winston	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 520	5
Yale	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 554	5
Toutle	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 556	10
Lewis River	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 560	2
Washougal	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 568	10
Siouxon	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 572	2
Wind River	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 574	2
West Klickitat	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 578	5
Copalis	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 642	20
North River	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 658	10
Williams Creek	Modern	65+	Oct. ((46)) <u>15-31</u>	Antlerless	GMU 673	((20)) <u>10</u>

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
East Okanogan	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 204	((7)) <u>5</u>
Wannacut	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 209	5
Sinlahekin	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 215	((7)) <u>5</u>
Chewuch	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 218	5
Pearrygin	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 224	5
Gardner	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 231	((7)) <u>5</u>
Pogue	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 233	5
Chiliwist	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 239	5
Alta	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 242	5
Chiwawa	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 245	7
Entiat	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 247	7
Mission	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 251	7
Saint Andrews	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMU 254	7
Bridge Port	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMUs 248, 260	7
Palisades	Modern	Hunter with Disability	Oct. ((46-24)) <u>15-23</u>	Antlerless	GMUs 266, 269	7
Horse Heaven Hills	Modern	Hunter with Disability	Oct. ((46-29)) <u>15-28</u>	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	Nov. 1-9	Antlerless	GMU 381	10
East Klickitat	Modern	Hunter with Disability	Oct. ((46-29)) <u>15-28</u>	Antlerless	GMU 382	15
Grayback	Modern	Hunter with Disability	Oct. ((46-29)) <u>15-28</u>	Antlerless	GMU 388	5

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
((Green River	Modern	Hunter with Disability	Oct. 30 – Nov. 5	Antlerless	GMU 485	5))
Lincoln	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 501	2
Stella	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 504	2
Mossyrock	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 505	3
Stormking	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 510	2
South Rainier	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 513	2
Packwood	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 516	2
Winston	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 520	2
Yale	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 554	2
Toutle	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 556	3
Lewis River	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 560	1
Washougal	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 568	7
Siouxon	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 572	2
Wind River	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 574	1
West Klickitat	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 578	2
Capitol Peak	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 663	20
Skookumchuck	Modern	Hunter with Disability	Oct. ((+6)) 15-31	Antlerless	GMU 667	30
North River	Modern	Hunter with Disability	Oct. ((+7)) 15-31	Antlerless	GMU 658	3
Wind River	Archery	Hunter with Disability	((Sep. 1-24)) <u>Sept. 1-23</u>	Antlerless	GMU 574	1
West Klickitat	Archery	Hunter with Disability	((Sep. 1-24)) <u>Sept. 1-23</u>	((3-pt. min. or)) <u>Antlerless</u>	GMU 578	1
East Okanogan	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 204	3
Sinlahekin	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 215	3
Gardner	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 231	3
Chiwawa	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 245	3
Mission	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 251	3
Entiat	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 247	3
Saint Andrews	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 254	3
Bridge Port	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMUs 248, 260	3
Palisades	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMUs 266, 269	3
Capitol Peak	Muzzleloader	Hunter with Disability	((Sep. 25)) <u>Sept. 24</u> - Oct. ((3)) <u>2</u>	Antlerless	GMU 663	2

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North River	Muzzleloader	Hunter with Disability	((Sep-25)) Sept. 24 - Oct. ((3)) 2	Antlerless	GMU 658	1

Master Hunter						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Republic	Any/2nd tag	Master Hunter	((Sep-)) Sept. 1 - Dec. 31	Any deer	Designated properties within Deer Area 1030	((HC-25)) 25 ^{HC}
Region 1	Any/2nd tag	Master Hunter	Aug. 1, 2011 - March 31, 2012	Antlerless	Designated Areas in Region 1	10 ^{HC}
Miller	Any/2nd tag	Master Hunter	Jan. 1-20, 2012	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				
Area	Dates	Restrictions	GMUs	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. 				
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

AMENDATORY SECTION (Amending Order 10-94, filed 4/30/10, effective 5/31/10)

WAC 232-28-356 ((2010)) 2011 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 modern 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	EA, EF, EM	Any	Oct. ((26)) 22 - Nov. ((14)) 13	Any bull	Elk Area 1015	1
Prescott	EF	Any	Sept. ((21-25)) 20-23	Any bull	GMU 149	1
Prescott	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 149	((8)) 2
Blue Creek	EF	Any	Sept. 21-25	Any bull	GMU 154	1
Blue Creek	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 154	6

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Watershed	EA, EF, EM	Any	Oct. ((30)) 29 - Nov. ((7)) 6	3 pt. min. or antlerless	GMU 157	45
Dayton	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 162	((30)) 17
Ten Ten	EF	Any	Sept. 21-25	Any bull	Elk Area 1010, GMU 163	1
Ten Ten	EF	Any	Oct. 24 - Nov. 6	Any bull	Elk Area 1010, GMU 163	14
Tucannon	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 166	((9)) 13
Wenaha West	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	Elk Area 1008	((40)) 13
Wenaha East	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	Elk Area 1009	((42)) 16
((Mountain View)) Ten Thirteen	EF	Any	Sept. 21-25	Any bull	((GMU 172)) Elk Area 1013	1
Mountain View	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 172	((44)) 13
Lick Creek	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 175	((4)) 4
Peola	EF	Any	Sept. ((21-25)) 24-28	Any bull	GMU 178	1
Peola	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 178	((4)) 1
Couse	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 181	2
((Grande Ronde	EF	Any	Oct. 25 - Nov. 7	Any bull	GMU 186	4))
Mission	EF	Any	Sept. ((20-24)) 19-23	Any bull	GMU 251	1
Colockum	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMUs 328, 329	2
Colockum	EF	Any	Sept. ((20-24)) 19-23	Any bull	GMUs 328, 329	1
Teanaway	EF	Any	Sept. ((20-24)) 19-23	Any bull	GMU 335	1
Peaches Ridge	EF	Any	Sept. ((20-24)) 19-23	Any bull	GMUs 336, 346	1
Observatory	EF	Any	Sept. ((20-24)) 19-23	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)) 19-23	Any bull	GMUs 352, 356	1
Bethel	EF	Any	Sept. ((20-24)) 19-23	Any bull	GMU 360	1
Rimrock	EF	Any	Sept. ((20-24)) 19-23	Any bull	GMU 364	1
Cowiche	EF	Any	Sept. ((20-24)) 19-23	Any bull	GMU 368	1
Nooksack	WF	Any	Oct. ((9)) 8 - Nov. ((17)) 16	Any bull	GMU 418	4
Green River	WF	Any	Nov. 12-18	Any bull	GMU 485	6
Wahkiakum	WF	Any	Sept. ((20-24)) 19-23	Any bull	GMUs 506, 530	1
Packwood	WF	Any	Sept. ((20-24)) 19-23	Any bull	GMU 516	1
Margaret	WF	Any	Sept. ((20-24)) 19-23 and Nov. ((6-16)) 5-15	Any bull	GMU 524	((2)) 4
Margaret	WF	Any	Nov. ((6-16)) 5-15	Any bull	GMU 524	((48)) 50
Toutle	WF	Any	Sept. ((20-24)) 19-23 and Nov. ((6-16)) 5-15	Any bull	GMU 556	((2)) 4
Toutle	WF	Any	Nov. ((6-16)) 5-15	Any bull	GMU 556	((434)) 209
Lewis River	WF	Any	Sept. ((20)) 19-30	Any bull	GMU 560	2
Siouxon	WF	Any	Sept. ((20)) 19-30	Any bull	GMU 572	2
Carlton	WF	Any	Sept. ((20)) 19-30	Any bull	Elk Area 5057	5
West Goat Rocks	WF	Any	Sept. ((20)) 19-30	Any bull	Elk Area 5058	5
Mt. Adams	WF	Any	Sept. ((20)) 19-30	Any bull	Elk Area 5059	5
Mudflow	WF	Any	Nov. ((8-14)) 7-13	Any (elk) bull	Elk Area 5099	5
Peninsula	WF	Any	Sept. ((20-24)) 19-23	3 pt. min.	GMUs 602, 607, 612	1
Clearwater	WF	Any	Oct. ((1)) 3-11	3 pt. min.	GMU 615	2
Matheny	WF	Any	Oct. 1-11	3 pt. min.	GMU 618	3

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Quinault	WF	Any	Sept. ((20-24)) 19-23	3 pt. min.	GMU 638	((+) 5
Wynoochee	WF	Any	Oct. ((+)) 3-11	3 pt. min.	GMU 648	1
Satsop	WF	Any	Oct. 1-11	3 pt. min.	GMU 651	1
Dungeness	WF	Any	Oct. 3-11	3 pt. min.	Elk Area 6071	2
White River	WF	Any	Sept. ((20-24)) 19-23	Any bull	GMU 653	1
Prescott	EA	Any	Sept. 1-19	Any bull	GMU 149	((5)) 2
Blue Creek	EA	Any	Sept. 1-19	Any bull	GMU 154	4
Dayton	EA	Any	Sept. 1-19	Any bull	GMU 162	((+4)) 7
Ten Ten	EA	Any	Sept. 1-19	Any bull	Elk Area 1010, GMU 163	7
Tucannon	EA	Any	Sept. 1-19	Any bull	GMU 166	((4)) 7
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)) 6
Mountain View	EA	Any	Sept. 1-19	Any bull	GMU 172	((6)) 8
Lick Creek	EA	Any	Sept. 1-19	Any bull	GMU 175	((+) 3
Peola	EA	Any	Sept. 1-19	Any bull	GMU 178	((2)) 1
Couse	EA	Any	Sept. 1-19	Any bull	GMU 181	1
((Grande Ronde	EA	Any	Sept. 1-19	Any bull	GMU 186	+))
Colockum	EA	Any	Sept. ((7-19)) 6-18	Any bull	GMUs 328, 329	2
Peaches Ridge	EA	Any	Sept. ((7-19)) 6-18	Any bull	GMUs 336, 346	((74)) 81
Observatory	EA	Any	Sept. ((7-19)) 6-18	Any bull	GMUs 340, 342	((87)) 89
Goose Prairie	EA	Any	Sept. ((7-19)) 6-18	Any bull	GMUs 352, 356	((60)) 70
Bethel	EA	Any	Sept. ((7-19)) 6-18	Any bull	GMU 360	((+8)) 25
Rimrock	EA	Any	Sept. ((7-19)) 6-18	Any bull	GMU 364	((98)) 85
Cowiche	EA	Any	Sept. ((7-19)) 6-18	Any bull	GMU 368	((+2)) 11
Klickitat Meadows	EA	Any	Oct. ((+0-2+)) 11-23	Any bull	Elk Area 3068	1
Nooksack	WA	Any	Sept. 1-((24)) 23 and Dec. 1-31	Any bull	GMU 418	2
Margaret	WA	Any	Sept. ((7-19)) 6-18 and Dec. 1-15	Any bull	GMU 524	((8)) 23
Toutle	WA	Any	Sept. ((7-19)) 6-18 and Dec. 1-15	Any bull	GMU 556	((83)) 124
Mudflow	WA	Any	Sept. ((7-19)) 6-18	Any ((elk)) bull	Elk Area 5099	5
Olympic	WA	Any	Sept. ((7-19)) 6-18	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	((6)) 5
((Skokomish	WA	Any	Sept. 7-19	3 pt. min.	GMU 636	5))
White River	WA	Any	Sept. ((7-19)) 6-18	Any bull	GMU 653	13
Prescott	EM	Any	Oct. 1-((+5)) 14	Any bull	GMU 149	((2)) 1
Blue Creek	EM	Any	Oct. 1-((+5)) 14	Any bull	GMU 154	2
Dayton	EM	Any	Oct. 1-((+5)) 14	Any bull	GMU 162	((6)) 3
Ten Ten	EM	Any	Oct. 1-14	Any bull	Elk Area 1010, GMU 163	3
Tucannon	EM	Any	Oct. 1-((+5)) 14	Any bull	GMU 166	((2)) 3
Wenaha West	EM	Any	Oct. 1-((+5)) 14	Any bull	Elk Area 1008	2
Wenaha East	EM	Any	Oct. 1-((+5)) 14	Any bull	Elk Area 1009	((3)) 2
Mountain View	EM	Any	Oct. 1-((+5)) 14	Any bull	GMU 172	((3)) 4
Lick Creek	EM	Any	Oct. 1-((+5)) 14	Any bull	GMU 175	1
Peola	EM	Any	Oct. 1-((+5)) 14	Any bull	GMU 178	((6)) 1
Couse	EM	Any	Oct. 1-((+5)) 14	Any bull	GMU 181	1
((Grande Ronde	EM	Any	Oct. 1-15	Any bull	GMU 186	+))
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	((+7)) 20
Observatory	EM	Any	Oct. 1-10	Any bull	GMUs 340, 342	((+6)) 17
Goose Prairie	EM	Any	Oct. 1-10	Any bull	GMUs 352, 356	((+0)) 13
Bethel	EM	Any	Oct. 1-10	Any bull	GMU 360	((8)) 13

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
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)) 24 - Oct. ((8)) 7 and Nov. ((25)) 24-30	Any bull	GMU 418	2
Margaret	WM	Any	Oct. ((2-8)) 1-7	Any bull	GMU 524	((45)) 13
Toutle	WM	Any	Oct. ((2-8)) 1-7	Any bull	GMU 556	((30)) 46
Mudflow	WM	Any	Oct. ((2-8)) 1-7	Any ((elk)) bull	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
Grande Ronde	EF	Any	Oct. 24 - Nov. 6	Any bull	GMU 186	1
Mission	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 251	1
Teanaway	EF	Any	Dec. 18-31	Any bull	GMU 335	((9)) 8
Peaches Ridge	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMUs 336, 346	((98)) 120
Observatory	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMUs 340, 342	((52)) 63
Goose Prairie	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMUs 352, 356	((55)) 77
Bethel	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 360	((34)) 61
Rimrock	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 364	((124)) 114
Cowiche	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	GMU 368	17
Klickitat Meadows	EF	Any	Oct. ((25)) 24 - Nov. ((7)) 6	Any bull	Elk Area 3068	1
Alkali	EF	Any	Oct. ((46)) 15 - Nov. ((5)) 4	Any elk	GMU 371	20
Nooksack	WF	Any	Oct. ((9)) 8 - Nov. ((17)) 18	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)) 24-30	Any ((elk)) bull	Elk Area 5064	2
Mount Whittier	WF	Any	Oct. ((25-31)) 24-30	Any ((elk)) bull	Elk Area 5065	1
Olympic	WF	Any	Nov. ((6-16)) 5-15	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	14
Skokomish	WF	Any	Nov. ((6-16)) 5-15	3 pt. min.	GMU 636	((40)) 3
White River	WF	Any	Nov. ((6-16)) 5-15	Any bull	GMU 653	30
Grande Ronde	EA	Any	Sept. 6-19	Any bull	GMU 186	1
Teanaway	EA	Any	Nov. 24 - Dec. 8	Any bull	GMU 335	((43)) 10
Alkali	EA	Any	Sept. 1-24	Any bull	GMU 371	5
Nooksack	WA	Any	Sept. 1- ((24)) 23 and Dec. 1-31	Spike only	GMU 418	2
Upper Smith Creek	WA	Any	Oct. ((9-15)) 8-14	Any ((elk)) bull	Elk Area 5064	2
Lewis River	WA	Any	Nov. ((24)) 23 - Dec. ((7)) 6	3 pt. min.	GMU 560	5
Siouxon	WA	Any	Nov. ((24)) 23 - Dec. ((7)) 6	3 pt. min.	GMU 572	5
Skokomish	WA	Any	Sept. 6-18	3 pt. min.	GMU 636	1
Grande Ronde	EM	Any	Oct. 1-14	Any bull	GMU 186	1
Teanaway	EM	Any	Dec. 9-17	Any bull	GMU 335	((8)) 6
Alkali	EM	Any	Sept. ((26)) 25 - Oct. ((15)) 14	Any bull	GMU 371	10

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Nooksack	WM	Any	Sept. ((25)) 24 - Oct. ((8)) 7 and Nov. ((25)) 24-30	Spike only	GMU 418	2
Upper Smith Creek	WM	Any	Oct. ((16-24)) 15-23	Any ((elk)) bull	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. ((16-24)) 15-23	Any ((elk)) bull	Elk Area 5065	1
Yale	WM	Any	Nov. ((24)) 23 - Dec. 15	3 pt. min.	GMU 554	15
Olympic	WM	Any	Oct. ((2-8)) 1-7	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	5
Skokomish	WM	Any	Oct. ((2-8)) 1-7	3 pt. min.	GMU 636	((5)) 1
White River	WM	Any	Oct. ((2-8)) 1-7	Any bull	GMU 653	((4)) 2

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Aladdin	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	GMU 111	15
Selkirk	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	GMU 113	20
49 Degrees North	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6 and Dec. 16-31	Antlerless	GMU 117	45
Turnbull	EF	Any	Oct. ((26-31)) 25-30	Antlerless	Elk Area 1015	6
Turnbull	EF	Any	Nov. ((2-7)) 1-6	Antlerless	Elk Area 1015	6
Turnbull	EF	Any	Nov. ((9-14)) 8-13	Antlerless	Elk Area 1015	6
Mayview-Peola	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	GMU 145, 178	((30)) 50
Prescott	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	GMU 149	20
Blue Creek	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	GMU 154	((50)) 35
Dayton	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	Elk Area 1012	50
Marengo-Dayton	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	GMU 163 and Elk Area 1011	((50)) 40
Mountain View	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	Elk Area 1013	((15)) 5
Dayton	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	Elk Area 1016	((75)) 40
Lick Creek	EF	Any	Oct. ((30)) 29 - Nov. ((7)) 6	Antlerless	GMU 175	((25)) 15
((Peola	EF	Any	Oct. 30 - Nov. 7	Antlerless	GMU 178	30))
Couse	EF	Any	Oct. 4-((15)) 14	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)) 29 - Nov. ((3)) 2	Antlerless	GMU 330	5
West Bar	EF	Any	Nov. ((4-7)) 3-6	Antlerless	GMU 330	5
Teanaway	EF	Any	Dec. 18, 2011 - Jan. ((9)) 8, 2012	Antlerless	GMU 335	50
Taneum	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 336	((75)) 150
Manastash	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 340	((100)) 250
Umtanum	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 342	((100)) 200
Little Naches	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 346	((75)) 150
Nile	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 352	((10)) 5
Bumping	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 356	((15)) 5
Bethel	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 360	((10)) 5
Rimrock	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 364	((50)) 200
Cowiche	EF	Any	Nov. ((3-7)) 2-6	Antlerless	GMU 368	((50)) 200
Klickitat Meadows	EF	Any	Nov. ((3-7)) 2-6	Antlerless	Elk Area 3068	5
North Bend	WF	Any	Nov. ((6-16)) 5-15	Antlerless	Elk Area 4601	7

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mossyrock	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 505	50
Willapa Hills	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 506	35
Winston	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 520	((100)) <u>150</u>
<u>Winston</u>	<u>WF</u>	<u>Any</u>	<u>Jan. 1-16, 2012</u>	<u>Antlerless</u>	<u>GMU 520</u>	<u>200</u>
Margaret	WF	Any	Nov. 23-30	Antlerless	GMU 524	((70)) <u>140</u>
Ryderwood	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 530	((50)) <u>100</u>
Coweeman	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 550	((120)) <u>240</u>
Coweeman	WF	Any	Jan. 1- ((15)) <u>16, 2012</u>	Antlerless	GMU 550	((50)) <u>200</u>
Toutle	WF	Any	Nov. 23-30	Antlerless	GMU 556	((120)) <u>240</u>
Lewis River	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 560	100
Washougal	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 568	75
Siouxon	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 572	30
Wind River	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 574	75
West Klickitat	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	GMU 578	150
Toledo	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	Elk Area 5029	((30)) <u>50</u>
((Newaukum	WF	Any	Nov. 6-16	Antlerless	Elk Area 5050	5))
Green Mt.	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	Elk Area 5051	10
Boistfort	WF	Any	Nov. ((6-16)) <u>5-15</u>	Antlerless	Elk Area 5054	((50)) <u>75</u>
Wildwood	WF	Any	Jan. 16-30, <u>2012</u>	Antlerless	Elk Area 5061	((20)) <u>50</u>
Upper Smith Creek	WF	Any	Oct. ((25-31)) <u>24-30</u>	Antlerless	Elk Area 5064	4
Mount Whittier	WF	Any	Oct. ((25-31)) <u>24-30</u>	Antlerless	Elk Area 5065	2
Mudflow	WF	Any	Nov. ((8-14)) <u>7-13</u>	Antlerless	Elk Area 5099	10
Raymond	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
Raymond	WF	Any	Jan. 1-20, <u>2012</u>	Antlerless	Elk Area 6010	5
Raymond	WF	Any	Feb. 1-28, <u>2012</u>	Antlerless	Elk Area 6010	5
North Minot	WF	Any	Oct. 20-31	Antlerless	Elk Area 6067	5
<u>Hanaford</u>	<u>WF</u>	<u>Any</u>	<u>Nov. 5-15</u>	<u>Antlerless</u>	<u>Elk Area 6069</u>	<u>5</u>
North River	WF	Any	Nov. 8-13	Antlerless	GMU 658	10
Deschutes	WF	Any	Jan. 10-20, <u>2012</u>	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)) <u>6-18</u>	Antlerless	Elk Area 1015	14
Dayton	EA	Any	Sept. 1-19	Antlerless	Elk Area 1016	((25)) <u>20</u>
Malaga	EA	Any	Sept. 1-7	Antlerless	Elk Area 2032	20
Klickitat Meadows	EA	Any	Oct. ((10-21)) <u>11-23</u>	Antlerless	Elk Area 3068	9
Alkali	EA	Any	Sept. 1-24	Antlerless	GMU 371	5
North Bend	WA	Any	Sept. ((7-19)) <u>11-23</u>	Antlerless	Elk Area 4601	((14)) <u>10</u>
Margaret	WA	Any	Sept. ((7-19)) <u>6-18</u> and Dec. 1-15	Antlerless	GMU 524	((35)) <u>70</u>
Toutle	WA	Any	Sept. ((7-19)) <u>6-18</u> and Dec. 1-15	Antlerless	GMU 556	((50)) <u>100</u>
((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)) <u>8-14</u>	Antlerless	Elk Area 5064	4
Mudflow	WA	Any	Sept. ((7-19)) <u>6-18</u>	Antlerless	Elk Area 5099	10
Lewis River	WA	Any	Nov. ((24)) <u>23</u> - Dec. ((7)) <u>6</u>	Antlerless	GMU 560	15
Siouxon	WA	Any	Nov. ((24)) <u>23</u> - Dec. ((7)) <u>6</u>	Antlerless	GMU 572	5
Aladdin	EM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 111	10
Selkirk	EM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 113	10
49 Degrees North	EM	Any	Oct. ((2-8)) <u>1-7</u> and Dec. 16-31	Antlerless	GMU 117	20
Turnbull	EM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	Elk Area 1015	9
Turnbull	EM	Any	Nov. ((24)) <u>23</u> - Dec. 8	Antlerless	Elk Area 1015	9

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Dayton	EM	Any	Oct. ((2-8)) <u>1-9</u>	Antlerless	Elk Area 1016	25
Blue Creek	EM	Any	Dec. 9 - Jan. 20	Antlerless	GMU 154	((40)) <u>50</u>
Mountain View	EM	Any	Oct. ((2-8)) <u>1-9</u>	Antlerless	Elk Area 1013	((10)) <u>5</u>
Lick Creek	EM	Any	Oct. ((2-8)) <u>1-9</u>	Antlerless	GMU 175	((15)) <u>10</u>
Mayview-Peola	EM	Any	Oct. ((2-8)) <u>1-9</u>	Antlerless	GMUs 145, 178	((30)) <u>20</u>
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)) <u>1-7</u>	Antlerless	GMU 330	5
Taneum	EM	Any	Oct. ((2-10)) <u>1-7</u>	Antlerless	GMU 336	((75)) <u>100</u>
Manastash	EM	Any	Oct. ((2-10)) <u>1-7</u>	Antlerless	GMU 340	((75)) <u>100</u>
Umtanum	EM	Any	Oct. ((2-10)) <u>1-7</u>	Antlerless	GMU 342	((200)) <u>250</u>
Nile	EM	Any	Oct. ((2-10)) <u>1-7</u>	Antlerless	GMU 352	((10)) <u>5</u>
Bumping	EM	Any	Oct. ((2-10)) <u>1-7</u>	Antlerless	GMU 356	((25)) <u>5</u>
Bethel	EM	Any	Oct. ((2-10)) <u>1-7</u>	Antlerless	GMU 360	((10)) <u>5</u>
Cowiche	EM	Any	Oct. ((2-10)) <u>1-7</u>	Antlerless	GMU 368	((100)) <u>200</u>
Alkali	EM	Any	Sept. ((26)) <u>25</u> - Oct. ((15)) <u>14</u>	Antlerless	GMU 371	10
Teanaway	EM	Any	Dec. 9-17	Antlerless	GMU 335	6
Klickitat Meadows	EM	Any	Oct. ((2-10)) <u>1-9</u>	Antlerless	Elk Area 3068	4
North Bend	WM	Any	Oct. 2-8	Antlerless	Elk Area 4601	((10)) <u>5</u>
Stella	WM	Any	Jan. 1-16, <u>2012</u>	Antlerless	GMU 504	75
Toledo	WM	Any	Dec. 8-20	Antlerless	Elk Area 5029	((40)) <u>60</u>
Mossyrock	WM	Any	Jan. 1-16, <u>2012</u>	Antlerless	Elk Area 5052	15
((Randle	WM	Any	Jan. 1-16	Antlerless	Elk Area 5053	(15))
Boistfort	WM	Any	Jan. 1-16, <u>2012</u>	Antlerless	Elk Area 5054	((50)) <u>75</u>
Willapa Hills	WM	Any	Dec. 8-((19)) <u>20</u>	Antlerless	GMU 506	15
Green Mt.	WM	Any	Jan. 1-16, <u>2012</u>	Antlerless	Elk Area 5051	30
Wildwood	WM	Any	Jan. 1-15, <u>2012</u>	Antlerless	Elk Area 5061	((30)) <u>50</u>
Mudflow	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	Elk Area 5099	10
Winston	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 520	((45)) <u>90</u>
Margaret	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 524	((35)) <u>70</u>
Ryderwood	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 530	((30)) <u>50</u>
Coweeman	WM	Any	Nov. ((24)) <u>23</u> - Dec. 15	Antlerless	GMU 550	((45)) <u>90</u>
Yale	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 554	40
Yale	WM	Any	Nov. ((24)) <u>23</u> - Dec. 15	Antlerless	GMU 554	35
Toutle	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 556	((50)) <u>100</u>
Lewis River	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 560	50
Washougal	WM	Any	Nov. ((24)) <u>23-30</u>	Antlerless	GMU 568	50
Siouxon	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	GMU 572	15
Wind River	WM	Any	Nov. ((24)) <u>23-30</u>	Antlerless	GMU 574	100
West Klickitat	WM	Any	Nov. ((24)) <u>23-30</u>	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
Newaukum	WM	Any	Jan. 1-20	Antlerless	Elk Area 5050	(10))
Upper Smith Creek	WM	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	Elk Area 5064	4
Mount Whittier	WM	Any	Oct. ((16-24)) <u>15-23</u>	Antlerless	Elk Area 5065	2
North Minot	WM	Any	Oct. ((2-8)) <u>1-7</u>	Antlerless	Elk Area 6067	10
Mashel	WM	Any	Jan. 1-15, <u>2012</u>	Antlerless	Elk Area 6054	25
North River	WM	Any	Nov. ((25)) <u>26</u> - 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
North Bend	WF, WM, WA	Youth	Oct. 15-21	Antlerless	Elk Area 4601	<u>5</u>
Toledo	WF, WM, WA	Youth	Aug. 1-7	Antlerless	Elk Area 5029	((10)) <u>20</u>

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
Mudflow	WF, WM, WA	Youth	Nov. ((22-28)) 21-27	Any ((eHk)) <u>bull</u>	Elk Area 5099	3
Mudflow	WF, WM, WA	Youth	Nov. ((22-28)) 21-27	Antlerless	Elk Area 5099	4
Dungeness	WF, WM, WA	Youth	((Dec. 1-31)) Nov. 1 - Dec. 31	((Antlerless)) Any elk	Elk Area 6071, north of HWY 101 ((only))	((5 ^{H/C})) 10 ^{H/C}

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
Aladdin	EF	65+	Oct. 29 - Nov. 6	Antlerless	GMU 111	5
Northeast	EF	65+	Oct. 29 - Nov. 6 and Dec. 16-31	Antlerless	GMUs 113, 117	10
Prescott	EF	65+	Oct. 29 - Nov. 6	Antlerless	GMU 149	5
Blue Creek	EF	65+	Oct. 29 - Nov. 6	Antlerless	GMU 154	5
Dayton	EF	65+	Oct. 29 - Nov. 6	Antlerless	Elk Area 1016, GMU 163	10
Lick Creek	EF	65+	Oct. 29 - Nov. 6	Antlerless	GMU 175	5
Peola	EF	65+	Oct. 29 - Nov. 6	Antlerless	GMU 178	5
Taneum	EF	65+	Nov. 2-6	Antlerless	GMU 336	15
Manastash	EF	65+	Nov. 2-6	Antlerless	GMU 340	20
Umtanum	EF	65+	Nov. 2-6	Antlerless	GMU 342	20
Cowiche	EF	65+	Nov. 2-6	Antlerless	GMU 368	15
Alkali	EF	65+	Oct. 15 - Nov. 4	Antlerless	GMU 371	5
Margaret	WF, WM, WA	65+	Nov. 23-30	Antlerless	GMU 524	((40)) 20
Toledo	WF, WM, WA	65+	Aug. 15-21	Antlerless	Elk Area 5029	((40)) 20
Hanaford	WF, WM, WA	65+	Jan. 1-15, 2012	Antlerless	Elk Area 6069	5
Hanaford	WF, WM, WA	65+	Jan. 16-30, 2012	Antlerless	Elk Area 6069	5

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. ((40-17)) 9-16	Antlerless	Elk Area 1015	6
Observatory	EF, EM	Hunters w/ Disabilities	Oct. ((25)) 24 - Nov. ((7)) 6	Any ((eHk)) <u>bull</u>	GMUs 340, 342	5
Little Naches	EF, EM, EA	Hunters w/ Disabilities	Oct. 1-10	Any ((eHk)) <u>bull</u>	GMU 346	5
Little Naches	EF, EM, EA	Hunters w/ Disabilities	Nov. ((3-7)) 2-6	Antlerless	GMU 346	5
Alkali	EF	Hunters w/ Disabilities	Oct. ((46)) 15 - Nov. ((5)) 4	Any ((eHk)) <u>bull</u>	GMU 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	Sept. ((26)) 25 - Oct. ((3)) 2	Any ((eHk)) <u>bull</u>	Elk Area 3721	2
Toledo	WF, WM, WA	Hunters w/ Disabilities	Aug. 8-14	Antlerless	Elk Area 5029	((40)) 20
((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)) 24-30	Antlerless	Elk Area 5099	4
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. ((20-26)) 19-25	Any ((eHk)) <u>bull</u>	Elk Area 5099	4
Centralia Mine	WF((, WM, WA))	Hunters w/ Disabilities	Oct. ((2-3)) 1-2	Antlerless	Elk Area 6011	3
Centralia Mine	WF((, WM, WA))	Hunters w/ Disabilities	Oct. ((9-10)) 8-9	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
Region 1	EF	Master Hunter	Aug. 1, 2011 - Mar. 31, 2012	Antlerless	Designated areas in Region 1	20 ^{H/C}

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
Malaga	Any elk tag/2nd tag	Master Hunter	Aug. 1, 2011 - Mar. 31, 2012	Antlerless	Elk Area 2032	100 ^{HC}
Peshastin	Any elk tag/2nd tag	Master Hunter	Aug. 1, 2011 - Mar. 31, 2012	Antlerless	Elk Area 2033	100 ^{HC}
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)) 24 - Nov. ((2)) 1	Antlerless	Elk Area 5063	5
Pumice Plains	Any elk tag	Master Hunter	Oct. ((18-24)) 17-23	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, 2012	Antlerless	Designated Areas in Elk Area 3911	50 ^{HC}
Rattlesnake Hills	Any elk tag/2nd tag	Master Hunter	Aug. 1 - Feb. 28, 2012	Antlerless ((or spike-bull))	Designated Areas in GMU 372	20 ^{HC}
North Bend	Any elk tag/2nd tag	Master Hunter	Aug. 15, 2011 - Mar. 31, 2012	Antlerless	Designated Areas in Elk Area 4601	25 ^{HC}
Skagit River	Any elk tag/2nd tag	Master Hunter	((Dec. 1 - Feb. 28)) Aug. 15, 2011 - Mar. 31, 2012	Antlerless	Designated Areas in Elk Area 4941	15 ^{HC}
((Cowlitz Valley) Region 4	Any elk ((tag))/2nd tag	Master Hunter	Aug. 1((--Sept. 6)) 2011 - Mar. 31, 2012	Antlerless	Designated Areas in ((GMUs 503, 505, 510, 513, 516)) Region 4	((15 ^{HC})) 10 ^{HC}
((Gray's River) Toledo	Any elk tag/2nd tag	Master Hunter	((Aug. 1 - Sept. 6 and) Dec. ((15 - Feb. 28)) 21-31	Antlerless	Elk Area ((5056)) 5029	((15 ^{HC})) 50
((JBH) Toledo	Any elk tag/2nd tag	Master Hunter	((Nov. 17 - Feb.) Aug. 22-28	Antlerless	Elk Area ((5090)) 5029	((20 ^{HC})) 20
((North River	Any elk tag/2nd tag	Master Hunter	Dec. 16 - Feb. 28	Antlerless	Designated Areas in GMU 658	10 ^{HC})
((Raymond) Ethel	Any elk tag/2nd tag	Master Hunter	((Oct. 1 - Mar. 31)) Aug. 1-31	Antlerless	Elk Area ((6010)) 5049	((5 ^{HC})) 5
((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) Newaukum	Any elk tag/2nd tag	Master Hunter	Aug. ((22-28)) 1-31	Antlerless	Elk Area ((5029)) 5050	((10)) 5
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)) 2012	Antlerless	Elk Area 5062	3
Trout Lake**	Any elk tag/2nd tag	Master Hunter	Jan. 15-30, ((2011)) 2012	Antlerless	Elk Area 5062	3
Region 5	WF	Master Hunter	Aug. 1, 2011 - Mar. 31, 2012	Antlerless	Designated areas in Region 5	20 ^{HC}
North River	Any elk tag/2nd tag	Master Hunter	Dec. 16, 2011 - Feb. 28, 2012	Antlerless	Designated Areas in GMU 658	10 ^{HC}
Raymond	Any elk tag/2nd tag	Master Hunter	Oct. 1, 2011 - Mar. 31, 2012	Antlerless	Elk Area 6010	5 ^{HC}
Dungeness	Any elk tag/2nd tag	Master Hunter	Sept. 1, 2011 - Feb. 28, 2012	Antlerless	Elk Area 6071 north of Hwy 101 only	10 ^{HC}
Region 6	WF	Master Hunter	Aug. 1, 2011 - Mar. 31, 2012	Antlerless	Designated Areas in Region 6	10 ^{HC}

**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)) <u>3 pt. min.</u>	GMUs 654, 660, 672, 673, 681	1

WSR 11-11-017
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medicaid Purchasing Administration)
 [Filed May 9, 2011, 8:53 a.m., effective June 9, 2011]

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

Purpose: The department of social and health services' medicaid purchasing administration (MPA) is proposing to amend WAC 388-502-0010 Payment—Eligible providers defined, 388-502-0020 General requirements for providers, 388-502-0030 Denying, suspending, and terminating a provider's enrollment, and 388-502-0230 Provider review and appeal.

These rule amendments and additions are intended to update, clarify, and ensure rules which protect the health and safety of DSHS clients and further ensure program integrity. This includes, but is not limited to, eligible provider types, noneligible provider types, core provider agreement, enrollment, review and consideration of an applicant's history, continuing requirements, change of ownership, healthcare record requirements, termination of a provider for cause or convenience, provider dispute of a department decision, reapplying for participation, and provider review and appeal.

Citation of Existing Rules Affected by this Order: Amending WAC 388-502-0010, 388-502-0020, 388-502-0030, and 388-502-0230.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.09.080 and 74.09.290.

Adopted under notice filed as WSR 11-05-078 on February 15, 2011.

Changes Other than Editing from Proposed to Adopted Version: **WAC 388-502-0005 Core provider agreement (CPA).**

The department revised subsections (4) and (5) of this section in response to stakeholder comments.

(1) All healthcare professionals, healthcare entities, suppliers or contractors of service must have an approved core provider agreement (CPA) or be enrolled as a performing

provider on an approved CPA to provide healthcare services to an eligible medical assistance client; otherwise any request for payment will be denied.

(2) For services provided out-of-state refer to WAC 388-501-0180, 388-501-0182 and 388-501-0184.

(3) All performing providers of services to a medical assistance client must be enrolled under the billing provider's CPA.

(4) The department does not pay for services provided to clients during the CPA application process, regardless of whether the CPA is later approved or denied, except as provided in subsection (5) of this section.

(5) Enrollment of a provider applicant is effective no earlier than the date of approval of the provider application.

~~(a) For federally qualified health centers (FQHCs), see WAC 388-548-1200. For rural health clinics (RHCs), see WAC 388-549-1200.~~

~~(b) Any other exceptions must be requested in writing to the department medicaid director by providing with justification as to why the applicant's effective date should be back dated prior to the CPA approval date. Exceptions will only be considered for emergency services, department approved out-of-state services or if the client was given retroactive eligibility. The requested effective date must be noted and must be covered by any applicable license or certification submitted with this application. This also applies to healthcare practitioners who join an established group or clinic as a performing provider, when the established group or clinic has an existing CPA. Only the medicaid director of [or] the medicaid director's written designee may approve exceptions. Exceptions will only be considered for the following:~~

~~(i) Emergency services;~~

~~(ii) Department-approved out-of-state services;~~

~~(iii) Retroactive client eligibility; or~~

~~(iv) Other critical department need as determined by the medicaid director or the medicaid director's written designee.~~

~~(b) For federally qualified health centers (FQHCs), see WAC 388-548-1200. For rural health clinics (RHCs), see WAC 388-549-1200.~~

WAC 388-502-0230 Provider payment reviews and (appeal) dispute rights.

The department crossed off "drugs, equipment, and/or related supplies" and included a new sentence which explains that "healthcare services" includes "treatment, equipment, related supplies, and drugs." This language is consistent with WAC 388-501-0050.

(1) As authorized by chapters 43.20B and 74.09 RCW, the ~~((medical assistance administration (MAA)))~~ department monitors and reviews all providers who furnish ~~((medical, dental, or other))~~ healthcare services, drugs, equipment and/or related supplies to eligible ~~((medical assistance))~~ clients. For the purposes of this section, healthcare services includes treatment, equipment, related supplies, and drugs. ((MAA)) The department may review all documentation and/or data related to payments made to providers for health-care services, drugs, equipment and/or supplies for eligible clients and determine((s)) whether the providers are complying with the rules and regulations of the program(s) ((and providing appropriate quality of care, and recovers any identified overpayments)).

A final cost-benefit analysis is available by contacting Andi Hanson/Barbara Lantz, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 725-1616 or (360) 725-1640, fax (360) 586-9727, e-mail andi.hanson@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 10, 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 10, Amended 4, Repealed 0.

Date Adopted: May 9, 2011.

Susan N. Dreyfus
Secretary

PROVIDER TYPES**NEW SECTION**

WAC 388-502-0002 Eligible provider types. The following healthcare professionals, healthcare entities, suppliers or contractors of service may request enrollment with the Washington state department of social and health services to provide covered healthcare services to eligible clients. For the purposes of this chapter, healthcare services includes treatment, equipment, related supplies and drugs.

- (1) Professionals:
 - (a) Advanced registered nurse practitioners;
 - (b) Anesthesiologists;
 - (c) Audiologists;

- (d) Chemical dependency professionals:
 - (i) Mental health care providers; and
 - (ii) Peer counselors.
- (e) Chiropractors;
- (f) Dentists;
- (g) Dental hygienists;
- (h) Denturists;
- (i) Dietitians or nutritionists;
- (j) Hearing aid fitters/dispensers;
- (k) Marriage and family therapists, only as provided in WAC 388-531-1400;
- (l) Mental health counselors, only as provided in WAC 388-531-1400;
- (m) Mental health care providers;
- (n) Midwives;
- (o) Nurse anesthetist;
- (p) Occupational therapists;
- (q) Ophthalmologists;
- (r) Opticians;
- (s) Optometrists;
- (t) Orthodontists;
- (u) Orthotist;
- (v) Osteopathic physicians;
- (w) Osteopathic physician assistants;
- (x) Peer counselors;
- (y) Podiatric physicians;
- (z) Pharmacists;
- (aa) Physicians;
- (bb) Physician assistants;
- (cc) Physical therapists;
- (dd) Prosthetist;
- (ee) Psychiatrists;
- (ff) Psychologists;
- (gg) Radiologists;
- (hh) Registered nurse delegators;
- (ii) Registered nurse first assistants;
- (jj) Respiratory therapists;
- (kk) Social workers, only as provided in WAC 388-531-1400; and
- (ll) Speech/language pathologists.
- (2) Agencies, centers and facilities:
 - (a) Adult day health centers;
 - (b) Ambulance services (ground and air);
 - (c) Ambulatory surgery centers (medicare-certified);
 - (d) Birthing centers (licensed by the department of health);
 - (e) Blood banks;
 - (f) Cardiac diagnostic centers;
 - (g) Case management agencies;
 - (h) Chemical dependency treatment facilities certified by the department of social and health services (DSHS) division of alcohol and substance abuse (DASA), and contracted through either:
 - (i) A county under chapter 388-810 WAC; or
 - (ii) DASA to provide chemical dependency treatment services.
 - (i) Centers for the detoxification of acute alcohol or other drug intoxication conditions (certified by DASA);
 - (j) Community AIDS services alternative agencies;
 - (k) Community mental health centers;

- (l) Diagnostic centers;
 - (m) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;
 - (n) Family planning clinics;
 - (o) Federally qualified health centers (designated by the federal department of health and human services);
 - (p) Genetic counseling agencies;
 - (q) Health departments;
 - (r) Health maintenance organization (HMO)/managed care organization (MCO);
 - (s) HIV/AIDS case management;
 - (t) Home health agencies;
 - (u) Hospice agencies;
 - (v) Hospitals;
 - (w) Indian health service facilities/Tribal 638 facilities;
 - (x) Tribal or urban Indian clinics;
 - (y) Inpatient psychiatric facilities;
 - (z) Intermediate care facilities for the mentally retarded (ICF-MR);
 - (aa) Kidney centers;
 - (bb) Laboratories (CLIA certified);
 - (cc) Maternity support services agencies; maternity case managers; infant case management, first steps providers;
 - (dd) Neuromuscular and neurodevelopmental centers;
 - (ee) Nurse services/delegation;
 - (ff) Nursing facilities (approved by the DSHS aging and disability services administration);
 - (gg) Pathology laboratories;
 - (hh) Pharmacies;
 - (ii) Private duty nursing agencies;
 - (jj) Radiology - stand alone clinics;
 - (kk) Rural health clinics (medicare-certified);
 - (ll) School districts and educational service districts;
 - (mm) Sleep study centers; and
 - (nn) Washington state school districts and educational service districts.
- (3) Suppliers of:
- (a) Durable and nondurable medical equipment and supplies;
 - (b) Infusion therapy equipment and supplies;
 - (c) Prosthetics/orthotics;
 - (d) Hearing aids; and
 - (e) Oxygen equipment and supplies.
- (4) Contractors:
- (a) Transportation brokers;
 - (b) Spoken language interpreter services agencies;
 - (c) Independent sign language interpreters; and
 - (d) Eyeglass and contact lens providers.

NEW SECTION

WAC 388-502-0003 Noneligible provider types. The department does not enroll licensed or unlicensed healthcare practitioners not specifically listed in WAC 388-502-0002, including, but not limited to:

- (1) Acupuncturists;
- (2) Counselors, except as provided in WAC 388-531-1400;
- (3) Sanipractors;
- (4) Naturopaths;

- (5) Homeopaths;
- (6) Herbalists;
- (7) Massage therapists;
- (8) Social workers, except as provided in WAC 388-531-1400 and WAC 388-537-0350;
- (9) Christian science practitioners, theological healers, and spiritual healers;
- (10) Chemical dependency professional trainee (CDPT); and
- (11) Mental health trainee (MHT).

ENROLLMENT

NEW SECTION

WAC 388-502-0005 Core provider agreement (CPA). (1) All healthcare professionals, healthcare entities, suppliers or contractors of service must have an approved core provider agreement (CPA) or be enrolled as a performing provider on an approved CPA to provide healthcare services to an eligible medical assistance client; otherwise any request for payment will be denied.

(2) For services provided out-of-state refer to WAC 388-501-0180, 388-501-0182 and 388-501-0184.

(3) All performing providers of services to a medical assistance client must be enrolled under the billing provider's CPA.

(4) The department does not pay for services provided to clients during the CPA application process, regardless of whether the CPA is later approved or denied, except as provided in subsection (5) of this section.

(5) Enrollment of a provider applicant is effective no earlier than the date of approval of the provider application.

(a) Any exceptions must be requested in writing to the medicaid director with justification as to why the applicant's effective date should be prior to the CPA approval date. The requested effective date must be noted and must be covered by any applicable license or certification submitted with this application. Only the medicaid director or the medicaid director's written designee may approve exceptions. Exceptions will only be considered for the following:

- (i) Emergency services;
- (ii) Department-approved out-of-state services;
- (iii) Retroactive client eligibility; or
- (iv) Other critical department need as determined by the medicaid director or the medicaid director's written designee.

(b) For federally-qualified health centers (FQHCs), see WAC 388-548-1200. For rural health clinics (RHCs), see WAC 388-549-1200.

AMENDATORY SECTION (Amending WSR 08-12-030, filed 5/29/08, effective 7/1/08)

WAC 388-502-0010 (~~Payment—Eligible providers defined~~) **When the department enrolls.** (~~The department pays enrolled providers for covered healthcare services, equipment and supplies they provide to eligible clients.~~

~~(1) To be eligible for enrollment, a provider must:~~

- ~~(a) Be licensed, certified, accredited, or registered according to Washington state laws and rules; and~~

(b) Meet the conditions in this chapter and chapters regulating the specific type of provider, program, and/or service.

(2) To enroll, an eligible provider must sign a core provider agreement with the department and receive a unique provider number; a provider may also sign a contract to enroll. (Note: Section 13 of the core provider agreement, DSHS 09-048 (REV. 06/2002), is hereby rescinded. The department and each provider signing a core provider agreement will hold each other harmless from a legal action based on the negligent actions or omissions of either party under the terms of the agreement.)

(3) Eligible providers listed in this subsection may request enrollment. Out-of-state providers listed in this subsection are subject to conditions in chapter 388-502 WAC.

(a) Professionals:

(i) Advanced registered nurse practitioners;

(ii) Anesthesiologists;

(iii) Audiologists;

(iv) Chiropractors;

(v) Dentists;

(vi) Dental hygienists;

(vii) Denturists;

(viii) Dietitians or nutritionists;

(ix) Marriage and family therapists, only as provided in WAC 388-531-1400;

(x) Maternity case managers;

(xi) Mental health counselors, only as provided in WAC 388-531-1400;

(xii) Midwives;

(xiii) Occupational therapists;

(xiv) Ophthalmologists;

(xv) Opticians;

(xvi) Optometrists;

(xvii) Orthodontists;

(xviii) Osteopathic physicians;

(xix) Podiatric physicians;

(xx) Pharmacists;

(xxi) Physicians;

(xxii) Physical therapists;

(xxiii) Psychiatrists;

(xxiv) Psychologists;

(xxv) Registered nurse delegators;

(xxvi) Registered nurse first assistants;

(xxvii) Respiratory therapists;

(xxviii) Social workers, only as provided in WAC 388-531-1400 and 388-531-1600;

(xxix) Speech/language pathologists;

(xxx) Radiologists; and

(xxxi) Radiology technicians (technical only);

(b) Agencies, centers and facilities:

(i) Adult day health centers;

(ii) Ambulance services (ground and air);

(iii) Ambulatory surgery centers (medicare certified);

(iv) Birthing centers (licensed by the department of health);

(v) Blood banks;

(vi) Chemical dependency treatment facilities certified by the department of social and health services (DSHS), division of alcohol and substance abuse (DASA), and contracted through either:

(A) A county under chapter 388-810 WAC; or

(B) DASA to provide chemical dependency treatment services;

(vii) Centers for the detoxification of acute alcohol or other drug intoxication conditions (certified by DASA);

(viii) Community AIDS services alternative agencies;

(ix) Community mental health centers;

(x) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;

(xi) Family planning clinics;

(xii) Federally qualified health centers (FQHC) (designated by the Centers for Medicare and Medicaid);

(xiii) Genetic counseling agencies;

(xiv) Health departments;

(xv) HIV/AIDS case management;

(xvi) Home health agencies;

(xvii) Hospice agencies;

(xviii) Hospitals;

(xix) Indian Health Service;

(xx) Tribal or urban Indian clinics;

(xxi) Inpatient psychiatric facilities;

(xxii) Intermediate care facilities for the mentally retarded (ICF-MR);

(xxiii) Kidney centers;

(xxiv) Laboratories (CLIA certified);

(xxv) Maternity support services agencies;

(xxvi) Neuromuscular and neurodevelopmental centers;

(xxvii) Nursing facilities (approved by DSHS aging and disability services);

(xxviii) Pharmacies;

(xxix) Private duty nursing agencies;

(xxx) Rural health clinics (medicare certified);

(xxxi) Tribal mental health services (contracted through the DSHS mental health division); and

(xxxii) Washington state school districts and educational service districts.

(e) Suppliers of:

(i) Durable and nondurable medical equipment and supplies;

(ii) Infusion therapy equipment and supplies;

(iii) Prosthetics/orthotics;

(iv) Hearing aids; and

(v) Oxygen equipment and supplies;

(d) Contractors of:

(i) Transportation brokers;

(ii) Interpreter services agencies; and

(iii) Eyeglass and contact lens providers.

(4) Nothing in this chapter precludes the department from entering into other forms of written agreements to provide services to eligible clients.

(5) The department does not enroll licensed or unlicensed practitioners who are not specifically addressed in subsection (3) of this section. Ineligible providers include but are not limited to:

(a) Acupuncturists;

(b) Counselors, except as provided in WAC 388-531-1400;

(c) Sanipractors;

(d) Naturopaths;

(e) Homeopaths;

~~(f) Herbalists;~~

~~(g) Massage therapists;~~

~~(h) Social workers, except as provided in WAC 388-531-1400 and 388-531-1600; or~~

~~(i) Christian Science practitioners or theological healers))~~ Nothing in this chapter obligates the department to enroll any eligible healthcare professional, healthcare entity, supplier or contractor of service who requests enrollment.

(2) To enroll as a provider with the department, a healthcare professional, healthcare entity, supplier or contractor of service must, on the date of application:

(a) Be currently licensed, certified, accredited, or registered according to Washington state laws and rules. Persons or entities outside of Washington state, see WAC 388-502-0120;

(b) Have current professional liability coverage, individually or as a member of a group;

(c) Have a current federal drug enforcement agency (DEA) certificate, if applicable to the profession's scope of practice;

(d) Meet the conditions in this chapter and other chapters regulating the specific type of healthcare practitioner;

(e) Sign, without modification, a core provider agreement (CPA) and debarment form (DSHS 09-048) or a contract with the department. (Note: Section 13 of the CPA, DSHS 09-048 (REV. 08/2005), is hereby rescinded. The department and each provider signing a core provider agreement will hold each other harmless from a legal action based on the negligent actions or omissions of either party under the terms of the agreement.);

(f) Agree to accept the payment from the department as payment in full (in accordance with 42 C.F.R. § 447.15 acceptance of state payment as payment in full and WAC 388-502-0160 billing a client);

(g) Fully disclose ownership and control information requested by the department. If payment for services is to be made to a group practice, partnership, or corporation, the group, partnership, or corporation must enroll and obtain a CPA number to be used for submitting claims as the billing provider. All owners must be identified and fully disclosed in the application; and

(h) Have screened employees and contractors with whom they do business prior to hiring or contracting to assure that employees and contractors are not excluded from receiving federal funds as required by 42 U.S.C. 1320a-7 and 42 U.S.C. 1320c-5.

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

NEW SECTION

WAC 388-502-0012 When the department does not enroll. (1) The department does not enroll a healthcare professional, healthcare entity, supplier or contractor of service for reasons which include, but are not limited to, the following:

(a) The department determines that:

(i) There is a quality of care issue with significant risk factors that may endanger client health and/or safety (see WAC 388-502-0030 (1)(a)); or

(ii) There are risk factors that affect the credibility, honesty, or veracity of the healthcare practitioner (see WAC 388-502-0030 (1)(b)).

(b) The healthcare professional, healthcare entity, supplier or contractor of service:

(i) Is excluded from participation in medicare, medicaid or any other federally-funded healthcare program;

(ii) Has a current formal or informal pending disciplinary action, statement of charges, or the equivalent from any state or federal professional disciplinary body at the time of initial application;

(iii) Has been disciplined based on allegation of sexual misconduct or admitted to sexual misconduct;

(iv) Has a suspended, terminated, revoked, or surrendered professional license as defined under chapter 18.130 RCW;

(v) Has a restricted, suspended, terminated, revoked, or surrendered professional license in any state;

(vi) Is noncompliant with the department of health's or other state health care agency's stipulation of informal disposition, agreed order, final order, or similar licensure restriction;

(vii) Is suspended or terminated by any agency within the state of Washington that arranges for the provision of healthcare;

(viii) Fails a background check performed by the department. See WAC 388-502-0014 and WAC 388-502-0016; or

(ix) Does not have sufficient liability insurance according to WAC 388-502-0016 for the scope of practice.

(2) The department may not pay for any healthcare service, drug, supply or equipment prescribed or ordered by a healthcare professional, healthcare entity, supplier or contractor of service whose application for a core provider agreement (CPA) has been denied or terminated.

(3) The department may not pay for any healthcare service, drug, supply, or equipment prescribed or ordered by a healthcare professional, healthcare entity, supplier or contractor of service who does not have a current CPA with the department when the department determines there is a potential danger to a client's health and/or safety.

(4) Nothing in this chapter precludes the department from entering into other forms of written agreements with a healthcare professional, healthcare entity, supplier or contractor of service.

(5) If the department denies an enrollment application, the applicant does not have any dispute rights within the department.

NEW SECTION

WAC 388-502-0014 Review and consideration of an applicant's history. (1) The department may consider enrolling a healthcare professional, healthcare entity, supplier or contractor of service for reasons which include, but are not limited to, the following:

(a) The department determines that:

(i) There is not a quality of care issue with significant risk factors that endanger client health and/or safety;

(ii) There are not risk factors that affect the credibility, honesty, or veracity of the applicant; and

(iii) The applicant is not likely to repeat the violation that led to a restriction or sanction.

(b) The healthcare professional, healthcare entity, supplier or contractor of service has:

(i) Been excluded from participation in medicare, medic-aid, or any other federally-funded healthcare program but is not currently excluded; or

(ii) A history of probation, suspension, termination, revocation, or a surrendered professional license, certification, accreditation, or registration as defined under chapter 18.130 RCW but currently has an active license, certification, accreditation, or registration; or

(iii) A restricted or limited professional license, certification, accreditation, or registration as defined under RCW 18.130.160; or

(iv) A history of denial, limitation, suspension or termination of participation or privileges by any healthcare institution, plan, facility, clinic, or state agency for quality of care issues or inappropriate billing practices and the quality of care issue or inappropriate billing practices have been corrected to the department's satisfaction.

(2) The department may conduct a background check on any applicant applying for a core provider agreement (CPA).

(3) The department's response to a review of a request for enrollment is based on the information available to the department at the time of application.

PROVIDER REQUIREMENTS

NEW SECTION

WAC 388-502-0016 Continuing requirements. (1) To continue to provide services for eligible clients and be paid for those services, a provider must:

(a) Provide all services without discriminating on the grounds of race, creed, color, age, sex, sexual orientation, religion, national origin, marital status, the presence of any sensory, mental or physical handicap, or the use of a trained dog guide or service animal by a person with a disability;

(b) Provide all services according to federal and state laws and rules, department billing instructions, numbered memoranda issued by the department, and other written directives from the department;

(c) Inform the department of any changes to the provider's application or contract, including but not limited to, changes in:

(i) Ownership (see WAC 388-502-0018);

(ii) Address or telephone number;

(iii) Professional practicing under the billing provider number; or

(iv) Business name.

(d) Retain a current professional state license, registration, certification and/or applicable business license for the service being provided, and update the department of all changes;

(e) Inform the department in writing within seven calendar days of changes applicable to the provider's clinical privileges;

(f) Inform the department in writing within seven business days of receiving any informal or formal disciplinary

order, decision, disciplinary action or other action(s), including, but not limited to, restrictions, limitations, conditions and suspensions resulting from the practitioner's acts, omissions, or conduct against the provider's license, registration, or certification in any state;

(g) Screen employees and contractors with whom they do business prior to hiring or contracting, and on a monthly ongoing basis thereafter, to assure that employees and contractors are not excluded from receiving federal funds as required by 42 U.S.C. 1320a-7 and 42 U.S.C. 1320c-5.

(h) Report immediately to the department any information discovered regarding an employee's or contractor's exclusion from receiving federal funds in accordance with 42 U.S.C. 1320a-7 and 42 U.S.C. 1320c-5. See WAC 388-502-0010 (2)(j);

(i) Pass a background check, when the department requires such information to fully evaluate a provider;

(j) Maintain professional and general liability coverage requirements, if not covered under agency, center or facility, in the amounts identified by the department;

(k) Not surrender, voluntarily or involuntarily, his or her professional state license, registration, or certification in any state while under investigation by that state or due to findings by that state resulting from the practitioner's acts, omissions, or conduct; and

(l) Furnish documentation or other assurances as determined by the department in cases where a provider has an alcohol or chemical dependency problem, to adequately safeguard the health and safety of medical assistance clients that the provider:

(i) Is complying with all conditions, limitations, or restrictions to the provider's practice both public and private; and

(ii) Is receiving treatment adequate to ensure that the dependency problem will not affect the quality of the provider's practice.

(2) A provider may contact the department with questions regarding its programs. However, the department's response is based solely on the information provided to the department's representative at the time of inquiry, and in no way exempts a provider from following the laws and rules that govern the department's programs.

(3) The department may refer the provider to the appropriate state health professions quality assurance commission.

NEW SECTION

WAC 388-502-0018 Change of ownership. (1) A provider must notify the department in writing within seven calendar days of ownership or control changes of any kind. An entity is considered to have an ownership or control interest in another entity if it has direct or indirect ownership of five percent or more, or is a managing employee (e.g., a general manager, business manager, administrator, or director) who exercises operational or managerial control over the entity or who directly or indirectly conducts day-to-day operations of the entity. The department determines whether a new core provider agreement (CPA) must be completed for the new entity.

(2) When a provider obtains a new federal tax identification (ID) following a change of ownership, the department terminates the provider's CPA as of the date of the change in federal tax ID. The provider may reapply for a new CPA.

(3) All new ownership enrollments are subject to the requirements in WAC 388-502-0010. In addition to those requirements, the applicant must:

- (a) Complete a change of ownership form;
- (b) Provide the department with a copy of the contract of sale identifying previous and current owners; and
- (c) Provide the department with a list of all provider numbers affected by the change of ownership.

AMENDATORY SECTION (Amending WSR 01-07-076, filed 3/20/01, effective 4/20/01)

WAC 388-502-0020 ((General requirements for providers)) Healthcare record requirements. (((1) Enrolled providers must:

(a) ~~Keep legible, accurate, and complete charts and records to justify the services provided to each client, including, but not limited to:~~

- ~~(i) Patient's name and date of birth;~~
- ~~(ii) Dates of services;~~
- ~~(iii) Name and title of person performing the service, if other than the billing practitioner;~~
- ~~(iv) Chief complaint or reason for each visit;~~
- ~~(v) Pertinent medical history;~~
- ~~(vi) Pertinent findings on examination;~~
- ~~(vii) Medications, equipment, and/or supplies prescribed or provided;~~
- ~~(viii) Description of treatment (when applicable);~~
- ~~(ix) Recommendations for additional treatments, procedures, or consultations;~~
- ~~(x) X rays, tests, and results;~~
- ~~(xi) Dental photographs and teeth models;~~
- ~~(xii) Plan of treatment and/or care, and outcome; and~~
- ~~(xiii) Specific claims and payments received for services.~~

~~(b) Assure charts are authenticated by the person who gave the order, provided the care, or performed the observation, examination, assessment, treatment or other service to which the entry pertains;~~

~~(c) Make charts and records available to DSHS, its contractors, and the US Department of Health and Human Services upon request, for six years from the date of service or longer if required specifically by federal or state law or regulation;~~

~~(d) Bill the department according to department rules and billing instructions;~~

~~(e) Accept the payment from the department as payment in full;~~

~~(f) Follow the requirements in WAC 388-502-0160 and 388-538-095 about billing clients;~~

~~(g) Fully disclose ownership and control information requested by the department;~~

~~(h) Provide all services without discriminating on the grounds of race, creed, color, age, sex, religion, national origin, marital status, or the presence of any sensory, mental or physical handicap; and~~

~~(i) Provide all services according to federal and state laws and rules, and billing instructions issued by the department.~~

~~(2) A provider may contact MAA with questions regarding its programs. However, MAA's response is based solely on the information provided to MAA's representative at the time of inquiry, and in no way exempts a provider from following the laws and rules that govern the department's programs)) This section applies to providers, as defined under WAC 388-500-0005 and under WAC 388-538-050. Providers must:~~

~~(1) Maintain documentation in the client's medical or healthcare records to verify the level, type, and extent of services provided to each client to fully justify the services and billing, including, but not limited to:~~

- ~~(a) Client's name and date of birth;~~
- ~~(b) Dates of services;~~
- ~~(c) Name and title of person performing the service;~~
- ~~(d) Chief complaint or reason for each visit;~~
- ~~(e) Pertinent past and present medical history;~~
- ~~(f) Pertinent findings on examination at each visit;~~
- ~~(g) Medication(s) or treatment prescribed and/or administered;~~
- ~~(h) Name and title of individual prescribing or administering medication(s);~~
- ~~(i) Equipment and/or supplies prescribed or provided;~~
- ~~(j) Name and title of individual prescribing or providing equipment and/or supplies;~~
- ~~(k) Detailed description of treatment provided;~~
- ~~(l) Subjective and objective findings;~~
- ~~(m) Clinical assessment and diagnosis;~~
- ~~(n) Recommendations for additional treatments, procedures, or consultations;~~
- ~~(o) Radiographs (x-rays), diagnostic tests and results;~~
- ~~(p) Plan of treatment and/or care, and outcome;~~
- ~~(q) Specific claims and payments received for services;~~
- ~~(r) Correspondence pertaining to client dismissal or termination of healthcare practitioner/patient relationship;~~
- ~~(s) Advance directives, when required under WAC 388-501-0125;~~
- ~~(t) Patient treatment agreements (examples: Opioid agreement, medication and treatment compliance agreements); and~~
- ~~(u) Informed consent documentation.~~
- ~~(2) Keep legible, accurate, and complete charts and records;~~
- ~~(3) Meet any additional record requirements of the department of health (DOH);~~
- ~~(4) Assure charts are authenticated by the person who gave the order, provided the care, or performed the observation, examination, assessment, treatment or other service to which the entry pertains;~~
- ~~(5) Make charts and records available to the department, its contractors or designees, and the United States Department of Health and Human Services (DHHS) upon request, for six years from the date of service or longer if required specifically by federal or state law or regulation. The department does not separately reimburse for copying of healthcare records, reports, client charts and/or radiographs, and related copying expenses; and~~

(6) Permit the department access to its physical facilities and its records to enable the department to conduct audits, inspections or reviews without prior announcement.

TERMINATION OF PROVIDER

AMENDATORY SECTION (Amending WSR 00-15-050, filed 7/17/00, effective 8/17/00)

WAC 388-502-0030 (~~Denying, suspending, and terminating a provider's enrollment~~) Termination of a provider agreement—For cause. (1) ~~(The department terminates enrollment or does not enroll or reenroll a provider if, in the department's judgement, it may be a danger to the health or safety of clients.~~

~~(2) Except as noted in subsection (3) of this section, the department does not enroll or reenroll a provider to whom any of the following apply:~~

- ~~(a) Has a restricted professional license;~~
- ~~(b) Has been terminated, excluded, or suspended from medicare/medicaid; or~~
- ~~(c) Has been terminated by the department for quality of care issues or inappropriate billing practices.~~

~~(3) The department may choose to enroll or reenroll a provider who meets the conditions in subsection (2) of this section if all of the following apply:~~

- ~~(a) The department determines the provider is not likely to repeat the violation that led to the restriction or sanction;~~
- ~~(b) The provider has not been convicted of other offenses related to the delivery of professional or other medical services in addition to those considered in the previous sanction; and~~
- ~~(c) If the United States Department of Health and Human Services (DHHS) or medicare suspended the provider from medicare, DHHS or medicare notifies the department that the provider may be reinstated.~~

~~(4) The department gives thirty days written notice before suspending or terminating a provider's enrollment. However, the department suspends or terminates enrollment immediately if any one of the following situations apply:~~

- ~~(a) The provider is convicted of a criminal offense related to participation in the medicare/medicaid program;~~
- ~~(b) The provider's license, certification, accreditation, or registration is suspended or revoked;~~
- ~~(c) Federal funding is revoked;~~
- ~~(d) By investigation, the department documents a violation of law or contract;~~
- ~~(e) The MAA medical director or designee determines the quality of care provided endangers the health and safety of one or more clients; or~~
- ~~(f) The department determines the provider has intentionally used inappropriate billing practices.~~

~~(5) The department may terminate a provider's number if:~~

- ~~(a) The provider does not disclose ownership or control information;~~
- ~~(b) The provider does not submit a claim to the department for twenty-four consecutive months;~~
- ~~(c) The provider's address on file with the department is incorrect;~~

~~(d) The provider requests a new provider number (e.g., change in tax identification number or ownership); or~~

~~(e) The provider voluntarily withdraws from participation in the medical assistance program.~~

~~(6) Nothing in this chapter obligates the department to enroll all eligible providers who request enrollment.)~~ The department may immediately terminate a provider's core provider agreement (CPA) for any one or more of the following reasons, each of which constitutes cause:

(a) Provider exhibits significant risk factors that endanger client health and/or safety. These factors include, but are not limited to:

- (i) Moral turpitude;
- (ii) Sexual misconduct as defined in WAC 246-934-100 or in profession specific rules of the department of health (DOH);
- (iii) A statement of allegations or statement of charges by DOH;

(iv) Restrictions placed by DOH on provider's current practice such as chaperone required for rendering treatment, preceptor required to review practice, or prescriptive limitations;

(v) Limitations, restrictions, or loss of hospital privileges or participation in any healthcare plan and/or failure to disclose the reasons to the department;

(vi) Negligence, incompetence, inadequate or inappropriate treatment, or lack of appropriate follow-up treatment;

(vii) Patient drug mismanagement and/or failure to identify substance abuse/addiction or failure to refer the patient for substance abuse treatment once abuse/addiction is identified;

(viii) Use of healthcare providers or healthcare staff who are unlicensed to practice or who provide healthcare services which are outside their recognized scope of practice or the standard of practice in the state of Washington;

(ix) Failure of the healthcare provider to comply with the requirements of WAC 388-502-0016;

(x) Failure of the healthcare practitioner with an alcohol or chemical dependency to furnish documentation or other assurances as determined by the department to adequately safeguard the health and safety of medical assistance clients that the provider:

(A) Is complying with all conditions, limitations, or restrictions to the provider's practice both public and private; and

(B) Is receiving treatment adequate to ensure that the dependency problem will not affect the quality of the provider's practice.

(xi) Infection control deficiencies;

(xii) Failure to maintain adequate professional malpractice coverage;

(xiii) Medical malpractice claims or professional liability claims that constitute a pattern of questionable or inadequate treatment, or contain any gross or flagrant incident of malpractice; or

(xiv) Any other act which the department determines is contrary to the health and safety of its clients.

(b) Provider exhibits significant risk factors that affect the provider's credibility or honesty. These factors include, but are not limited to:

(i) Failure to meet the requirements in WAC 388-502-0010 and WAC 388-502-0020;

(ii) Dishonesty or other unprofessional conduct;

(iii) Investigatory (e.g. audit), civil, or criminal finding of fraudulent or abusive billing practices;

(iv) Exclusion from participation in medicare, medicaid, or any other federally-funded healthcare program;

(v) Any conviction, no contest plea, or guilty plea relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct;

(vi) Any conviction, no contest plea, or guilty plea of a criminal offense;

(vii) Failure to comply with a DOH request for information or an on-going DOH investigation;

(viii) Noncompliance with a DOH or other state healthcare agency's stipulation to disposition, agreed order, final order, or other similar licensure restriction;

(ix) Misrepresentation or failure to disclose information on the enrollment application for a core provider agreement (CPA), failure to supply requested information, or failure to update CPA as required;

(x) Failure to comply with a department request for information;

(xi) Failure to cooperate with a department investigation, audit or review;

(xii) Providing healthcare services which are outside the provider's recognized scope of practice or the standard of practice in the state of Washington;

(xiii) Unnecessary medical/dental or other healthcare procedures;

(xiv) Discriminating in the furnishing of healthcare services, supplies, or equipment as prohibited by 42 U.S.C. § 2000d; and

(xv) Any other dishonest or discreditable act which the department determines is contrary to the interest of the department or its clients.

(2) If a provider is terminated for cause, the department pays for authorized services provided up to the date of termination only.

(3) If the department terminates a provider who is also a full or partial owner of a group practice, the department also terminates all providers linked to the group practice. The remaining practitioners in the group practice may reapply for participation with the department subject to WAC 388-502-0010(2).

(4) A provider who is terminated for cause may dispute a department decision under the process in WAC 388-502-0050.

NEW SECTION

WAC 388-502-0040 Termination of a provider agreement—For convenience. (1) Either the department or the provider may terminate the provider's participation with the department for convenience with thirty calendar days written notice served upon the other party in a manner which provides proof of receipt or proof of valid attempt to deliver.

(2) Terminations for convenience are not eligible for the dispute resolution process described in WAC 388-502-0050.

(3) If a provider is terminated for convenience, the department pays for authorized services provided up to the date of termination only.

INFORMAL DISPUTE RESOLUTION PROCESS

NEW SECTION

WAC 388-502-0050 Provider dispute of a department action. The process described in this section applies only when department rules allow a provider to dispute a department decision under this section.

(1) In order for the department to review a decision previously made by the department, a provider must submit the request to review the decision:

(a) Within twenty-eight calendar days of the date on the department's decision notice;

(b) To the address listed in the decision notice; and

(c) In a manner that provides proof of receipt.

(2) A provider's dispute request must:

(a) Be in writing;

(b) Specify the department decision that the provider is disputing;

(c) State the basis for disputing the department's decision; and

(d) Include documentation to support the provider's position.

(3) The department may request additional information or documentation. The provider must submit the additional information or documentation to the department within twenty-eight calendar days of the date on the department's request.

(4) The department closes the dispute without issuing a decision and with no right to further review under subsection (6) of this section when the provider:

(a) Fails to comply with any requirement of subsections (2), (3), and (4) of this section;

(b) Fails to cooperate with, or unduly delays, the dispute process; or

(c) Withdraws the dispute request in writing.

(5) The department will send the provider a written notice of dispute closure or written dispute decision.

(6) The provider may request the deputy assistant secretary of the medicaid purchasing administration (MPA) or designee to review the written dispute decision according to the process in WAC 388-502-0270.

(7) This section does not apply to disputes regarding overpayment. For disputes regarding overpayment, see WAC 388-502-0230.

REAPPLYING FOR PARTICIPATION

NEW SECTION

WAC 388-502-0060 Reapplying for participation. (1) Providers who are denied enrollment or removed from participation are not eligible to reapply for participation with the department for five years from the date of denial or termination.

(2) Providers who are denied enrollment or removed from participation due to sexual misconduct as defined in

chapter 246-16 WAC or in profession-specific rules of the department of health (DOH) are not eligible to be enrolled for participation with the department.

(3) Providers who are denied enrollment or removed from participation more than once are not eligible to reapply for participation with the department.

PROVIDER PAYMENT REVIEWS AND DISPUTE RIGHTS

AMENDATORY SECTION (Amending WSR 00-22-017, filed 10/20/00, effective 11/20/00)

WAC 388-502-0230 Provider payment reviews and ~~(appeal)~~ dispute rights. (1) As authorized by chapters 43.20B and 74.09 RCW, the ~~((medical assistance administration (MAA)))~~ department monitors and reviews all providers who furnish ~~((medical, dental, or other))~~ healthcare services to eligible ~~((medical assistance))~~ clients. ~~((MAA))~~ For the purposes of this section, healthcare services includes treatment, equipment, related supplies, and drugs. The department may review all documentation and/or data related to payments made to providers for healthcare services for eligible clients and determine((s)) whether the providers are complying with the rules and regulations of the program(s) ((and providing appropriate quality of care, and recovers any identified overpayments)). Examples of provider reviews are:

(a) A review of all ~~((billing/medical/dental/service))~~ records and/or payments for medical assistance clients;

(b) A ~~((statistical))~~ random sampling of billing~~((/medical/dental/service))~~ and/or records for medical assistance clients~~((, extrapolated per WAC 388-502-0240 (9), (10), and (11)))~~; and/or

(c) A review focused on selected ~~((billing/medical/dental/service))~~ records for medical assistance clients.

(2) ~~((The Washington State Health Professions Quality Assurance Commissions serve in an advisory capacity to MAA in conducting provider reviews and monitoring.~~

~~((3) MAA))~~ The department may determine that a provider's billing does not comply with program rules and regulations ~~((or the provider is not meeting quality of care practices)).~~ ~~((MAA may do, but is not limited to,))~~ As a result of that determination, the department may take any of the following actions, or others as appropriate:

(a) Conduct prepay reviews of all claims the provider submits to ~~((MAA))~~ the department;

(b) Refer the provider to ~~((MAA's))~~ the department's auditors (see ~~((WAC 388-502-0240))~~ chapter 388-502A WAC);

(c) Refer the provider to ~~((medicaid's))~~ The Washington state medicaid fraud control unit;

(d) Refer the provider to the appropriate state health professions quality assurance commission;

~~((Impose provisional stipulations for the provider to continue participation in medical assistance programs;~~

~~((f))~~ Terminate the provider's participation in medical assistance programs (see WAC 388-502-0030);

~~((g))~~ (f) Assess a civil penalty against the provider, per RCW 74.09.210; and

~~((h))~~ (g) Recover any moneys that the provider received as a result of ~~((inappropriate))~~ overpayments as authorized under chapter 43.20B RCW.

~~((4) When any part of the time period that is reviewed or monitored falls on or before June 30, 1998, the following process applies. A provider who disagrees with a department action regarding overpayment recovery may request an administrative review hearing to dispute the action(s).~~

(a) The request for an administrative review hearing must be in writing and:

(i) Be sent within twenty-eight days of the date of the notice of action(s);

(ii) State the reason(s) why the provider thinks the action(s) are incorrect;

(iii) Be sent by certified mail (return receipt) or other means that provides proof of delivery to:

The Medical Assistance Administration
Attn: Deputy Assistant Secretary
P.O. Box 45500
Olympia WA 98504 5500

(b) The administrative review hearing consists of a review by MAA's deputy assistant secretary of all documents submitted by the provider and MAA. At the deputy assistant secretary's discretion, the administrative review hearing may be conducted in person, as a telephone conference, in written submissions, or a combination thereof.

~~((c) When a final decision is issued, the office of financial recovery collects any amount the provider is ordered to repay.~~

(d) The administrative review hearing referenced in this subsection is the final level of administrative review.

~~((5) When the entire time period that is reviewed or monitored falls on or after July 1, 1998, the following process applies.))~~

~~((3) A provider who disagrees with a department action regarding overpayment recovery may request a hearing to dispute the action(s) per RCW 43.20B.675.~~

(a) The request for hearing must be in writing and;

(i) ~~((Be sent))~~ Must be received by the department within twenty-eight days of the date of the notice of action(s), by certified mail (return receipt) or other means that provides proof of delivery to:

~~((The))~~ Office of Financial Recovery
P.O. Box 9501
Olympia, WA 98507-5501; and

(ii) State the reason(s) why the provider thinks the action(s) are incorrect.

(b) The office of administrative hearings schedules and conducts the hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW, and chapter 388-02 WAC. ~~((MAA))~~ The department offers a pre-hearing/alternative dispute conference prior to the hearing.

(c) The office of financial recovery collects any amount the provider is ordered to repay.

~~((6) A provider who disagrees with a department action regarding termination may appeal the action per WAC 388-502-0260. The provider may request a dispute conference; the request must be:~~

- (a) ~~In writing;~~
 (b) ~~Sent within thirty days of the date the provider received the termination notice;~~
 (c) ~~Include a statement of the action(s) appealed and supporting justification; and~~
 (d) ~~Sent to:~~
- ~~DSHS Central Contract Services
 P.O. Box 45811
 Olympia, WA 98504 5811~~
- (7) ~~See WAC 388-502-0220 for rate reimbursement appeals. See WAC 388-502-0240 for appeals of audit findings. See WAC 388-502-0260 for appeals related to contracts other than MAA's core provider agreements.)~~

WSR 11-12-006
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)
 (Division of Child Support)

[Filed May 19, 2011, 11:05 a.m., effective June 19, 2011]

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

Purpose: The division of child support (DCS) is adopting new and amended sections in chapter 388-14A WAC in order to implement statutory changes contained in two major bills from the 2009 legislative session: (1) SHB 1845 (chapter 476, Laws of 2009) regarding medical support obligations in child support orders; and (2) ESHB 1794 (chapter 84, Laws of 2009), which makes changes to chapter 26.19 RCW, the Washington state child support schedule, based on the recommendations of the 2007 child support schedule workgroup which was convened under 2SHB 1009 (chapter 313, Laws of 2007). In addition, this rule making includes new sections and/or amendments to existing sections to clarify, streamline or otherwise increase the efficiency and cost-effectiveness of DCS processes.

Amending WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-2035 Do I assign my rights to support when I receive public assistance?, 388-14A-2036 What does assigning my rights to support mean?, 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order?, 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue, 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity, 388-14A-3125 ~~((The notice and finding of medical responsibility is used to set))~~ DCS may establish a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services, 388-14A-3140 What can happen at a hearing on a support establishment notice?, 388-14A-3200 How does DCS determine my support obligation?, 388-14A-3205 How does DCS calculate my income?, 388-14A-3300 How does the division of

child support require me to make my support payments to the Washington state support registry when my support order says to pay someone else?, 388-14A-3310 What notice does the division of child support serve~~((s a notice of support owed))~~ to establish a fixed dollar amount under an existing child support order~~((-))~~?, 388-14A-3312 The division of child support serves a notice of support owed ~~((for unreimbursed medical expenses))~~ to establish a fixed dollar amount owed ~~((under a child support order))~~ by either parent for medical support, 388-14A-3315 When DCS serves a notice of support debt or a notice of support owed ~~((or notice of support owed for unreimbursed medical expenses support))~~, we notify the other party to the child support order, 388-14A-3317 ~~((What is an annual review of a support order under RCW 26.23.110))~~ What happens if a party makes a timely request for hearing on a notice of support owed?, 388-14A-3318 ~~((What is an annual review of a notice of support owed under WAC 388-14A-3312))~~ What happens if a party makes an untimely request for hearing on a notice of support owed?, 388-14A-3320 What happens at a hearing on a notice of support owed?, 388-14A-3400 Are there limitations on how much of my income is available for child support?, 388-14A-4100 How does the division of child support enforce my obligation to provide health insurance for my children?, 388-14A-4110 If my support order requires me to provide ~~((health insurance))~~ medical support for my children, what do I have to do?, 388-14A-4112 When does the division of child support enforce a custodial parent's obligation to provide ~~((health insurance coverage))~~ medical support?, 388-14A-4115 Can my support order reduce my support obligation if I pay for health insurance?, 388-14A-4120 DCS uses the National Medical Support Notice to enforce an obligation to provide health insurance coverage, 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium?, 388-14A-4175 ~~((Is an employer))~~ Who is required to notify the division of child support when insurance coverage for the children ends?, 388-14A-4180 When must the division of child support communicate with the DSHS ~~((health and recovery services))~~ medicaid purchasing administration?, 388-14A-5007 If the paying parent has more than one case, can DCS apply support money to only one specific case?, 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation and 388-14A-8130 How does DCS complete the WCSS worksheets when setting a joint child support obligation ~~((when the parents of))~~ for a child in foster care ~~((are married and residing together))~~?, and new sections WAC 388-14A-3127 How does DCS add a monthly financial obligation to an existing administrative order for medical support only?, 388-14A-3302 How does the division of child support decide what notice to serve when there is already an existing order for child support?, 388-14A-3311 How does DCS prepare a notice of support owed to determine amounts owed to establish a fixed dollar amount under an existing child support order?, 388-14A-3316 When can a notice of support owed become a final order?, 388-14A-3323 What happens in a hearing on a notice of support owed served under WAC 388-14A-3311?, 388-14A-3324 What happens in a hearing on a notice of support owed served under WAC 388-14A-3312?,

388-14A-3330 What are the procedures for the annual review of a notice of support owed?, 388-14A-3410 What amount does DCS use for the self-support reserve?, 388-14A-4111 When may DCS decline a request to enforce a medical support obligation?, 388-14A-4800 When does a child support order contain an undifferentiated amount of child support?, 388-14A-4810 How does DCS determine if a support order contains a differentiated or undifferentiated amount of support?, 388-14A-4820 What can I do if I don't agree with DCS' decision on whether my support order contains a differentiated or undifferentiated amount of support?, and 388-14A-4830 How does DCS divide support obligations between two or more cases when a support order does not contain a differentiated amount of support?

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1020, 388-14A-2035, 388-14A-2036, 388-14A-3100, 388-14A-3115, 388-14A-3120, 388-14A-3125, 388-14A-3140, 388-14A-3200, 388-14A-3205, 388-14A-3300, 388-14A-3310, 388-14A-3312, 388-14A-3315, 388-14A-3317, 388-14A-3318, 388-14A-3320, 388-14A-3400, 388-14A-4100, 388-14A-4110, 388-14A-4112, 388-14A-4115, 388-14A-4120, 388-14A-4165, 388-14A-4175, 388-14A-4180, 388-14A-5007, 388-14A-6300, and 388-14A-8130.

Statutory Authority for Adoption: RCW 26.09.105(17), 26.18.170(19), 26.23.050(8), 26.23.110(14), 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), and 74.20A.056(11).

Adopted under notice filed as WSR 11-07-013 on March 8, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 13, Amended 29, 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 13, Amended 29, Repealed 0.

Date Adopted: May 16, 2011.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 11-13 issue of the Register.

WSR 11-12-009
PERMANENT RULES
FOREST PRACTICES BOARD

[Filed May 20, 2011, 9:56 a.m., effective June 20, 2011]

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

Purpose:

- Forest biomass: Add forest biomass harvest to the definition of "forest practice."
- Riparian open space program: Amend rules relating to the riparian open space program to implement SSB 5401 (2009 session).
- Watershed analysis: Amend rules to better ensure that watershed analysis prescriptions continue over time to be protective enough to warrant an exemption from Class IV-special classification.

Citation of Existing Rules Affected by this Order: Amending WAC 222-10-030, 222-10-035, 222-10-125, 222-12-010, 222-12-090, 222-16-010, 222-16-050, 222-20-080, 222-22-020, 222-22-030, 222-22-040, 222-22-045, 222-22-050, 222-22-060, 222-22-070, 222-22-075, 222-22-080, 222-22-090, 222-23-010, 222-23-020, 222-23-025, and 222-23-030.

Statutory Authority for Adoption: RCW 76.09.040.

Adopted under notice filed as WSR 11-05-062 on February 11, 2011.

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 8, 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 15, 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 22, Repealed 0.

Date Adopted: May 10, 2011.

Peter Goldmark
Chair

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-10-030 *SEPA policies for potentially unstable slopes and landforms. In addition to SEPA policies established elsewhere in this chapter, the following policies apply to forest practices described in WAC 222-16-050 (1)(d) relating to construction or harvest on potentially unstable slopes or landforms.

(1) In order to determine whether such forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit the following additional information, prepared by a qualified expert as defined in subsection (5) of this section. The qualified expert must describe the poten-

tially unstable landforms in and around the application site and analyze:

(a) The likelihood that the proposed forest practices will cause movement on the potentially unstable slopes or landforms, or contribute to further movement of a potentially unstable slope or landform;

(b) The likelihood of delivery of sediment or debris to any public resources, or in a manner that would threaten public safety; and

(c) Any possible mitigation for the identified hazards and risks.

(2) The department's threshold determination will include an evaluation of whether the proposed forest practices:

(a) Are likely to increase the probability of a mass movement on or near the site;

(b) Would deliver sediment or debris to a public resource or would deliver sediment or debris in a manner that would threaten public safety; and

(c) Such movement and delivery are likely to cause significant adverse impacts.

If the department determines that (a), (b) and (c) of this subsection are likely to occur, then the forest practice is likely to have a probable significant adverse impact.

(3) The department will evaluate the proposal, using appropriate expertise and in consultation with other affected agencies and Indian tribes.

(4) Specific mitigation measures or conditions must be designed to avoid accelerating rates and magnitudes of mass wasting that could deliver sediment or debris to a public resource or could deliver sediment or debris in a manner that would threaten public safety.

(5) Qualified expert for the purposes of this section and for reanalysis of watershed analysis mass wasting prescriptions under WAC 222-22-030 means a person licensed under chapter 18.220 RCW as either an engineering geologist or as a hydrogeologist (if the site warrants hydrologist expertise), with ~~((3))~~ at least three years of field experience in the evaluation of relevant problems in forested lands.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-10-035 *Watershed analysis SEPA policies. When the department considers a watershed analysis for approval ~~((as in))~~ under WAC 222-22-080 or 222-22-090, the department will perform a review under SEPA as a nonproject proposal. When making the SEPA threshold determination ~~((for a watershed analysis))~~, the department shall only make a determination of significance if, when compared to rules or prescriptions in place at the time of the analysis or the ~~((5-year review))~~ reanalysis, the prescriptions will cause a probable significant adverse impact on elements of the environment other than those addressed in the watershed analysis process.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-10-125 Exemption from RCW 43.21C.030 (2)(c). Decisions pertaining to the following are not subject to

any procedural requirements implementing RCW 43.21C.030 (2)(c): Approval of forest road maintenance and abandonment plans, approval of future timber harvest schedules involving east-side clear cuts, acquisitions of conservation easements pertaining to forest lands in the ~~((riparian))~~ rivers and habitat open space program; and acquisitions of conservation easements pertaining to forest lands in riparian zones under the forest riparian easement program.

AMENDATORY SECTION (Amending WSR 08-24-011, filed 11/21/08, effective 12/22/08)

WAC 222-12-010 Authority. These forest practices rules are adopted pursuant to chapter 76.09 RCW, RCW 76.13.100 through 76.13.130, and RCW 77.85.180 through 77.85.190. Where necessary to accomplish the purposes and policies stated in the act, the board is authorized to promulgate forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in the act. These rules establish minimum standards for forest practices, provide procedures for the voluntary development of resource management plans, set forth necessary administrative provisions, establish procedures for the collection and administration of forest practices fees, allow for the development of watershed analyses, foster cooperative relationships and agreements with affected tribes, and establish the ~~((riparian))~~ rivers and habitat open space program. The board also establishes which forest practices will be included within each class and is authorized to adopt rules under RCW 76.09.055, 76.09.370, and 76.13.120(9).

Promulgation of all forest practices rules shall be accomplished so that compliance with such forest practices rules will achieve compliance with the water quality laws.

Those rules marked with an asterisk (*) pertain to water quality protection; pursuant to RCW 76.09.040 they can be amended only by agreement between the board and the department of ecology.

Forest practices rules shall be administered and enforced by the department except as otherwise provided in the act. Such rules shall be administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices rules. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) Standards for identifying channel migration zones and bankfull channel features.

(3) **Guidelines** for forest roads.

(4) **Guidelines** for clearing slash and debris from Type Np and Ns Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology for conducting watershed analysis shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The methodology shall also include a cultural resource module that shall specify the quantitative and qualitative methods, indices of resource conditions, and guidelines for developing voluntary management strategies for cultural resources. Except for cultural resources, the department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) **Guidelines** for forest chemicals.

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

(b) Guidelines for aerial applications of pesticides and other forest chemicals under chapter 222-38 WAC.

(13) **Guidelines** for determining fish use for the purpose of typing waters under WAC 222-16-031.

(14) **Survey protocol for marbled murrelets.** The Pacific Seabird (~~(Group)~~) Group survey protocol dated January 6, 2003, and formally (~~(titled) [filed on]~~) titled *Methods for Surveying Marbled Murrelets in Forests: A Revised (~~(Protocol)~~) Protocol for Land Management and Research*, shall be used when surveying for marbled murrelets in a stand. Surveys are valid if they were conducted in compliance with the board(~~(+)~~)-recognized Pacific Seabird Group survey protocols in effect at the beginning of the season in which the surveys were conducted.

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

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

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

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

(16) **Guidelines** for evaluating potentially unstable slopes and landforms.

(17) **Guidelines** for the small forest landowner forestry riparian easement program.

(18) **Guidelines** for (~~(riparian)~~) riparian rivers and habitat open space program.

(19) **Guidelines** for hardwood conversion.

(20) **Guidelines** for financial assurances.

(21) **Guidelines** for alternate plans.

(22) **Guidelines** for adaptive management program.

(23) **Guidelines** for field protocol to locate mapped divisions between stream types and perennial stream identification.

(24) **Guidelines** for interim modification of bull trout habitat overlay.

(25) **Guidelines** for bull trout presence survey protocol.

(26) **Guidelines** for placement strategy for woody debris in streams.

AMENDATORY SECTION (Amending WSR 10-23-077, filed 11/15/10, effective 12/16/10)

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 pollution control hearings board established in RCW 43.21B.010.

"**Aquatic resources**" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic 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) (~~(e)~~), 222-22-060(2), or 222-22-090.

"**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.)

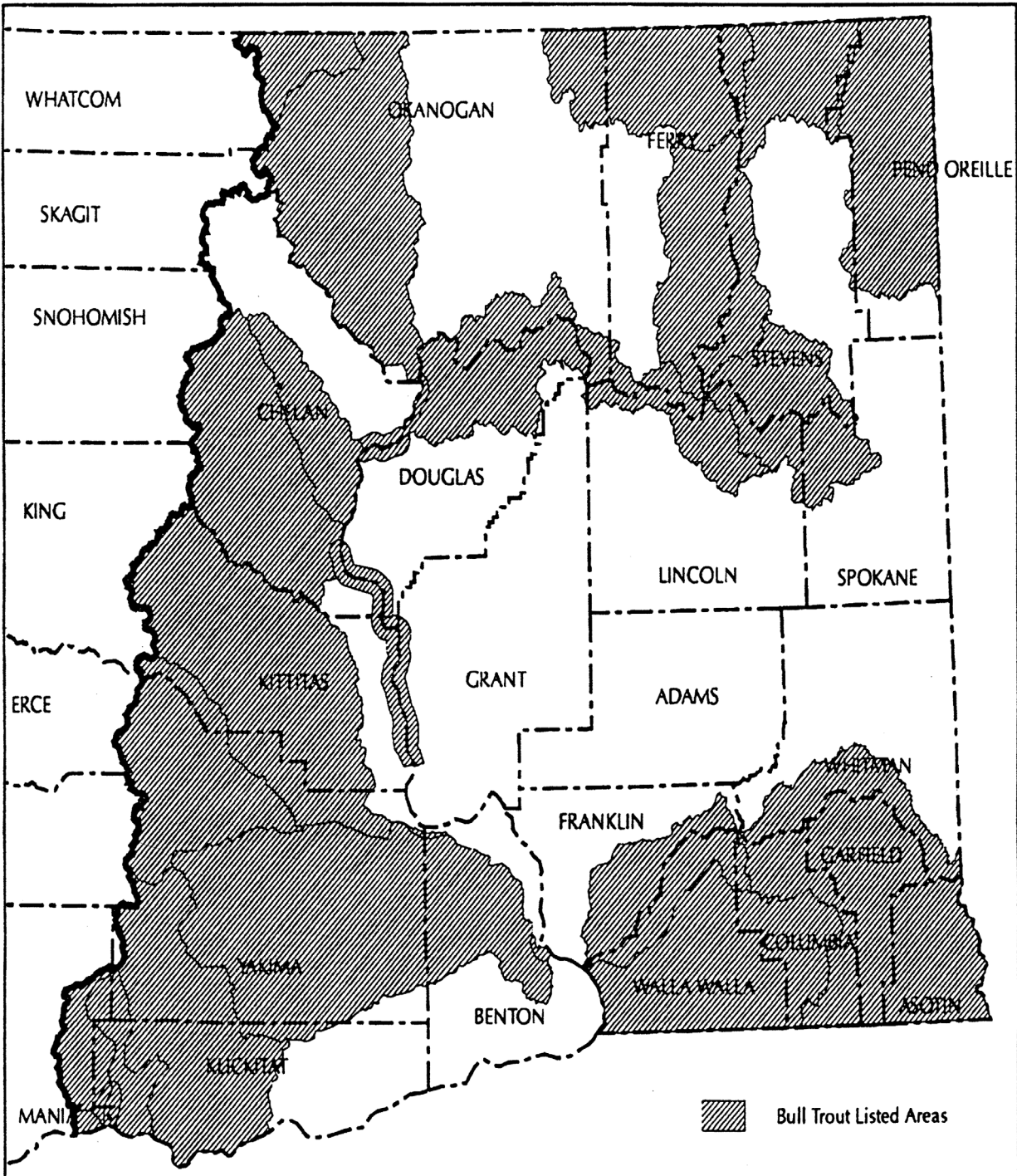
"Board" means the forest practices board established by the act.

"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 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.

"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.

"Date of receipt," as that term is defined in RCW 43.21B.001, means:

- (a) Five business days after the date of mailing; or

- (b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the department, shall constitute sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

"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.

"Department" means the department of natural resources.

"Desired future condition (DFC)" is a reference point on a pathway and not an endpoint for stands. DFC means the stand conditions of a mature riparian forest at 140 years of age, the midpoint between 80 and 200 years. Where basal area is the only stand attribute used to describe 140-year old stands, these are referred to as the "Target Basal Area."

"Diameter at breast height (dbh)" means the diameter of a tree at 4 1/2 feet above the ground measured from the uphill side.

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

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

"Drainage structure" means a construction technique or feature that is built to relieve surface runoff and/or intercepted ground water from roadside ditches to prevent excessive buildup in water volume and velocity. A drainage structure is not intended to carry any typed water. Drainage structures include structures such as: Cross drains, relief culverts, ditch diversions, water bars, or other such structures demonstrated to be equally effective.

"Eastern Washington" means the geographic area in Washington east of the crest of the Cascade Mountains from the international border to the top of Mt. Adams, then east of the ridge line dividing the White Salmon River drainage from the Lewis River drainage and east of the ridge line dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line.

Eastern Washington Definition Map



"Eastern Washington timber habitat types" means elevation ranges associated with tree species assigned for the purpose of riparian management according to the following:

Timber Habitat Types	Elevation Ranges
ponderosa pine	0 - 2500 feet
mixed conifer	2501 - 5000 feet
high elevation	above 5000 feet

"Edge" of any water means the outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone.

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

"Equipment limitation zone" means a 30-foot wide zone measured horizontally from the outer edge of the bank-

full width of a Type Np or Ns Water. It applies to all perennial and seasonal nonfish bearing streams.

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

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

Clearcuts;

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

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

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

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

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

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

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

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-34-010(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 or forest biomass, 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.

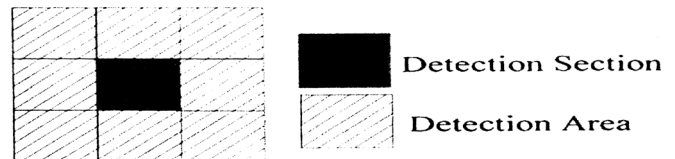
"**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"**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 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 of a conversion to a nonforestry use" means a notice issued by the department pursuant to RCW 76.09.060 (3)(b). A landowner who receives such notice is subject to the actions and requirements described in RCW 76.09.460 and 76.09.470.

"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 habitat type

- ponderosa pine
- western larch
- Douglas-fir
- western red cedar

Mixed conifer habitat type

- western larch
- ponderosa pine
- 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'
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 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 (~~avalusing~~) 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~~) see WAC 222-23-010(2).

"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 resource assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC ((222-22-070)) 222-22-080 and shall include resource assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity and the ongoing reviews and reanalyses completed under WAC 222-22-090.

"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 08-17-092, filed 8/19/08, effective 9/19/08)

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

(1) **"Class IV - special."** Except as provided in WAC 222-16-051, application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

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

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as critical habitat (state) of threatened or endangered species.

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

**(d)* Timber harvest, or construction of roads, landings, gravel pits, rock quarries, or spoil disposal areas, on potentially unstable slopes or landforms described in *(i)* below that has the potential to deliver sediment or debris to a public resource or that has the potential to threaten public safety, and which has been field verified by the department (see WAC 222-10-030 SEPA policies for potential unstable slopes and landforms).

(i) For the purpose of this rule, potentially unstable slopes or landforms are one of the following: (See board manual section 16 for more descriptive definitions.)

(A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than thirty-five degrees (seventy percent);

(B) Toes of deep-seated landslides, with slopes steeper than thirty-three degrees (sixty-five percent);

(C) Groundwater recharge areas for glacial deep-seated landslides;

(D) Outer edges of meander bends along valley walls or high terraces of an unconfined meandering stream; or

(E) Any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes.

(ii) The department will base its classification of the application or notification on professional knowledge of the area, information such as soils, geologic or hazard zonation maps and reports, review of approved watershed analysis mass wasting prescriptions according to WAC 222-22-090(6) or other information provided by the applicant.

(iii) An application would not be classified as Class IV-Special for potentially unstable slopes or landforms under this subsection if:

(A) The proposed forest practice is located within a WAU that is subject to an approved watershed analysis;

(B) The forest practices are to be conducted in accordance with ~~((am))~~ approved prescriptions from the watershed analysis ~~((or as modified through the five-year review process))~~; and

(C) The applicable prescriptions ~~((is))~~ are specific to the site or situation, as opposed to a prescription that calls for additional analysis. The need for an expert to determine whether the site contains specific landforms will not be considered "additional analysis," as long as specific prescriptions are established for such landforms.

**(e)* Timber harvest, in a watershed administrative unit not subject to an approved watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation and local government, as high avalanche hazard where there is the potential to deliver sediment or debris to a public resource, or the potential to threaten public safety.

(f) Timber harvest or construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on the following except in *(f)(iv)* of this subsection:

(i) Archaeological sites or historic archaeological resources as defined in RCW 27.53.030; or

(ii) Historic sites eligible for listing on the National Register of Historic Places or the Washington Heritage Register as determined by the Washington state department of archaeology and historic preservation; or

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

(iv) A forest practice would not be classified as Class IV-special under this subsection if:

(A) Cultural resources management strategies from an approved watershed analysis conducted under chapter 222-22 WAC are part of the proposed forest practices, and the landowner states this in the application; or

(B) A management plan agreed to by the landowner, the affected Indian tribe, and the department of archaeology and historic preservation is part of the proposed application, and the landowner states this in the application.

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

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

(2) **"Class IV - general."** Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special."

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(b) Forest practices (other than those in Class I) on lands that have been or are being converted to another use;

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

(d) Forest practices involving timber harvesting or road construction on lands that are contained within urban growth areas, designated pursuant to chapter 36.70A RCW, except where the forest landowner provides one of the following:

(i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest products operations for ten years accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

(ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application.

Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the SEPA pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a thirty-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with the SEPA.

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

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

*(b) Road maintenance except: Replacement of bridges and culverts across Type S, F or flowing Type Np Waters; or movement of material that has a direct potential for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.

*(c) Construction of landings less than one acre in size, if not within a shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(d) Construction of less than six hundred feet of road on a sideslope of forty percent or less if the limits of construction are not within the shoreline area of a Type S Water, the ripar-

ian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

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

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

(g) Rocking an existing road.

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

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

(j) Tree planting and seeding.

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

(l) Emergency fire control and suppression.

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

*(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding forty percent or off-road use of tractors within the shorelines of a Type S Water, the riparian management zone of any Type F Water, or the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

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

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

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

*(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type S Water or the riparian management zone of a Type F Water, the bankfull width of a Type Np Water or flowing Type Ns Water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than forty percent:

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

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

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

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

(4) **"Class II."** Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: Provided, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 77.55.100) or is within a "shorelines of the state," or involves owner of perpetual timber rights subject to RCW 76.09.067 (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, as provided in chapter 58.17 RCW, or on lands that have been or are being converted to another use. No forest practice enumerated below involving timber harvest or road construction may be conducted as a "Class II" if it takes place within urban growth areas designated pursuant to chapter 37.70A RCW. Such forest practices require a Class IV application. Class II forest practices are the following:

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

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

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

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

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

(iv) ~~(Renewal of a previously approved multiyear permit for forest practices within a WAU with an approved watershed analysis requires completion of a necessary five-year review of the watershed analysis.)~~ The application is not a multiyear permit that is located within an area subject to reanalysis of a watershed analysis under WAC 222-22-090(6).

*~~(c)~~ Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

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

*~~(d)~~ Salvage of logging residue if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than forty percent.

*~~(e)~~ Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a

wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than forty percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

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

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

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

(iv) Any harvest on less than forty acres.

(v) Construction of six hundred or more feet of road, provided that the department shall be notified at least two business days before commencement of the construction.

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

(a) Those requiring hydraulic project approval (RCW 77.55.100).

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

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

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

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

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

(g) Opening of new pits or extensions of existing pits over ~~((+))~~ one acre.

*~~(h)~~ Road maintenance involving:

(i) Replacement of bridges or culverts across Type S, F or flowing Type Np Waters; or

(ii) Movement of material that has a direct potential for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.

(i) Operations involving owner of perpetual timber rights subject to RCW 76.09.067.

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

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, have been identified to the department as being of interest to an affected Indian tribe.

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

(m) Utilization of an alternate plan. See WAC 222-12-040.

*~~(n)~~ Any filling of wetlands, except where classified as Class IV forest practices.

*~~(o)~~ Multiyear permits.

*~~(p)~~ Small forest landowner long-term applications that are not classified Class IV-special or Class IV-general, or

renewals of previously approved Class III or IV long-term applications.

AMENDATORY SECTION (Amending WSR 07-20-044, filed 9/26/07, effective 10/27/07)

WAC 222-20-080 Application and notification expiration. (1) The approval given by the department to an application to conduct a forest practice shall be effective for a term of two years from the date of approval, with the following exceptions:

(a) Multiyear permits are effective for three to five years. ~~((A multiyear permit for lands included in a watershed analysis pursuant to chapter 222-22 WAC is not renewable if a five-year watershed analysis review is found necessary by the department and has not been completed.))~~

(b) Small forest landowner long-term applications are effective for terms of three to fifteen years.

(2) A notification is effective for a term of two years beginning five days from the date it is officially received.

AMENDATORY SECTION (Amending WSR 08-24-011, filed 11/21/08, effective 12/22/08)

WAC 222-22-020 Watershed administrative units.

* (1) For purposes of this chapter, the state is divided into areas known as watershed administrative units (WAUs). The department shall, in cooperation with the departments of ecology(;) and fish and wildlife, affected Indian tribes, local ~~((government))~~ governmental entities, forest ~~((land owners))~~ landowners, and the public, define WAUs throughout the state. The department shall identify WAUs on a map.

* (2) WAUs should generally be between ~~((40,000))~~ ten thousand to ~~((50,000))~~ fifty thousand acres in size and should be discrete hydrologic units. The board recognizes, however, that identified watershed processes and potential effects on resource characteristics differ, and require different spatial scales of analysis, and the department's determination of the WAUs should recognize these differences. The board further recognizes that mixed land uses will affect the ability of a watershed analysis to predict probabilities and identify causation as required under this chapter, and the department's conduct and approval of a watershed analysis under this chapter shall take this effect into account.

* (3) The department is directed to conduct periodic reviews of the WAUs adopted under this chapter to determine whether revisions are needed to more efficiently assess potential cumulative effects. The department shall consult with the departments of ecology(;) and fish and wildlife, affected Indian tribes, forest ~~((land owners))~~ landowners, local ~~((government))~~ governmental entities, and the public. From time to time and as appropriate, the department shall make recommendations to the board regarding revision of watershed administrative units.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-22-030 Qualification of watershed resource analysts, specialists, ~~((and))~~ field managers, and qualified experts. * (1) The department shall set the mini-

imum qualifications for analysts participating in level 1 assessments conducted under WAC 222-22-050, for specialists participating in level 2 assessments conducted under WAC 222-22-060, ~~((and))~~ for field managers participating in recommendation of prescriptions under WAC 222-22-070, and for analysts, specialists, and field managers participating in reanalysis under WAC 222-22-090. The minimum qualifications shall be specific for the disciplines needed to participate in level 1 and level 2 assessments and in the recommendations of prescriptions, and shall include, at a minimum, formal education in the relevant discipline and field experience. Minimum qualifications for analysts participating in level 2 assessments should typically include a graduate degree in the relevant discipline. A reanalysis of mass wasting prescriptions under WAC 222-22-090 requires a qualified expert as defined in WAC 222-10-030.

* (2) The department shall coordinate with relevant state and federal agencies, affected Indian tribes, forest ~~((land owners))~~ landowners, local ~~((government))~~ governmental entities, and the public to seek and utilize available qualified expertise to participate in watershed analysis or reanalysis.

* (3) Qualified analysts, specialists, ~~((and))~~ field managers, and qualified experts shall, while and only for the purpose of conducting a watershed analysis or monitoring in a WAU, be duly authorized representatives of the department for the purposes of RCW 76.09.150.

* (4) An individual may qualify in more than one science or management skill. Qualification under subsection (1) of this section shall be effective for ~~((5))~~ five years. When a qualification expires, a person requesting requalification shall meet the criteria in effect at the time of requalification.

* (5) The department shall provide and coordinate training for, maintain a register of, and monitor the performance of qualified analysts, specialists, ~~((and))~~ field managers, and qualified experts by region. The department shall disqualify analysts, specialists, ~~((and))~~ field managers, and qualified experts who fail to meet the levels of performance required by the qualification standards.

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

WAC 222-22-040 Watershed prioritization. (1) The department shall ~~((determine, by region, the order in which it will analyze))~~ prioritize WAUs ~~((The department shall cooperate))~~ for the purposes of this section and for reviews under WAC 222-22-090 in cooperation with the departments of ecology(;) and fish and wildlife, affected Indian tribes, forest ~~((land owners))~~ landowners, and the public ~~((in setting priorities))~~. ~~((In setting priorities or reprioritizing WAUs, the department))~~ The prioritization shall consider the availability of landowner participation and assistance and the availability and assistance that may be provided by affected Indian tribes and local ~~((government))~~ governmental entities.

* (2) ~~((Except as set forth in subsection (3) of this section,))~~ The department ~~((shall))~~ may undertake a watershed analysis on ~~((each))~~ any WAU ~~((, in the order established under subsection (1) of this section))~~. When conducting a watershed analysis, the department shall include available qualified expertise from state agencies, affected Indian tribes,

forest landowners, local governmental entities, and the public.

*~~(3)~~ The owner or owners of ten percent or more of the nonfederal forest land acreage in a WAU may notify the department in writing that the owner or owners intend to conduct a level 1 assessment, level 2 assessment, or both, and the prescription recommendation ~~((process))~~ and management strategy processes on the WAU under this chapter, or conduct a reanalysis under WAC 222-22-090, at their own expense. The notice shall identify the teams proposed to conduct the watershed analysis or reanalysis, which shall be comprised of individuals qualified by the department pursuant to WAC 222-22-030. The department shall promptly notify any owner or owners sending notice under this subsection if any member of the designated teams is not so qualified. Within ~~((30))~~ thirty days of delivering a notice to the department under this subsection, the forest ~~((land-owner))~~ landowner or owners shall begin the level 1 assessment under WAC 222-22-050 or, at its option, the level 2 assessment under WAC 222-22-060, or the reanalysis under WAC 222-22-090. An approved forest ~~((land-owner))~~ landowner team shall, while and only for the purposes of conducting a watershed analysis or reanalysis in a WAU, be a duly authorized representative of the department for the purposes of RCW 76.09.150. The board encourages forest ~~((land-owners))~~ landowners conducting assessments under this chapter to include available, qualified expertise from state and federal agencies, affected Indian tribes, forest ~~((land-owners))~~ landowners, local ~~((government))~~ governmental entities, and the public.

*~~(4)~~ Before beginning ~~((an))~~ a watershed analysis in a WAU, the department or the forest ~~((land-owner))~~ landowner conducting the analysis shall provide reasonable notice, including notice by regular United States mail where names and addresses have been provided to the department, to all forest ~~((land-owners))~~ landowners in the WAU, and to affected Indian tribes. The department or the forest ~~((land-owner))~~ landowner conducting the analysis shall also provide reasonable notice to the public and to state, federal, and local ~~((government))~~ governmental entities, by, among other things, posting the notice conspicuously in the department's office ~~((of the departmental))~~ in the region containing the WAU. The notice shall be in a form designated by the department and give notice that ~~((an))~~ a watershed analysis or reanalysis is being conducted, by whose team, the time period of the analysis or reanalysis, and the dates and locations in which the draft analysis or reanalysis will be available for review and comment.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-22-045 Cultural resources. (1) Any watershed analysis initiated after July 1, 2005, is not complete unless the analysis includes a completed cultural resource module. Cultural resources module completeness is detailed in Appendix II of the module and includes affected tribe(s) participation, appropriate team qualification, required maps and forms, assessment of tribal and nontribal cultural resources, peer review of assessment, management strategies based on causal mechanism reports from synthesis, and

agreement on the management strategies by affected tribes, landowners and land managers on the field managers team and, where applicable, the department of archaeology and historic preservation.

(2) When conducting a reanalysis of a watershed analysis ~~((revisions))~~ pursuant to WAC 222-22-090~~((4))~~, the cultural resources module is not required if the watershed analysis was approved by the department prior to the date in subsection (1) of this section. However, the board encourages use of the cultural resources module upon such review.

(3) The department does not review or approve cultural resources management strategies because their implementation is voluntary. The department of archaeology and historic preservation must be consulted and agree on all management strategies involving sites registered on the department of archaeology and historic preservation's archaeological and historic sites data base and all resources that require mandatory protection under chapters 27.44 and 27.53 RCW.

(4) The cultural resources module may be conducted as a stand-alone method separate from a watershed analysis to identify, protect, and manage cultural resources. When used as a stand-alone methodology:

(a) Selected components of the methodology may be used as the participants deem necessary or the module may be used in its entirety.

(b) The methodology may be used at a variety of geographic scales and may be initiated by tribes, land managers or landowners. Landowner or land manager initiation is not limited by the minimum ownership threshold requirements in this chapter. Nothing in this rule grants any person or organization initiating the cultural resources module as a stand-alone method any right of entry onto private property.

(c) Watershed analysis notice requirements to the department do not apply.

(d) Participants are encouraged to engage people that meet the minimum qualifications to conduct the module as set by this chapter.

(e) In order for a stand-alone module to be incorporated into a watershed analysis, the module must have been conducted in accordance with the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 08-24-011, filed 11/21/08, effective 12/22/08)

WAC 222-22-050 Level 1 watershed resource assessment. *~~(1)~~ To begin a watershed resource ~~((analysis))~~ assessment on a WAU, the department ~~((shall assemble a level 1 assessment team consisting of analysts qualified))~~ acting under WAC ~~((222-22-030(1-))~~ 222-22-040(2) or a forest ~~((land-owner))~~ landowner or owners acting under WAC 222-22-040(3) may assemble a level 1 resource assessment team consisting of analysts qualified under WAC 222-22-030(1) or, at its option, may begin the watershed analysis as a level 2 resource assessment under WAC 222-22-060. Each level 1 team shall include persons qualified in the disciplines indicated as necessary in the methodology, and should generally include a person or persons qualified in the following:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;

- (d) Fisheries science;
- (e) Geomorphology;
- (f) Cultural anthropology; and
- (g) Archaeology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense. The cultural resources module must include the participation of the affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module, Introduction, 1) *Using this methodology in formal watershed analysis.*

*(2) The level 1 team shall perform an inventory of the WAU utilizing the methodology, indices of resource condition, and checklists set forth in the manual in accordance with the following:

(a) The team shall survey the WAU for fish, water, and capital improvements of the state or its political subdivisions, and conduct an assessment for cultural resources.

(b) The team shall display the location of these resources on a map of the WAU, except mapping of tribal cultural resources sites must be approved by the affected tribe. The location of archaeological sites shall be on a separate map that will be exempt from public disclosure per RCW 42.56.300.

(c) For public resources (fish, water, and capital improvements of the state or its political subdivisions):

(i) The team shall determine the current condition of the resource characteristics of these resources, shall classify their condition as "good," "fair," or "poor," and shall display this information on the map of the WAU. The criteria used to determine current resource conditions shall include indices of resource condition, in addition to such other criteria as may be included in the manual. The indices will include two levels, which will distinguish between good, fair, and poor conditions.

(ii) The team shall assess the likelihood that identified watershed processes in a given physical location will be adversely changed by one forest practice or by cumulative effects and that, as a result, a material amount of water, wood, sediment, or energy (e.g., affecting temperature) will be delivered to fish, water, or capital improvements of the state or its political subdivisions. (This process is referred to in this chapter as "adverse change and deliverability.") (For example, the team will address the likelihood that road construction will result in mass wasting and a slide that will in turn reach a stream.) The team shall rate this likelihood of adverse change and deliverability as "high," "medium," "low," or "indeterminate." Those likelihoods rated high, medium, or indeterminate shall be displayed on the map of the WAU.

(iii) For each instance of high, medium, or indeterminate likelihood of adverse change and deliverability identified under (c)(ii) of this subsection, the team shall assess the vulnerability of potentially affected resource characteristics. Criteria for resource vulnerability shall include indices of resource condition as described in (c)(i) of this subsection and quantitative means to assess the likelihood of material adverse effects to resource characteristics caused by forest practices. (For example, the team will assess the potential damage that increased sediment caused by a slide reaching a

stream will cause to salmon spawning habitat that is already in fair or poor condition.) The team shall rate this vulnerability "high," "medium," "low," or "indeterminate" and shall display those vulnerabilities on the map of the WAU. If there are no other criteria in the manual to assess vulnerability at the time of the assessment, current resource condition shall be used, with good condition equivalent to low vulnerability, fair condition equivalent to medium vulnerability, and poor condition equivalent to high vulnerability.

(iv) The team shall identify as areas of resource sensitivity, as provided in table 1 of this section, the locations in which a management response is required under WAC 222-22-070(3) because, as a result of one forest practice or of cumulative effects, there is a combination of a high, medium, or indeterminate likelihood of adverse change and deliverability under (c)(ii) of this subsection and a low, medium, high, or indeterminate vulnerability of resource characteristics under (c)(iii) of this subsection:

Table 1
Areas of Resource Sensitivity and Management Response

Likelihood of Adverse Change and Deliverability

	Low	Medium	High
Low	Standard rules	Standard rules	Response: Prevent or avoid
Medium	Standard rules	Response: Minimize	Response: Prevent or avoid
High	Standard rules	Response: Prevent or avoid	Response: Prevent or avoid

The team shall display the areas of resource sensitivity on the map of the WAU.

(v) The decision criteria used to determine low, medium, and high likelihood of adverse change and deliverability shall be as set forth in the manual. A low designation generally means there is minimal likelihood that there will be adverse change and deliverability. A medium designation generally means there is a significant likelihood that there will be adverse change and deliverability. A high designation generally means that adverse change and deliverability is more likely than not with a reasonable degree of confidence. Any areas identified as indeterminate in the level 1 assessment shall be classified for the purposes of the level 1 assessment as medium until a level 2 assessment is done on the WAU under WAC 222-22-060, during which the uncertainties shall be resolved.

(d) For cultural resources, the team shall follow the methodology outlined in the cultural resources module to determine the risk call for cultural resources based upon resource vulnerability and resource importance.

(e) The team shall prepare a causal mechanism report regarding the relationships of each process identified in (c) and (d) of this subsection. The report shall demonstrate that the team's determinations were made in accordance with the manual. If, in the course of conducting a level 1 assessment, the team identifies areas in which voluntary corrective action

will significantly reduce the likelihood of material, adverse effects to the condition of a resource characteristic, the team shall include this information in the report, and the department shall convey this information to the applicable (~~land owner~~) landowner.

*~~(3)~~ Within (~~(21)~~) twenty-one days of mailing notice under WAC 222-22-040(4), the level 1 team shall submit to the department its draft level 1 assessment, which shall consist of the map of the WAU marked as set forth in this section and the causal mechanism report proposed under subsection (2)(e) of this section. If the level 1 team is unable to agree as to one or more resource sensitivities or potential resource sensitivities, or the causal mechanism report, alternative designations and an explanation (~~(therefor)~~) shall be included in the draft assessment. Where the draft level 1 assessment delivered to the department contains alternative designations, the department shall within (~~(21)~~) twenty-one days of the receipt of the draft level 1 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

*~~(4)~~ If the level 1 assessment contains any areas in which the likelihood of adverse change and deliverability or resource vulnerability are identified as indeterminate under this section or if the level 1 methodology recommends it, the department shall assemble a level 2 assessment team under WAC 222-22-060 to resolve the uncertainties in the assessment, unless a forest (~~land owner~~) landowner acting under WAC 222-22-040(3) has conducted a level 2 assessment on the WAU.

*~~(5)~~ Pending the completion of the level 2 assessment, if any, on the WAU, the department shall select interim prescriptions using the process and standards described in WAC 222-22-070 (1), (2), and (3) and 222-22-080(3) (~~and shall apply them to applications and notifications as provided in WAC 222-22-090 (1) and (2))~~). Before submitting recommended interim prescriptions to the department, the field managers' team under WAC 222-22-070(1) shall review the recommended prescriptions with available representatives of the jurisdictional management authorities of the fish, water, capital improvements of the state or its political subdivisions, and cultural resources in the WAU, including, but not limited to, the departments of fish and wildlife, ecology, and affected Indian tribes.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-22-060 Level 2 watershed resource assessment. *(1) The department(~~(:)~~) acting under WAC 222-22-040(2) or forest (~~land owner~~) landowner acting under WAC 222-22-040(3)(~~:)~~) may assemble a level 2 resource assessment team either(~~(, in the case of a forest land owner,)~~) to begin a watershed analysis at a level 2 resource assessment or to review the level 1 resource assessment on a WAU. The level 2 team shall consist of specialists qualified under WAC 222-22-030(1). Each level 2 team shall include persons qualified in the disciplines indicated as necessary in the method-

ology, and should generally include a person or persons qualified in the following:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;
- (d) Fisheries science;
- (e) Geomorphology;
- (f) Cultural anthropology; and
- (g) Archaeology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to designate one qualified member of the team at its own expense. The cultural resources module must include the participation of the affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module, Introduction, 1) *Using this methodology in formal watershed analysis*.

*~~(2)~~ The level 2 team shall perform an assessment of the WAU utilizing the methodology, indices of resource condition, and checklist set forth in the manual in accordance with the following:

(a) If a level 1 assessment has not been conducted under WAC 222-22-050, the assessment team shall complete the tasks required under WAC 222-22-050(2), except that the level 2 team shall not rate any likelihood of adverse change and deliverability or resource vulnerability as indeterminate.

(b) If the level 2 team has been assembled to review a level 1 assessment, the level 2 team shall, notwithstanding its optional review of all or part of the level 1 assessment, review each likelihood of adverse change and deliverability and resource vulnerability rated as indeterminate and shall revise each indeterminate rating to low, medium, or high and shall revise the map of the WAU accordingly.

*~~(3)~~ Within (~~(60)~~) sixty days of mailing notice under WAC 222-22-040(4) where a watershed analysis begins with a level 2 assessment or within (~~(60)~~) sixty days of beginning a level 2 assessment after completion of a level 1 assessment, the level 2 team shall submit to the department its draft level 2 assessment, which shall consist of the map of the WAU and the causal mechanism report.

*~~(4)~~ The level 2 team shall endeavor to produce a consensus report. If the level 2 team is unable to agree as to one or more areas of resource sensitivity or the casual mechanism report, alternative designations and an explanation (~~(therefor)~~) shall be included in the draft assessment. Where the draft level 2 assessment delivered to the department contains alternative designations or reports, the department shall within (~~(30)~~) thirty days of the receipt of the draft level 2 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-22-070 Prescriptions and management strategies. *(1) For each WAU for which a watershed analysis is undertaken, the department(~~(:)~~) acting under WAC 222-22-040(2) or forest (~~land owner~~) landowner acting under

WAC 222-22-040(3)(~~;~~) shall assemble a team of field managers qualified under WAC 222-22-030(1). The team shall include persons qualified in the disciplines indicated as necessary in watershed analysis methods, and shall generally include a person or persons qualified in the following:

- (a) Forest resource management;
- (b) Forest harvest and road systems engineering;
- (c) Forest hydrology;
- (d) Fisheries science or management;
- (e) Cultural anthropology and/or archaeology, depending on the cultural resources identified in the assessment.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense. The cultural resources module must include the participation of the affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module, Introduction, 1) *Using this methodology in formal watershed analysis.*

*~~(2)~~ Each forest (~~(land owner)~~) landowner in a WAU shall have the right to submit prescriptions to the department or the forest (~~(land owner)~~) landowner conducting the watershed analysis (~~(prescriptions)~~) for areas of resource sensitivity on (~~(its)~~) their land. If these prescriptions are received within the time period described in subsection (4) of this section, they shall be considered for inclusion in the watershed analysis.

*~~(3)~~ For each identified area of resource sensitivity, the field managers team shall, in consultation with the level 1 and level 2 teams, if any, select and recommend prescriptions to the department (~~(prescriptions)~~). These prescriptions shall be reasonably designed to minimize, or to prevent or avoid, as set forth in table 1 in WAC 222-22-050 (2)(c)(iv), the likelihood of adverse change and deliverability that has the potential to cause a material, adverse effect to resource characteristics in accordance with the following:

- (a) The prescriptions shall be designed to provide forest (~~(land owners)~~) landowners and operators with as much flexibility as is reasonably possible while addressing the area of resource sensitivity. The prescriptions should, where appropriate, include, but not be limited to, plans for road abandonment, orphaned roads, and road maintenance and plans for applying prescriptions to recognized land features identified in the WAU as areas of resource sensitivity but not fully mapped;
- (b) Restoration opportunities may be included as voluntary prescriptions where appropriate;
- (c) Each set of prescriptions shall provide for an option for an alternate plan under WAC 222-12-040, which the applicant shows meets or exceeds the protection provided by the other prescriptions approved for a given area of resource sensitivity;
- (d) The rules of forest practices and cumulative effects under this chapter shall not require mitigation for activities or events not regulated under chapter 76.09 RCW. Any hazardous condition subject to forest practices identified in a watershed analysis requiring corrective action shall be referred to the department for consideration under RCW 76.09.300 et seq.; and

(e) Effective July 1, 2001, the forests and fish riparian (~~(permanent)~~) rules (~~(-when effective,)~~) supersede all existing watershed analysis riparian prescriptions with the exception of riparian management zones for exempt 20-acre parcels, when watershed analysis prescriptions were in effect before January 1, 1999. (See WAC 222-30-021, 222-30-022, and 222-30-023.) No new riparian prescriptions will be written after completion of the riparian (~~(management zone)~~) function assessment report during a watershed analysis.

*~~(4)~~ For each identified cultural resource area of resource sensitivity, the field managers team shall develop cultural resources management strategies in consultation with the assessment team and affected tribe(s).

(a) If a management strategy involves a site registered on the department of archaeology and historic preservation's archaeological and historic sites data base, data recovery at an archaeological site, or any resource that requires mandatory protection under chapters 27.44 and 27.53 RCW, the field managers team shall submit the management strategy to the department of archaeology and historic preservation for agreement.

(b) The management strategies should be reasonably designed to protect or allow the recovery of resources by measures that minimize or prevent or avoid risks identified in the assessment.

(c) Management strategies resulting from conducting a cultural resources module are voluntary, not mandatory prescriptions, whether the module is conducted as part of a watershed analysis or as a stand-alone method separate from watershed analysis. However, the mandatory protections of resources under chapters 27.44 and 27.53 RCW still apply.

(5) The field managers team shall submit the recommended prescriptions, monitoring recommendations and cultural resources management strategies to the department within (~~(30)~~) thirty days of the submission to the department of the level 2 assessment under WAC 222-22-060 or within (~~(24)~~) twenty-one days of the submission to the department of the level 1 assessment under WAC 222-22-050.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-22-075 Monitoring. *In connection with any watershed analysis that is not a (~~(revision-)~~) reanalysis under WAC 222-22-090(~~(4)~~), the monitoring module will be required to be completed but implementation of monitoring recommendations would be voluntary unless otherwise required by existing laws and rules, or required by an HCP implementation agreement. Implementation of the monitoring recommendations will be encouraged when needed as part of the statewide effectiveness monitoring program.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-22-080 *Approval of watershed analysis. (1) Upon receipt of the recommended prescriptions and management strategies resulting from a level 1 assessment under WAC 222-22-050, a level 2 assessment under WAC 222-22-060, or a (~~(level 1 assessment under WAC 222-22-050 where a level 2 assessment will not be conducted)~~) reanalysis under

WAC 222-22-090, the department shall select prescriptions. The department shall circulate the draft watershed analysis to the departments of ecology(~~(;)~~) and fish and wildlife, affected Indian tribes, local (~~(government)~~) governmental entities, forest (~~(land-owners)~~) landowners in the WAU, and the public for review and comment. The prescriptions recommended by the field managers' team shall be given substantial weight. Within thirty days of receipt of the recommended prescriptions and management strategies, the department shall review comments, revise the watershed analysis as appropriate, and approve or disapprove the watershed analysis for the WAU.

*~~(2)~~ The department should notify any governmental agency or Indian tribe having jurisdiction over activities which are not regulated under chapter 76.09 RCW but which are identified in the draft analysis as having a potential for an adverse impact on identified fish, water, capital improvements of the state or its political subdivisions, (~~(and)~~) or cultural resources.

*~~(3)~~ The department shall approve the draft watershed analysis unless it finds:

(a) For any level 1 assessment or level 2 assessment, that:

(i) The team failed in a material respect to apply the methodology, indices of resource condition, or checklists set forth in the manual; or

(ii) A team meeting the criteria promulgated by the department and using the defined methodologies, indices of resource conditions, and checklists set forth in the manual could not reasonably have come to the conclusions identified in the draft level 1 or level 2 assessment; and

(b) (~~(For)~~) The prescriptions, (~~(that they)~~) will not accomplish the purposes and policies of this chapter and (~~(of the Forest Practices Act,)~~) chapter 76.09 RCW.

(c) In making its findings under this subsection, the department shall take into account its ability to revise assessments under WAC 222-22-090(~~(3)~~).

*~~(4)~~ If the department (~~(does not approve)~~) disapproves the draft watershed analysis, it shall set forth in writing a detailed explanation of the reasons for its disapproval.

(5) To become final under subsection (1) of this section, all watershed analyses must be reviewed under SEPA on a nonproject basis. SEPA review may take place concurrently with the public review in subsection (1) of this section. (~~(f)~~)See WAC 222-10-035.(~~(3)~~)

(6) As of July 1, 2011:

(a) Existing interim or draft prescriptions will expire; and

(b) A new draft watershed analysis or reanalysis will expire if the requirements in subsections (1) and (5) of this section are not met.

These expirations sunset the draft watershed analysis for the WAU and do not require SEPA review. The department shall notify the landowners in the WAU that the watershed analysis has expired.

(7) The department will not review or approve cultural resource management strategies because their implementation is voluntary.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-22-090 Use (~~(and)~~), review, and reanalysis of a watershed analysis. *~~(1)~~ Where a watershed analysis has been completed and approved for a WAU under this chapter:

(a) Any landowner within the WAU may apply for a multiyear permit to conduct forest practices according to the watershed analysis prescriptions. This permit is not renewable if a (~~(five-year review)~~) reanalysis is found necessary by the department under subsection (6) of this section and either the reanalysis has not been completed and approved or the department has rescinded the prescriptions.

(b) Nonmultiyear forest practices applications and notifications submitted to the department shall indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator, timber owner, or forest (~~(land owner)~~) landowners shall use in conducting the forest practice in the area of resource sensitivity;

(c) The department shall assist operators, timber owners, and forest (~~(land-owners)~~) landowners in obtaining governmental permits required for the prescription (~~(f)~~). See WAC 222-50-020 and 222-50-030(~~(h)~~);

(d) The department shall confirm that the prescription selected under (a) and (b) of this subsection was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and shall require the use of the prescription; and

(e) The department shall not further condition forest practices applications and notifications in an area of resource sensitivity in a WAU where the applicant will use a prescription contained in the watershed analysis nor shall the department further condition forest practices applications and notifications outside an area of resource sensitivity in a WAU, except:

(i) For reasons other than the watershed processes and fish, water, and capital improvements of the state or its political subdivisions analyzed in the watershed analysis in the WAU(~~(, and except)~~); or

(ii) To correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other similar factual errors.

*~~(2)~~ Pending completion and approval of a watershed analysis for a WAU, the department shall process forest practices notifications and applications in accordance with the other chapters of this title(~~(, except that applications and notifications received for forest practices on a WAU after the date notice is mailed under WAC 222-22-040(4) commencing a watershed analysis on the WAU shall be conditioned to require compliance with interim, draft, and final prescriptions, as available)~~).

Processing and approval of applications and notifications shall not be delayed by reason of review, approval, or appeal of a watershed analysis.

*~~(3)~~ The board encourages cooperative and voluntary monitoring. Evaluation of resource conditions may be conducted by qualified specialists, analysts, (~~(and)~~) field managers, and qualified experts as determined under WAC 222-22-030. Subsequent watershed analysis and monitoring recom-

mendations in response to areas where recovery is not occurring shall be conducted in accordance with this chapter.

~~*(4) ((Where the condition of resource characteristics in a WAU are fair or poor)) To keep watershed analyses current, the department shall determine if and when a reanalysis of a watershed analysis is necessary to evaluate the effectiveness of the prescriptions applied under this chapter to the WAU in providing for the protection and recovery of the resource ((characteristic. If the department finds that the prescriptions are not providing for such protection and recovery over a period of 3 years, the department shall repeat the watershed analysis in the WAU)). The department shall determine which watershed analysis modules and prescriptions need to be included in the reanalysis. Review and reanalysis shall be conducted in accordance with this chapter and board manual section 11, standard methodology for conducting watershed analysis, except that:~~

~~(a) The reanalysis may be conducted on areas smaller than the entire WAU in the case of subsection (6)(a) of this section; and~~

~~(b) The reanalysis shall be conducted only on the areas affected in the case of subsection (6)(b) or (c) of this section.~~

~~(5) Entities with an interest in maintaining prescriptions the department has identified for reanalysis are responsible for committing sufficient resources to complete a reanalysis in addition to the available resources provided by the department to administer the reanalysis process.~~

~~((Aside from the foregoing,)) (6) Once a watershed analysis is completed and approved on a WAU, ((#)) the department shall ((be revised in whole or in part)) conduct a review to determine if a reanalysis is necessary, upon the earliest of the following to occur:~~

~~(a) Five years after the date the watershed analysis is final, ((if necessary)) and every five years thereafter; or~~

~~(b) The occurrence of a natural disaster having a material adverse effect on the resource characteristics of the WAU; or~~

~~(c) Deterioration in the condition of a resource characteristic in the WAU measured over a ((+2)) twelve-month period or no improvement in a resource characteristic in fair or poor condition in the WAU measured over a ((+2)) twelve-month period unless the department determines, in cooperation with the departments of ecology((:)) and fish and wildlife, affected Indian tribes, forest ((land owners)) landowners, and the public, that a longer period is reasonably necessary to allow the prescriptions selected to produce improvement((: or~~

~~(d) The request of an owner of forest land in the WAU, which wishes to conduct a watershed analysis at its own expense.~~

~~Revision of an approved watershed analysis shall be conducted in accordance with the processes, methods, and standards set forth in this chapter, except that the revised watershed analysis shall be conducted only on the areas affected in the case of revisions under (b) or (c) of this subsection, and may be conducted on areas smaller than the entire WAU in the case of revisions under (a) and (d) of this subsection. The areas on which the watershed analysis revision is to be conducted shall be determined by the department and clearly delineated on a map before beginning the assessment revision. Forest practices shall be conditioned under the current~~

~~watershed analysis pending the completion of any revisions)).~~

~~(7) Once the department has determined that a reanalysis is necessary under subsection (6) of this section:~~

~~(a) The department shall notify the forest landowners in the WAU, the departments of ecology and fish and wildlife, affected Indian tribes, relevant federal agencies and local governmental entities, and the public.~~

~~(b) Prior to the start of the reanalysis, the department shall determine and clearly delineate on a map the areas on which the reanalysis is to be conducted.~~

~~(c) The department shall classify per WAC 222-16-050 proposed forest practices within the mapped reanalysis area that would have been subject to those prescriptions identified for reanalysis.~~

~~(d) The department shall determine if the forest landowners in the WAU want to participate in the reanalysis and commit sufficient resources to complete the reanalysis process in accordance with subsection (5) of this section:~~

~~(i) If no forest landowners in the WAU wish to participate and commit resources, then the department may rescind the prescriptions it identified for the reanalysis after conducting SEPA review. If the department rescinds prescriptions, it shall notify the landowners in the WAU.~~

~~(ii) If a landowner wishes to participate and commit resources, then the department in consultation with the departments of ecology and fish and wildlife, affected Indian tribes, forest landowners, and the public shall establish a timeline for the reanalysis. If the timeline for completion is not being met, the department may adjust the timeline or, after conducting SEPA review, rescind the prescriptions it identified for the reanalysis. If the department rescinds prescriptions, it shall notify the landowners in the WAU.~~

~~(e) Upon receiving recommendations from the reanalysis, the department shall select prescriptions and approve or disapprove the reanalysis in accordance with WAC 222-22-080.~~

~~(f) Reanalysis must be reviewed under SEPA on a non-project basis. See WAC 222-10-035.~~

~~(8) Regardless of subsection (7) of this section, the owner or owners of ten percent or more of the nonfederal forest land in the WAU may conduct a reanalysis at any time at their own expense and the reanalysis may be conducted on areas smaller than the entire WAU.~~

Chapter 222-23 WAC

~~((RIPARIAN)) RIVERS AND HABITAT OPEN SPACE PROGRAM~~

~~AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)~~

~~WAC 222-23-010 Policy and definitions. (1) Policy. The legislature determined that it is in the public interest to acquire (by purchase or donation) ((an interest in)) conservation easements on forest lands within unconfined ((avulsing)) channel migration zones ((that are offered for acquisition by the landowner, and therefore established a riparian open space program in RCW 76.09.040 to be administered by the~~

department. The purpose of the acquisition is to provide for ecological protection and fisheries enhancement)) and forest lands containing a critical habitat for threatened or endangered species as designated by the board. The rivers and habitat open space program (formerly known as the riparian open space program), established in RCW 76.09.040, is for these forest lands voluntarily enrolled by the landowner. The department may acquire ((either the fee interest in or)) a permanent conservation easement over such lands. The purpose of this program, which will be administered by the department, is to provide for ecological protection and fisheries and wildlife enhancement. This chapter implements the ((~~riparian~~)) rivers and habitat open space program (hereinafter referred to in this chapter as "program"). In any circumstance where qualifying channel migration zone lands or qualifying critical habitat lands are not acquired by the department through a conservation easement, the landowner may elect to develop a management option for the lands in cooperation with the department, other agencies and affected Indian tribes.

(2) **Definitions.** ((As used in this chapter,)) The following ((terms shall have the following meanings)) definitions apply to this chapter:

(a) "Qualifying channel migration zone (CMZ) land((s))" ~~((See))~~ means those forest lands located within an unconfined channel migration zone. Qualifying CMZ lands are eligible for easement acquisition if they meet the standards in WAC 222-23-020((+)) (5).

(i) An "unconfined channel migration zone" means the area within which the active channel of an unconfined stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. A merchantable stand of timber may exist within the zone and is considered a part of the channel migration zone. The unconfined channel migration zone does not include areas that are permanently restricted from channel movement by a dike or levee.

(ii) An "unconfined stream" is generally:

(A) A fifth order or larger water;

(B) Less than two percent gradient; and

(C) Found in a valley more than four times wider than the bankfull width of the channel.

(b) ((An "unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone and are considered a part of the channel migration zone. The unconfined avulsing channel migration zone does not include areas that are permanently restricted from channel movement by a dike or levee.)) "Qualifying critical habitat lands" means those forest lands that qualify as one or more of the critical habitats (state) defined in WAC 222-16-080 including forest lands that have existing plans or evaluations described in WAC 222-16-080(6). Qualifying critical habitat lands are eligible for easement acquisition if they meet the standards in WAC 222-23-020(5).

(c) ((An "unconfined avulsing stream" is defined in WAC 222-16-010.)) "Unacceptable liabilities" means expo-

sure to undesirable responsibilities or problems as determined by the department. This includes, but is not limited to, the presence of hazardous substances on the lands or by other conditions that may create a liability to the department, or that may jeopardize the department's ability to maintain ecological protection, and fisheries and wildlife enhancement of the qualifying lands. Unacceptable liabilities may exist when the applicant is unwilling or unable to provide reasonable indemnification to the department.

(d) "Hazardous substances" includes, but is not limited to, hazardous substances as defined in RCW 70.102.010(5) and 70.105D.020(10), and solid waste as defined in RCW 70.95.030(23).

(e) "Conservation easement" means a voluntary, legally enforceable land preservation agreement between the landowner and easement holder to permanently limit the type and amount of alteration of identified habitat or CMZ on the subject property while the landowner retains ownership.

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-23-020 Submitting and processing of applications for the ((~~riparian~~)) rivers and habitat open space program. (1) ((Qualifying CMZ land(s). Lands that qualify for the riparian open space program are those lands located within an unconfined avulsing channel migration zone and are, as of the date an application is submitted to the department under this section, identified in records of the applicable county assessor as being classified or designated as forest land under chapter 84.33 RCW or as being subject to current use taxation as forest land under chapter 84.34 RCW. Qualifying CMZ lands may be placed in the riparian open space program whether they represent all or just a portion of the lands within the channel migration zone along a particular stream segment. That is, the lands to be placed in the program may include all of a landowner's lands located within the channel migration zone up to the boundary between that zone and the RMZ core area, or lands to be included may include only a portion of a landowner's lands within an unconfined avulsing channel migration zone of a given stream segment. Likewise, where more than one landowner owns land within the channel migration zone of a given stream segment, any landowner may elect to participate in the riparian open space program without regard to participation of neighboring landowners.

Land does not qualify for the riparian open space program where the department has determined that:

(a) The lack of legal access to the land is likely to materially impair the department's ability to administer the riparian open space program with respect to the land;

(b) All persons having an interest of any description in the land, including, but not limited to, joint tenancy, tenancy in common, holder of easement, or holder of lien or security interest, have not agreed to convey or subordinate such interests to the state to the extent deemed necessary by the state to transfer the fee or easement free of or superior to any such interest;

(e) The land is subject to unacceptable liabilities as defined in WAC 222-23-020(4); or

~~(d) There is any other circumstance making the land unsuitable for fisheries enhancement or ecological protection.~~

~~(2)) **Rivers and habitat open space application.** An owner or owners of qualifying ((CMZ)) lands may apply to the department to place the qualifying CMZ lands or qualifying critical habitat lands within the ~~((riparian open space))~~ program. ~~((Applications for the riparian open space program may, at the landowners' option, be submitted at the same time as a forest practices application for adjoining or nearby forestlands, or may be submitted separately (and without reference to or the requirement of a current forest practices application).))~~ The department will accept or reject the program application based on eligibility for an easement acquisition. The application for the ~~((riparian open space))~~ program shall be in writing on a form provided by the department ~~((and)),~~ The application shall contain ((the following)) information the department determines is necessary to assess whether the land qualifies for the program, as well as the following information (see board manual section 18 for details):~~

~~(a) ((Name, address, and telephone number of applicant(s));~~

~~(b) Contact name and telephone number for questions concerning the application;~~

~~(c) Location and description of the land proposed for inclusion in the program, including estimated acreage.) A description of the methods ((used by)) the landowner used to ((determine)) propose that the land ((is qualifying CMZ land and a map showing the approximate boundary between the channel migration zone and the adjoining RMZ core area (and in situations where the latter is not applicable, a description of the process the landowner used to determine that the qualifying CMZ land is within an unconfined avulsing stream channel migration zone);~~

~~(d) Tax parcel identification number(s) that contain the qualifying CMZ land;~~

~~(e) List of all persons having any right or interest in the land covered by the application for the riparian open space program and a description of such right or interest;~~

~~(f) The stumpage value area and hauling zone in which the qualifying lands lie (see map at WAC 458-40-640).~~

~~(g) A map of the qualifying CMZ land) meets the eligibility for easement acquisition criteria;~~

~~((h)) (b) A statement indicating the landowner's desire to place the land covered by the application within the ~~((riparian open space))~~ program and whether the landowner wishes to ((convey the qualifying land in fee or convey only)) grant a conservation easement to the state on both land and trees or in trees only;~~

~~((i)) (c) Whether the landowner wishes to receive the statutory compensation for the conveyance or wishes to donate the qualifying ((CMZ)) lands;~~

~~((j)) (d) Whether the landowner ~~((representative submitting the application))~~ is aware of the presence of any hazardous substances on the lands;~~

~~((k) Description and documentation of the legal and physical access to the land being acquired;~~

~~(l) The type of boundary description proposed by landowner (survey or other description); and~~

~~(m) Any other information DNR determines is necessary to assess whether the land qualifies for the riparian open space program.~~

~~(3)) (e) A statement affirming that the person or persons submitting the application stating they are the landowner and believes that the information contained in the application and its supporting materials is true and complete.~~

~~(2) Review and processing of application. ((Within ninety days of receipt of)) The application process will follow the program funding cycle process described in board manual section 18. After the department receives a complete and accurate application for the ~~((riparian open space))~~ program, the department ((shall preliminarily determine (and advise the applicant) whether lands proposed for the riparian open space program appear to meet the requirements of this chapter and of RCW 76.09.040 (3) and (4), and, if so, whether there is funding available for the purchase)) will make a preliminary determination whether the application is eligible for the easement acquisition. This determination is subject to the department's complete review, and subsequent confirmation of all information required for the program and ~~((eligibility of the land as))~~ identification of qualifying ((for the program)) lands. ((H) After the preliminary determination ((is that the land qualifies for the program and if funding is available for the proposed purchase)) of eligibility, ((then)) the following shall occur ((within the ninety days following notice to the landowner of the preliminary determination)):~~

~~(a) The landowner, in cooperation with the department, shall delineate on the ground the boundary line ((between)) of the ~~((CMZ and the RMZ core area; following which,))~~ qualifying lands as indicated in the application;~~

~~(b) The department shall verify the appropriateness of ((that)) the delineation ((, determine the standards for the boundary description (i.e., a survey or other)) of qualifying lands using the procedure outlined in board manual section 18, make a final determination whether there are any unacceptable liabilities on the lands proposed for inclusion in the program, and communicate the foregoing to the landowner.~~

~~(c) The department will rate, rank, and fund, as described in WAC 222-23-025(1), the eligible applications for each category of qualifying CMZ lands or critical habitat lands and for each funding cycle using a standardized scoring system.~~

~~(d) The department will prepare a combined preliminary project priority list, after evaluation and scoring of all applications.~~

~~(e) The department will submit the preliminary project priority list to the state legislature for budget consideration.~~

~~(f) The department will notify the applicant in writing of the funding decision for their application, subject to available funding from the legislature.~~

~~(g) For those applications determined to be funded, and if the department determines there are no unacceptable liabilities on the lands, the department shall follow the guidelines in WAC 222-23-030(2) and the landowner shall ~~((mark))~~ enhance the boundary (as verified) using ((tree tags or other long term)) boundary marking methods specified by the department.~~

~~((4) Unacceptable liabilities. As used in this section, unacceptable liabilities are created by the presence of hazardous substances on the qualifying CMZ lands or by other con-~~

dition that creates such a liability to the department that may jeopardize the department's ability to maintain fisheries enhancement or the ecological protection of the qualifying CMZ lands, and with respect to which liability the applicant is unwilling or unable to provide reasonable indemnification to the department. If the department finds unacceptable liabilities with respect to qualifying CMZ lands, the department may reject the landowner's application.

(5) Preparation of conveyance documents. Within ninety days following placement in the field of the long-term boundary between the CMZ and the RMZ core area as provided for in subsection (3) of this section, the following shall occur:

(a) The landowner shall:

(i) Traverse the boundary to determine the acreage of the qualifying lands;

(ii) Either perform a legal land survey or otherwise document the boundaries consistent with the requirements of WAC 222-23-030(3), as applicable; and

(iii) Prepare a map of the qualifying CMZ lands suitable for recording.

(b) The department shall:

(i) Conduct and finalize a cruise of the timber on the qualifying CMZ lands;

(ii) Determine the statutory compensation to be paid to the landowner;

(iii) Prepare conveyance documents consistent with this chapter; and

(iv) Prepare any other documents necessary for closing and recording the conveyance, including without limitation a real estate excise tax affidavit.

(6)) (h) For those applications determined to be eligible but not funded, the application will be returned to the applicant. At any time thereafter, the applicant may resubmit the application with or without revision. This resubmitted application will be placed on the next available funding cycle and will be reprioritized under the process described in (c) through (g) of this subsection.

(i) For those applications determined to be ineligible for reasons other than funding, the department must notify the landowner of the reason(s) and the application will be rejected.

(j) Once the landowner completes the boundary enhancement required in (g) of this subsection, the department shall:

(i) Perform a traverse of the boundary of the qualifying lands;

(ii) Conduct and finalize a cruise of the timber on the qualifying lands;

(iii) Determine the statutory compensation to be paid to the landowner;

(iv) Prepare conveyance documents consistent with this chapter; and

(v) Prepare any other documents necessary for closing and recording the conveyance, including without limitation a real estate excise tax affidavit.

(3) **Timber cruise.** ~~((The))~~ For the purpose of determining the compensation, a timber cruise will be conducted by the department using a cruiser acceptable to the department and the landowner ((and)), using ((generally accepted)) a cruise methodology determined by the department and sam-

pling intensity acceptable to both parties. ~~((The timber cruise shall measure all trees within the lands to be conveyed that contain measurable log volume and develop all information (species and grade) with respect to those trees necessary to apply the stumpage tables developed by the department of revenue pursuant to RCW 84.33.091; this includes volume by species and grade sufficient to apply the department of revenue stumpage tables in WAC 458-40-640, 458-40-650 and 458-40-660 (1) and (2).))~~ The department will provide the cruise data to the landowner(;;). Within thirty days thereafter, the landowner shall advise the department whether the cruise results are acceptable. The landowner or the department may, at their option, perform a check cruise.

~~((7))~~ (4) **Compensation for conveyances.** RCW 76.09.040(3) specifies the compensation the department shall pay for ~~((purchases))~~ the conveyance of ((qualifying CMZ lands)) a conservation easement under this chapter, unless the landowner chooses to donate the ((property in fee or donate a)) conservation easement. The department will calculate compensation based on stumpage and land use value tables described in (a) and (b) of this subsection. The tables applied will be those in effect as of the date the complete timber cruise is received by the department for new or resubmitted applications.

(a) ~~((Fee interests. For conveyances of fee interests, the department shall pay for both the land value and the timber value, as determined in this subsection. The land value component shall be the acreage of qualifying CMZ lands to be conveyed multiplied by the average per acre value of all commercial forest land in Western Washington or the average for Eastern Washington, whichever average is applicable to the qualifying CMZ lands. The department shall determine the Western and Eastern Washington averages based on the land value tables established by RCW 84.33.120 and revised annually by the department of revenue (see WAC 458-40-540). The timber value component of the compensation shall be based on the cruise volume multiplied by the appropriate department of revenue stumpage values from the stumpage value table for the applicable stumpage value area and hauling distance zone. The stumpage value tables to be applied are those found in WAC 458-40-660(2). Except as provided in (c) of this subsection, the tables applied shall be those in effect as of the date the application under this section is submitted to the department by the landowner.~~

(b) ~~Conservation easements. Conservation easements shall be perpetual and not for a term of years.)~~ For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation shall only include the timber value component, as determined ((as set forth in subsection (7)(a) of this section)) by the cruise volume multiplied by the appropriate stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091.

(b) For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation shall include the timber value component plus such portion of the land value component as determined just and equitable by the department. The timber value component will be as set forth in (a) of this subsection. The land value component must be the acreage of qualifying lands to

be conveyed, multiplied by the average per acre value. The department shall determine the averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue with separate values for western and eastern Washington.

~~((e) Adjustment in compensation. Where the department does not complete its duties as required in subsections (3) through (5) of this section within the required time period or the department is unable to complete the acquisition because of a lack of funds or other reason, the landowner has the option to require that the department recompute the compensation based on the most recently published land value and stumpage value tables.~~

~~(8) Management options. In any circumstance where qualifying CMZ lands are not acquired by the department in fee or through a conservation easement, the landowner may elect to develop a management option for the lands in cooperation with the department, other agencies and affected Indian tribes.)~~

(5) Qualifying lands. The lands proposed in an application must include qualifying CMZ lands or qualifying critical habitat lands that are eligible for easement acquisition as follows:

(a) Qualifying lands are lands that, once a complete application is received, are identified in records of the applicable county assessor as being assessed and taxed either under chapter 84.33 RCW as designated forest land or under chapter 84.34 RCW as current use classification timber land or open space.

(b) Qualifying lands are lands owned by an individual, partnership, corporation or other nongovernmental entity.

(c) Lands do not qualify for the program where the department has determined that:

(i) The lack of access to the land is likely to materially impair the department's ability to administer the program with respect to the land;

(ii) The land is subject to unacceptable liabilities. See WAC 222-23-010 (2)(c).

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

WAC 222-23-025 Priorities for conveyances and funding—Use of lands conveyed. (1) **Priorities for conveyances and funding.** ~~((The legislature recognized, in RCW 77.85.180(4), that the adoption of forest practices rules consistent with the forests and fish report will impose substantial burdens on forest landowners. The purpose of this program, which will be administered by the department, is to compensate landowners and provide for ecological protection and fisheries enhancement.))~~ The department shall ~~((prioritize))~~ rate, rank, and fund eligible CMZ applications ~~((under this section))~~ separately from eligible critical habitat applications based on ~~((the following criteria (not in priority order): Order of receipt, ecological value (including importance to salmonids, water quality benefits, quality of habitat, site significance, etc.), and immediacy of need. If funding is or becomes unavailable to consummate a conveyance with respect to otherwise qualifying CMZ lands, the application may (at the landowner's option) be kept on file at the department pending~~

~~the future availability of funding))~~ conservation benefits and landowner management options. See board manual section 18 for the rating, ranking and funding details for qualifying lands. The department will consult with representatives of affected Indian tribes, department of fish and wildlife, and department of ecology as necessary for technical expertise. ~~((The board will include, in its reports to the legislature required in RCW 76.09.380, a review of this program with recommended amendments, as necessary, to accomplish the goals of this program.))~~

(2) Use and management of lands and easement interests acquired under ~~((riparian))~~ rivers and habitat open space program. Subject to the exceptions set forth in this subsection (or as otherwise provided in the ~~((conveyance or))~~ easement documents), the lands ~~((conveyed or))~~ subject to the conservation easements under this chapter shall be managed by the department only in a manner necessary for ecological protection ~~((or))~~, and fisheries and wildlife enhancement. The ~~((conveyance of lands))~~ easements under the ~~((riparian open space))~~ program shall not create a right of public access to ~~((the conveyed lands))~~ or across adjoining or other lands owned by the landowner ~~((conveying property or))~~ granting an easement ~~((under the riparian open space program)).~~

(3) Transfer of ~~((fee or))~~ easement interest or management responsibility. After acquisition of ~~((a fee or))~~ an easement interest in qualifying ~~((CMZ))~~ lands, the department may transfer its interest in such lands by a recorded instrument to another state agency, a local governmental entity within which the lands lie, or a private nonprofit nature conservancy corporation (as defined in RCW 64.04.130). Alternatively, the department may contract with one or more of the foregoing entities to exercise the department's management authority over the qualifying ~~((CMZ))~~ lands. Any such contract will include provisions fully advising the contracting party of the rights of the landowner under this chapter and the conveyance instrument. The department shall notify the landowner of any transfer of its interest in the qualifying ~~((CMZ))~~ lands or any transfer of management responsibilities over those lands, provided that failure to so notify the landowner shall not affect the validity of the transfer.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-23-030 Conveyance forms and procedure.

~~(1) **(Fee interest.** Conveyance of a fee interest in qualifying lands shall be by deed with limited warranties. Deeds will include terms reasonably necessary and appropriate to the circumstances of the particular lands involved and shall be in a form acceptable to the department and the landowner. Prior to closing, the landowner shall procure a title report or title history for the lands being conveyed, provided that in the case of qualifying CMZ land being donated to the department, the department shall pay the cost of the report.~~

~~(2)) **Conservation easement.** Conveyances of a conservation easement shall be through execution by the landowner and the department of a conservation easement in a form acceptable to the department and the landowner. The easement shall be perpetual and not for a term of years. The ease-~~

ment will include terms reasonably necessary and appropriate to the circumstances of the particular lands involved. Prior to closing, the landowner shall procure a ~~((litigation-guarantee or))~~ preliminary title ((history)) insurance report from a title company, provided that in the case of an easement being donated to the department, the department shall pay the cost of the ~~((guarantee or other))~~ report.

~~((3))~~ (2) Description standards. The description of the qualifying lands being conveyed shall be a legal land survey description ~~((or, if))~~ unless the cost of securing the survey would be unreasonable in relation to the value of the lands conveyed. When the department determines a survey ((is)) need not ((being)) be performed, the description shall ((include the township, range, section, and legal subdivision, and utilize a map at a scale of 1:400 indexed either to one legal land survey point or two geopositional system points plus a GPS traverse of the boundary between the CMZ and the RMZ core area, tied to one legal land survey point or two geopositional system points, or other description)) be in the form that can depict the location of the lands conveyed without relying on verbal evidence, or another form acceptable to the department.

~~((4))~~ (3) Closing and recording. Upon execution of the conveyance documents and other documents required for closing, the department shall pay any compensation owed to the landowner and record the conveyance documents. The department shall pay the recording fees. No compensating taxes under chapters 84.33 and 84.34 RCW shall be owed. Title insurance premiums and any real estate excise tax owed shall be paid by the landowner conveying the ((property or)) easement.

(4) Internal department of natural resources procedure for review of decisions. Certain decisions of the department pursuant to this chapter may be appealed to the supervisor of the department or his or her designee. Any person that wishes to appeal final written decisions of the department pertaining to the following procedural determinations: Application eligibility, application prioritization, easement valuation, and related decisions made may submit a request for review within thirty days after the date of the department's final written notice of procedural determination. The request for review must identify the issue being raised and provide any supporting documentation. The supervisor will issue a written response within thirty days. The supervisor's written response shall constitute the department's final decision.

WSR 11-12-018

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed May 24, 2011, 8:28 a.m., effective June 30, 2011]

Effective Date of Rule: June 30, 2011.

Purpose: Chapter 33, Laws of 2010 (SHB 2546) requires the program to conduct rule making regarding electrical trainees. SHB 2546 increases the classroom education hours required for an electrical trainee to renew their electrical

training certificate. The department needs to adopt rules implementing SHB 2546 by July 1, 2011.

For training certificates, the rule making will:

- Effective July 1, 2011, increase the number of approved basic classroom electrical training hours from sixteen to thirty-two.
- Effective July 1, 2013, increase the number of approved basic classroom electrical training hours to forty-eight.
- Require equivalent classes to be submitted and approved by the chief electrical inspector.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46B-970.

Statutory Authority for Adoption: Chapter 19.28 RCW and chapter 33, Laws of 2010 (SHB 2546).

Adopted under notice filed as WSR 11-07-069 on March 22, 2011.

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 24, 2011.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 09-20-032, filed 9/29/09, effective 10/31/09)

WAC 296-46B-970 Continuing education and classroom education requirements. ~~((General requirements continuing education classes requirements for administrator, master electrician, and electrician renewal.))~~

(1) DEFINITIONS - for purposes of this section.

(a) "Applicant" means the entity submitting an application for review.

(b) "Application" means a submittal made by an applicant seeking instructor or class approval.

(c) "Calendar day" means each day of the week, including weekends and holidays.

(d) "Class" means continuing education class or course.

(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.

(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.

(g) "Individual" means an administrator or electrician seeking credit for continuing education.

(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.

(i) "Working day" means Monday through Friday, excluding state of Washington holidays.

(2) GENERAL.

(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.

If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qualifications, the department may revoke the class or instructor approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. A course sponsor may not submit an individual's name on a roster(s) for multiple classes (i.e., multiple class numbers) when the classes are given simultaneously (e.g., code update, industry related, and/or basic electrical classroom training class that have similar class content given during the same class session). No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years.

(A) At least eight hours of the total required continuing education must be on the changes in the 2008 National Electrical Code. For certificate renewal, "currently adopted" means a valid course approved as code update by the department and taken by the applicant since their last renewal date.

(B) Four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years.

(A) Eight hours of the required continuing education must be on the changes in the currently adopted National Electrical Code. For certificate renewal, "currently adopted"

means a valid course approved as code update by the department and taken by the applicant since their last renewal date.

(B) Four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) Training certificates:

(i) To be eligible for renewal of a training certificate, the individual must have completed:

(A) Effective July 1, 2011, at least ((sixteen)) thirty-two hours of approved basic classroom electrical training classes and effective July 1, 2013, at least forty-eight hours of approved electrical training classes. The individual cannot use a basic classroom electrical training class as credit for the continuing education requirements for renewing an electrician or administrator certificate(s) when the class is also used to satisfy the training certificate renewal requirements; or

(B) Equivalent electrical training ~~((courses))~~ classes taken as a part of an approved:

- Apprenticeship program under chapter 49.04 RCW; or
- Electrical training program under RCW 19.28.191

(1)(h).

Equivalent classes must be submitted to and approved by the chief electrical inspector.

(ii) Note that only trainees seeking experience credit in the pump and irrigation **(03)** or domestic pumping **(03A)** specialties may take pumping industry basic classroom training classes;

In addition, trainees working in the pump and irrigation **(03)** or domestic pump **(03A)** specialties may be credited for courses approved as a part of the requirements for plumber trainees required in RCW 18.106.070(5).

(h) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the certificate renewal requirements.

(i) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-909.

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.

(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) Minimum requirements:

(i) Application review fees:

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

- One copy of all material;
- Applicant's name, address, contact name, and telephone number;
- All required fees;
- Any other information the applicant wants to consider during the review; and
- Class applications will include:
 - Sponsor's name, address, contact name, and telephone number;
 - Class title;
 - Number of continuing education hours requested for the class;
 - Category of class for which approval is sought (i.e., code update, RCW/WAC update, industry related, basic classroom electrical training, pumping industry, or pumping industry basic classroom training);
 - Any required examinations;
 - Statement of whether the class is open to the public;
 - Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.). Note that for all pumping industry classes, curriculum must include fifty percent electrical and fifty percent plumbing instruction;
 - List of resources (e.g., texts, references, etc.);
 - Copies of all visual aids;
 - Sample of the completion certificate.
- Instructor application will include:
 - Instructor's name, address, telephone number;

– Copies of credentials or other information showing conformance with the instructor minimum qualifications.

• The sponsor of a distance learning (i.e., correspondence and internet classes) class will provide the following information with the application:

– How will the sponsor provide an orientation session with the instructor or an affiliated representative of the sponsor.

– The application must include a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the class material. Provide an assessment of the availability and adequacy of the equipment, software, or other technologies. In the case of computer-based instruction, describe how the class software addresses automatic shutdown after a period of inactivity.

– How will the sponsor provide security to ensure that the student who receives credit for the class is the student who enrolled in and completed the class. The approved sponsor and the student must certify that the student has completed the class and the required number of clock hours.

– The application must describe the process and the acceptable methods of how students can contact approved instructors to answer questions regarding the class.

– The application must describe the consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process and must directly support the student's achievement of the class learning objectives.

– The application must demonstrate that the class includes the same or reasonably similar information content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction.

– The application must demonstrate how you determined the number of clock hours requested.

– The application must demonstrate how mastery of the material is provided by: Describing how the material is divided into major learning units and describing how these learning units are divided into modules of instruction, describing how the student's progress toward completion of the mastery requirement will be measured, and describing how the class will provide a mechanism of individual remediation to correct any deficiencies in each module of instruction.

(e) Contractor's review process:

(i) When the application is received, the contractor must:

(A) Date stamp the application;

(B) Review the application for completeness within seven working days after receipt.

(ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.

(A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.

(B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.

(iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.

The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:

- The applicant in writing; and
- The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.

(iv) A notification of denial must include:

- (A) Applicant's name and telephone number;
- (B) Date of denial;
- (C) Sponsor's name and class title if applicable;
- (D) Instructor's name if applicable; and
- (E) The reason for denial.

(v) A notification of approval:

(A) For classes must include:

- Applicant's name and telephone number;
- Sponsor's name and telephone number;
- Class title;
- Class number;
- Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;

- Effective date for this class;
- Expiration date of class;
- Category for which the class is approved (i.e., code update, RCW/WAC update, industry related, basic classroom electrical training, pumping industry, or pumping industry basic classroom training);

- Sample of written class roster and attendance sheet;
- Type of class (i.e., classroom, correspondence, internet); and

- Whether the class is open to the public.

(B) For instructors must include:

- Applicant's name and telephone number;
- Instructor's name and telephone number;
- Effective date for the approval; and
- Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

- All requests for review must be:
 - Made in writing;
 - Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and
 - Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

- Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;

- Electrical theory based on currently published documents that are readily available for retail purchase; and/or

- Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety such as *NFPA 70E - Handbook for Electrical Safety in the Workplace*. First aid type classes must be approved and will be limited to four hours of credit towards the individual's total continuing education requirement.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(D) All basic classroom electrical training classes and pumping industry basic classroom training classes must be classroom instruction only and based upon basic electrical theory, use of the NEC, and/or use of the electrical laws and rules. Correspondence and internet classes are not allowed. All basic classroom electrical training classes must include an appropriate written examination to ensure the participant understands the basic concepts of the class. To successfully complete the class, the participant must score at least seventy percent on the examination.

(E) In addition, for pumping industry classes, curriculum must include fifty percent electrical and fifty percent plumbing instruction.

(ii) Class length:

(A) The minimum allowed length of a class is two hours; however, the minimum length for a basic classroom electrical trainee classroom training or pumping industry basic classroom trainee classroom training is eight hours that can be delivered in multiple classroom sessions of not less than two hours each.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must be based on two-hour increments (e.g., 2, 4, 6, 8, etc.).

(D) Class length must be based on the following:

- Classroom instruction will be based on the total hours the individual is in the classroom. A class may be divided into multiple sections so long as each section is not less than two hours in length and all sections are taken within a one month period.

- Distance learning (i.e., correspondence and internet classes) will be based on clock hours necessary to complete the class if it was presented in a classroom setting. See the application process in subsection (3)(d)(ii) of this section for distance learning classes for additional information.

(iii) Certificates of completion:

(A) The sponsor must award a completion certificate to each individual successfully completing the approved class. To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(B) The completion certificate must include the:

- Name of participant;
- Participant's Washington certificate number;
- Name of sponsor;
- Name of class;
- Date of class;
- Name of instructor;
- Location of the class:
 - If a classroom-type class, the city and state in which the class was given;
 - If a correspondence class, state the class is a correspondence class;
 - If an internet class, state the class is an internet class;
- Class approval number;
- Number of continuing units; and
- Type of continuing education units.

(iv) Instructors:

(A) For classroom instruction except first-aid training, all instructors must be approved per this section; and

(B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.

(5) INSTRUCTOR APPROVAL PROCESS:

(a) Instructor approval will be valid for three years except:

(i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.

(ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.

(b) Minimum requirements:

(i) The application must show that the instructor meets one of the following:

(A) Has a valid Washington administrator, master electrician, or electrician's certificate and has appropriate knowledge of and experience working as an electrical/electronic trainer; or

(B) Is an instructor in a two-year program in the electrical construction trade licensed by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education; or

(C) Is a high school vocational teacher, community college, college, qualified instructor with a state of Washington approved electrical apprenticeship program, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education.

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program web site and may post the application process, review, and approval requirements on the contractor's web site.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education or basic electrical classroom training history with the class sponsor;

(c) Electrical approved classes offered in Washington:

(i) The sponsor must provide the department with an accurate course attendance/completion roster for each class given. Class attendance will only be verified based on the attendance/completion roster provided by the sponsor. Completion certificates are not an acceptable method of verifying attendance at a class approved in Washington under this chapter.

(A) Within seven days of a student completing the class, the course sponsor must provide the attendance/completion roster in an internet format provided by the department.

(B) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion for the individual's personal records. See subsection (4) of this section.

(iii) Individuals will not be granted credit for a class unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(d) For classes approved under chapter 18.106 RCW for the pumping industry, a class number will be created for electrical continuing education. Sponsors for these classes must verify attendance for the electrical credit using the format described in subsection (c) of this section.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials:

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

WSR 11-12-019
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 24, 2011, 8:30 a.m., effective July 1, 2011]

Effective Date of Rule: July 1, 2011.

Purpose: This rule updates conversion factors provided in WAC 296-20-135 for most professional health care services for injured workers. Rule changes are necessary to maintain current overall fees for health care services, which are published annually in the medical aid rules and fee schedules.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Adopted under notice filed as WSR 11-07-098 on March 23, 2011.

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 24, 2011.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 10-10-107, filed 5/4/10, effective 7/1/10)

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of (~~(\$60.78)~~) \$55.34. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of \$3.19 per minute, which is equivalent to \$47.85 per 15 minutes. The base units and payment policies can be found in the fee schedules.

WSR 11-12-020
PERMANENT RULES
SECRETARY OF STATE

[Filed May 24, 2011, 8:44 a.m., effective July 1, 2011]

Effective Date of Rule: July 1, 2011.

Purpose: To drop the twenty-five percent reinstatement penalty from current rule, and charge a flat reinstatement fee to reduce customer confusion and employee time spent on calculations.

Citation of Existing Rules Affected by this Order: Amending WAC 434-112-085 and 434-130-090.

Statutory Authority for Adoption: RCW 23B.01.220, 25.15.805, 25.10.916.

Adopted under notice filed as WSR 11-07-016 on March 8, 2011.

A final cost-benefit analysis is available by contacting Pamela Floyd, P.O. Box 40234, Olympia, WA 98504-0234, phone (360) 725-0310, fax (360) 586-4989, e-mail pam.floyd@sos.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 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, 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 24, 2011.

Steve Excell
Assistant Secretary
of State

AMENDATORY SECTION (Amending WSR 11-07-016 [10-20-150], filed 3/8/11 [10/6/10], effective 7/1/11 [11/6/10])

WAC 434-112-085 Fees and penalties. (1) For Washington registered profit domestic and foreign corporations, including employee cooperative associations, limited liability companies, limited partnerships, Massachusetts trusts, and limited liability partnerships, fees and penalties are:

- (a) Articles of incorporation one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
- (b) Certificates of formation one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
- (c) Applications for registration one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
- (d) Certificates of authority one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
- (e) Certificate of limited partnership one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
- (f) Other original filings one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
- (g) Articles of amendment thirty dollars
- (h) Articles of restatement thirty dollars
- (i) Articles of correction thirty dollars
- (j) Revocation of dissolution or withdrawal thirty dollars
- (k) Delinquent license renewal ninety-four dollars, including twenty-five dollars penalty, sixty dollars statutory fee, and nine dollars department of licensing handling fee, when applicable
- (l) Limited partnership annual report sixty dollars

- (m) Limited liability partnership annual report sixty dollars
- (n) Limited liability limited partnership annual report sixty dollars
- (o) Cooperative association annual report ten dollars
- (p) Reinstatement from administrative dissolution one hundred ~~forty~~ dollars plus all delinquent license or annual fees ~~((and a twenty-five percent penalty computed on the total amount))~~
- (q) Requalification from administrative revocation one hundred eighty dollars plus all delinquent fees
- (r) Articles of merger or exchange twenty dollars for each listed company
- (s) Resignation of registered agent twenty dollars
- (t) Resignation of officer or director ten dollars
- (u) Initial report filed with formation no fee
- (v) Amended annual report or initial report filed after formation ten dollars
- (w) Change of registered agent no fee
- (x) Change of registered office address no fee
- (y) Registration, reservation, or transfer of name thirty dollars
- (z) Articles of dissolution or certificate of dissolution no fee
- (aa) Certificate of withdrawal no fee
- (bb) Certificate of cancellation no fee
- (cc) Agent's consent to act as agent no fee
- (dd) Agent's resignation if appointed without consent no fee
- (ee) Other statement or report ten dollars

(2) For Washington registered domestic and foreign non-profit corporations, cooperative associations, nonprofit miscellaneous and mutual corporations, building corporations, and other associations and corporations under Title 24 RCW, fees and penalties are:

- (a) Articles of incorporation thirty dollars
- (b) Certificates of authority thirty dollars
- (c) Other original filings thirty dollars
- (d) Articles of amendment twenty dollars
- (e) Restatement twenty dollars
- (f) Annual report ten dollars

(g) Articles of dissolution, certificate of withdrawal	no fee
(h) Reinstatement from administrative dissolution	thirty dollars plus all delinquent annual fees and five dollar penalty
(i) Articles of merger or exchange	twenty dollars for each listed corporation
(j) Resignation of officer or director	ten dollars
(k) Amended annual report	ten dollars
(l) Change of registered agent	no fee
(m) Change of registered office address	no fee
(n) Resignation of registered agent	twenty dollars
(o) Registration, reservation, or transfer of reservation of name	twenty dollars
(p) Certificate of election adopting provisions of chapter 24.03 RCW	thirty dollars
(q) Other statement or report filed	ten dollars

(3) For registering trademarks for use within the state, the fees are as follows:

(a) Five year registration	fifty-five dollars (includes five dollars heritage center fee) for each class registered
(b) Five year renewal	fifty dollars for each class registered
(c) Recording assignment	ten dollars (includes registration)
(d) New certificate with name of assignee	five dollars
(e) Reservation of trademark	thirty dollars for each class reserved, for one hundred eighty days
(f) Amendment of trademark	fifty dollars for each class
(g) Cancellation of trademark	no fee
(h) Other statement or report filed	ten dollars

(4) For filings related to state registered domestic partnership, the fees are:

(a) Registration	fifty dollars
(b) Name change	no fee
(c) Address change	no fee
(d) Notice of termination by reason of death	no fee

(5) Fees paid under WAC 434-112-085 are not refundable. Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 11-07-016 [10-15-035], filed 3/8/11 [7/13/10], effective 7/1/11 [8/13/10])

WAC 434-130-090 Miscellaneous fees. For Washington registered domestic and foreign limited liability companies fees are as follows:

(1) Certificate of formation or application for registration, one hundred eighty;

(2) Annual report license renewal, sixty dollars plus the department of licensing's handling fee of nine dollars;

(3) Certificate of amendment, restated certificate, or amended and restated certificate, thirty dollars;

(4) Delinquent annual report license renewal, penalty fee of twenty-five dollars, plus the renewal fee of sixty dollars plus the department of licensing's handling fee of nine dollars;

(5) Reinstatement, one hundred ~~forty~~ **forty** dollars plus all delinquent license or annual fees (~~and a twenty-five percent penalty computed on the total amount~~);

(6) Articles of merger, twenty dollars for each listed company;

(7) Statement of change of registered agent, registered office address, or designation of new registered agent, no fee;

(8) Resignation of registered agent, twenty dollars per entity name;

(9) An initial report or amended annual report, ten dollars;

(10) Registration, reservation, or transfer of name, thirty dollars;

(11) Certificate of dissolution, certificate of cancellation, or dissolution by judicial decree, no fee;

(12) Revocation of certificate of dissolution, thirty dollars plus any possible missed license fees;

(13) Agent's resignation if appointed without consent, no fee; and

(14) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 11-12-021

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed May 24, 2011, 9:08 a.m., effective June 24, 2011]

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

Purpose: The department is amending WAC 458-20-102 (Rule 102) to explain the reseller permit program. SB 6173 (chapter 563, Laws of 2009) replaced the "resale certificate" with a "reseller permit" as the primary means by which to document a wholesale purchase. SHB 2458 (chapter 112, Laws of 2010) clarified and made changes to the reseller permit program. The reseller permit is issued by the department, whereas the resale certificate was a form that any buyer could download and complete.

Information explaining the use of resale certificates was removed from Rule 102 and incorporated it into the new WAC 458-20-102A (Rule 102A). This information will be needed until the normal limitation periods for assessment and refunds expire.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-102 Reseller permits.

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

Other Authority: RCW 82.32.780 and 82.32.783.

Adopted under notice filed as WSR 11-07-061 on March 21, 2011.

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 1, Amended 1, Repealed 0.

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

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

Date Adopted: May 24, 2011.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-21-103, filed 10/16/08, effective 11/16/08)

WAC 458-20-102 ((Resale certificates-)) Reseller permits. ~~((1) Introduction.~~ This section explains the conditions under which a buyer may furnish a resale certificate to a seller, and explains the information and language required on the resale certificate. This section also provides tax reporting information to persons who purchase articles or services for dual purposes (i.e., for both resale and consumption).

~~(a) Legislation passed in 2003.~~ In 2003, the legislature enacted legislation conforming state law to portions of the national Streamlined Sales and Use Tax Agreement (chapter 168, Laws of 2003), which eliminates the good faith requirement when the seller takes from the buyer a resale certificate and also eliminates signature requirements for certificates provided in a format other than paper. These changes apply to resale certificates taken on and after July 1, 2004.

~~(b) Legislation passed in 2007.~~ Additional Streamlined Sales and Use Tax Agreement legislation was enacted in 2007 (chapter 6, Laws of 2007). It eliminates the provision that resale certificates are only valid for four years from the date they are issued to the seller, as long as there is a recurring business relationship between the buyer and seller. This change is effective on July 1, 2008.

~~(2) What is a resale certificate?~~ The resale certificate is a document or combination of documents that substantiates the wholesale nature of a sale. The resale certificate cannot be used for purchases that are not purchases at wholesale, or where a more specific certificate, affidavit, or other documentary evidence is required by statute or other section of chapter 458-20 WAC. While the resale certificate may come in different forms, all resale certificates must satisfy the language and information requirements of RCW 82.04.470.

~~(a) What is the scope of a resale certificate?~~ Depending on the statements made on the resale certificate, the resale certificate may authorize the buyer to purchase at wholesale all products or services being purchased from a particular seller, or may authorize only selected products or services to be purchased at wholesale. The provisions of the resale certificate may be limited to a single sales transaction, or may apply to all sales transactions as long as the seller has a recurring business relationship with the buyer. A "recurring business relationship" means at least one sale transaction within a period of twelve consecutive months. Whatever its form and/or purpose, the resale certificate must be completed in its entirety and signed by a person who is authorized to make such a representation on behalf of the buyer.

~~(b) Who may issue and sign certificates?~~ The buyer may authorize any person in its employ to issue and sign resale certificates on the buyer's behalf. The buyer is, however, responsible for the information contained on the resale certificate. A resale certificate is not required to be completed by every person ordering or making the actual purchase of articles or services on behalf of the buyer. For example, a construction company that authorizes only its bookkeeper to issue resale certificates on its behalf may authorize both the bookkeeper and a job foreman to purchase items under the provisions of the resale certificate. The construction company is not required to provide, nor is the seller required to obtain, a resale certificate signed by each person making purchases on behalf of the construction company.

The buyer is responsible for educating all persons authorized to issue and/or use the resale certificate on the proper use of the buyer's resale certificate privileges.

~~(3) Resale certificate renewal.~~ Prior to July 1, 2008, resale certificates must be renewed at least every four years. As of July 1, 2008, the requirement to renew resale certificates at least every four years has been eliminated. The buyer must renew its resale certificate whenever a change in the ownership of the buyer's business requires a new tax registration. (See WAC 458-20-101 Tax registration and tax reporting.) The buyer may not make purchases under the authority of a resale certificate bearing a tax registration number that has been cancelled or revoked by the department of revenue (department).

~~(4) Sales at wholesale.~~ All sales are treated as retail sales unless the seller takes from the buyer a properly exe-

outed resale certificate. Resale certificates may only be used for sales at wholesale and may not be used as proof of entitlement to retail sales tax exemptions otherwise provided by law.

~~(a) **When may a buyer issue a resale certificate?** The buyer may issue a resale certificate only when the property or services purchased are:~~

~~(i) For resale in the regular course of the buyer's business without intervening use by the buyer;~~

~~(ii) To be used as an ingredient or component part of a new article of tangible personal property to be produced for sale;~~

~~(iii) A chemical to be used in processing an article to be produced for sale (see WAC 458-20-113 on chemicals used in processing);~~

~~(iv) To be used in processing ferrosilicon that is subsequently used in producing magnesium for sale;~~

~~(v) Provided to consumers as a part of competitive telephone service, as defined in RCW 82.04.065;~~

~~(vi) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or~~

~~(vii) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use by a farmer for producing for sale any agricultural product. (See WAC 458-20-210 on sales to and by farmers.)~~

~~(b) **Required information.** All resale certificates, whether paper or nonpaper format, must contain the following information:~~

~~(i) The name and address of the buyer;~~

~~(ii) The uniform business identifier or tax registration number of the buyer, if the buyer is required to be registered with the department;~~

~~(iii) The type of business;~~

~~(iv) The categories of items or services to be purchased at wholesale, unless the buyer is in a business classification that may present a blanket resale certificate as provided by the department by rule;~~

~~(v) The date on which the certificate was provided;~~

~~(vi) A statement that the items or services purchased either are purchased for resale in the regular course of business or are otherwise purchased at wholesale; and~~

~~(vii) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.~~

~~(c) **Additional requirements for paper certificates.** In addition to the requirements stated in (b) of this subsection, paper certificates must contain the following:~~

~~(i) The name of the individual authorized to sign the certificate, printed in a legible fashion;~~

~~(ii) The signature of the authorized individual; and~~

~~(iii) The name of the seller. RCW 82.04.470.~~

~~(5) **Seller's responsibilities.** When a seller receives and accepts from the buyer a resale certificate at the time of the~~

sale, or has a resale certificate on file at the time of the sale, or obtains a resale certificate from the buyer within one hundred twenty days after the sale, the seller is relieved of liability for retail sales tax with respect to the sale covered by the resale certificate. The seller may accept a legible fax, a duplicate copy of an original resale certificate, or a certificate in a format other than paper.

~~(a) If the seller has not obtained an appropriate resale certificate or other acceptable documentary evidence (see subsection (8) of this section), the seller is personally liable for the tax due unless it can sustain the burden of proving through facts and circumstances that the property was sold for one of the purposes set forth in subsection (4)(a) of this section. The department will consider all evidence presented by the seller, including the circumstances of the sales transaction itself, when determining whether the seller has met its burden of proof. It is the seller's responsibility to provide the information necessary to evaluate the facts and circumstances of all sales transactions for which resale certificates are not obtained. Facts and circumstances that should be considered include, but are not necessarily limited to, the following:~~

~~(i) The nature of the buyer's business. The items being purchased at wholesale must be consistent with the buyer's business. For example, a buyer having a business name of "Ace Used Cars" would generally not be expected to be in the business of selling furniture;~~

~~(ii) The nature of the items sold. The items sold must be of a type that would normally be purchased at wholesale by the buyer; and~~

~~(iii) Additional documentation. Other available documents, such as purchase orders and shipping instructions, should be considered in determining whether they support a finding that the sales are sales at wholesale.~~

~~(b) If the seller is required to make payment to the department, and later is able to present the department with proper documentation or prove by facts and circumstances that the sales in question are wholesale sales, the seller may in writing request a refund of the taxes paid along with the applicable interest. Both the request and the documentation or proof that the sales in question are wholesale sales must be submitted to the department within the statutory time limitations provided by RCW 82.32.060. (See WAC 458-20-229 Refunds.) However, refer to (f) of this subsection in event of an audit situation.~~

~~(c) **Timing requirements for single orders with multiple billings.** If a single order or contract will result in multiple billings to the buyer, and the appropriate resale certificate was not obtained or on file at the time the order was placed or the contract entered, the resale certificate must be received by the seller within one hundred twenty days after the first billing. For example, a subcontractor entering into a construction contract for which it has not received a resale certificate must obtain the certificate within one hundred twenty days of the initial construction draw request, even though the construction project may not be completed at that time and additional draw requests will follow.~~

~~(d) **Requirements for resale certificates obtained after one hundred twenty days have passed.** If the resale certificate is obtained more than one hundred twenty days after the sale or sales in question, the resale certificate must~~

be specific to the sale or sales. The certificate must specifically identify the sales in question on its face, or be accompanied by other documentation signed by the buyer specifically identifying the sales in question and stating that the provisions of the accompanying resale certificate apply. A nonspecific resale certificate that is not obtained within one hundred twenty days is generally not, in and of itself, acceptable proof of the wholesale nature of the sales in question. The resale certificate and/or required documentation must be obtained within the statutory time limitations provided by RCW 82.32.050.

(e) **Examples.** The following examples explain the seller's documentary requirements in typical situations when obtaining a resale certificate more than one hundred twenty days after the sale. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Beginning in January of year 1, MN Company regularly makes sales to ABC Inc. In June of the same year, MN discovers ABC has not provided a resale certificate. MN requests a resale certificate from ABC and, as the resale certificate will not be received within one hundred twenty days of many of the past sales transactions, requests that the resale certificate specifically identify those past sales subject to the provisions of the certificate. MN receives a legible fax copy of an original resale certificate from ABC on July 1st of that year. Accompanying the resale certificate is a memo providing a list of the invoice numbers for all past sales transactions through May 15th of that year. This memo also states that the provisions of the resale certificate apply to all past and future sales, including those listed. MN Company has satisfied the requirement that it obtain a resale certificate specific to the sales in question.

(ii) XYZ Company makes three sales to MP Inc. in October of year 1 and does not charge retail sales tax. In the review of its resale certificate file in April of the following year, XYZ discovers it has not received a resale certificate from MP Inc. and immediately requests a certificate. As the resale certificate will not be received within one hundred twenty days of the sales in question, XYZ requests that MP provide a resale certificate identifying the sales in question. MP provides XYZ with a resale certificate that does not identify the sales in question, but simply states "applies to all past purchases." XYZ Company has not satisfied its responsibility to obtain an appropriate resale certificate. As XYZ failed to secure a resale certificate within a reasonable period of time, XYZ must obtain a certificate specifically identifying the sales in question or prove through other facts and circumstances that these sales are wholesale sales. (Refer to (a) of this subsection for information on how a seller can prove through other facts and circumstances that a sale is a wholesale sale.) It remains the seller's burden to prove the wholesale nature of the sales made to a buyer if the seller has not obtained a valid resale certificate within one hundred twenty days of the sale.

(f) **Additional time to secure documentation in audit situation.** If in event of an audit the department discovers that the seller has not secured, as described in this subsection (5), the necessary resale certificates and/or documentation,

the seller will generally be allowed one hundred twenty days in which to obtain and present appropriate resale certificates and/or documentation, or prove by facts and circumstances the sales in question are wholesale sales. The time allotted to the seller shall commence from the date the auditor initially provides the seller with the results of the auditor's wholesale sales review. The processing of the audit report will not be delayed as a result of the seller's failure within the allotted time to secure and present appropriate documentation, or its inability to prove by facts and circumstances that the sales in question were wholesale sales.

(6) **Penalty for improper use.** Any buyer who uses a resale certificate to purchase items or services without payment of sales tax and who is not entitled to use the certificate for the purchase will be assessed a penalty of fifty percent of the tax due on the improperly purchased item or service. This penalty is in addition to all other taxes, penalties, and interest due, and can be imposed even if there was no intent to evade the payment of retail sales tax. The penalty will be assessed by the department and applies only to the buyer. However, see subsection (12) of this section for situations in which the department may waive the penalty.

Persons who purchase articles or services for dual purposes (i.e., some for their own consumption and some for resale) should refer to subsection (11) of this section to determine whether they may give a resale certificate to the seller.

(7) **Resale certificate suggested form.** While there may be different forms of the resale certificate, all resale certificates must satisfy the language and information requirements provided by RCW 82.04.470. The resale certificate is available on the department's internet site at <http://dor.wa.gov>, or can be obtained by calling the department's telephone information center at 1-800-647-7706 or by writing:

Taxpayer Services
Department of Revenue
P.O. Box 47478
Olympia, WA 98504-7478

A resale certificate may be in any other form that contains substantially the same information and language, except that certificates provided in a format other than paper are not required to include the printed name of the person authorized to sign the certificate, the signature of the authorized individual, or the name of the seller.

Effective July 1, 2008, buyers also have the option of using a Streamlined Sales and Use Tax Agreement Certificate of Exemption, which has been modified for Washington state laws. It can also be found on the department's internet site at <http://dor.wa.gov>.

(a) **Buyer's responsibility to specify products or services purchased at wholesale.** RCW 82.04.470 requires the buyer making purchases at wholesale to specify the kinds of products or services subject to the provisions of the resale certificate. A buyer who will purchase some of the items at wholesale, and consume and pay tax on some other items being purchased from the same seller, must use terms specific enough to clearly indicate to the seller what kinds of products or services the buyer is authorized to purchase at wholesale.

(i) The buyer may list the particular products or services to be purchased at wholesale, or provide general category descriptions of these products or services. The terms used to describe these categories must be descriptive enough to restrict the application of the resale certificate provisions to those products or services that the buyer is authorized to purchase at wholesale. The following are examples of terms used to describe categories of products purchased at wholesale, and businesses that may be eligible to use such terms on their resale certificates:

(A) "Hardware" for use by a general merchandise or building material supply store, "computer hardware" for use by a computer retailer;

(B) "Paint" or "painting supplies" for use by a general merchandise or paint retailer, "automotive paint" for use by an automotive repair shop; and

(C) "Building materials" or "subcontract work" for use by prime contractors performing residential home construction, "wiring" or "lighting fixtures" for use by an electrical contractor.

(ii) The buyer must remit retail sales tax on any taxable product or service not listed on the resale certificate provided to the seller. If the buyer gave a resale certificate to the seller and later used an item listed on the certificate, or if the seller failed to collect the sales tax on items not listed on the certificate, the buyer must remit the deferred sales or use tax due directly to the department.

(iii) RCW 82.08.050 provides that each seller shall collect from the buyer the full amount of retail sales tax due on each retail sale. If the department finds that the seller has engaged in a consistent pattern of failing to properly charge sales tax on items not purchased at wholesale (i.e., not listed on the resale certificate), it may hold the seller liable for the uncollected sales tax.

(iv) Persons having specific questions regarding the use of terms to describe products or services purchased at wholesale may submit their questions to the department for ruling. The department may be contacted on the internet at <http://dor.wa.gov/> or by writing:

Taxpayer Services
Department of Revenue
P.O. Box 47478
Olympia, WA 98504 7478

(b) **Blanket resale certificates.** A buyer who will purchase at wholesale all of the products or services being purchased from a particular seller will not be required to specifically describe the items or item categories on the resale certificate. If the certificate form provides for a description of the products or services being purchased at wholesale the buyer may specify "all products and/or services" (or make a similar designation). A resale certificate completed in this manner is often described as a blanket resale certificate.

(i) The resale certificate used by the buyer must, in all cases, be completed in its entirety. A resale certificate in which the section for the description of the items being purchased at wholesale is left blank by the buyer will not be considered a properly executed resale certificate.

(ii) As of July 1, 2008, renewal or updating of blanket resale certificates is not required as long as the seller has a

recurring business relationship with the buyer. A "recurring business relationship" means at least one sale transaction within a period of twelve consecutive months.

To effectively administer this provision during an audit, the department will accept a resale certificate as evidence for wholesale sales that occur within four years of the certificate's effective date without evidence of sales transactions being made once every twelve months. For sales transactions made more than four years after the date of the properly completed resale certificate, the seller must substantiate that a recurring business relationship with the buyer has occurred for any sales outside the period of more than four years after the effective date of the resale certificate.

(c) **Resale certificates for single transactions.** If the resale certificate is used for a single transaction, the language and information required of a resale certificate may be written or stamped upon a purchase order or invoice. The language contained in a "single use" resale certificate should be modified to delete any reference to subsequent orders or purchases.

(d) **Examples.** The following examples explain the proper use of types of resale certificates in typical situations. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC is an automobile repair shop purchasing automobile parts for resale and tools for its own use from DE Supply. ABC must provide DE Supply with a resale certificate limiting the certificate's application to automobile part purchases. However, should ABC withdraw parts from inventory to install in its own tow truck, deferred retail sales tax or use tax must be remitted directly to the department. The buyer has the responsibility to report deferred retail sales tax or use tax upon any item put to its own use, including items for which it gave a resale certificate and later used for its own use.

(ii) X Company is a retailer selling lumber, hardware, tools, automotive parts, and household appliances. X Company regularly purchases lumber, hardware, and tools from Z Distributing. While these products are generally purchased for resale, X Company occasionally withdraws some of these products from inventory for its own use. X Company may provide Z Distributing with a resale certificate specifying "all products purchased" are purchased at wholesale. However, whenever X Company removes any product from inventory to put to its own use, deferred retail sales tax or use tax must be remitted to the department.

(iii) TM Company is a manufacturer of electric motors. When making purchases from its suppliers, TM issues a paper purchase order. This purchase order contains the information required of a resale certificate and a signature of the person ordering the items on behalf of TM. This purchase order includes a box that, if marked, indicates to the supplier that all or certain designated items purchased are being purchased at wholesale.

When the box indicating the purchases are being made at wholesale is marked, the purchase order can be accepted as a resale certificate. As TM Company's purchase orders are being accepted as resale certificates, they must be retained by

the seller for at least five years. (See WAC 458-20-254 Recordkeeping.)

(8) Other documentary evidence. Other documentary evidence may be used by the seller and buyer in lieu of the resale certificate form described in this section. However, this documentary evidence must collectively contain the information and language generally required of a resale certificate. The conditions and restrictions applicable to the use of resale certificates apply equally to other documentary evidence used in lieu of the resale certificate form in this section. The following are examples of documentary evidence that will be accepted to show that sales were at wholesale:

(a) Combination of documentary evidence. A combination of documentation kept on file, such as a membership card or application, and a sales invoice or "certificate" taken at the point of sale with the purchases listed, provided:

(i) The documentation kept on file contains all information required on a resale certificate, including, for paper certificates, the names and signatures of all persons authorized to make purchases at wholesale; and

(ii) The sales invoice or "certificate" taken at the point of sale must contain the following:

(A) Language certifying the purchase is made at wholesale, with acknowledgement of the penalties for the misuse of resale certificate privileges, as generally required of a resale certificate; and

(B) The name and registration number of the buyer/business, and, if a paper certificate, an authorized signature.

(b) Contracts of sale. A contract of sale that within the body of the contract provides the language and information generally required of a resale certificate. The contract of sale must specify the products or services subject to the resale certificate privileges.

(c) Other preapproved documentary evidence. Any other documentary evidence that has been approved in advance and in writing by the department.

(9) Sales to nonresident buyers. If the buyer is a non-resident who is not engaged in business in this state, but buys articles here for the purpose of resale in the regular course of business outside this state, the seller must take from the buyer a resale certificate as described in this section. The seller may accept a resale certificate from an unregistered nonresident buyer with the registration number information omitted, provided the balance of the resale certificate is completed in its entirety. The resale certificate should contain a statement that the items are being purchased for resale outside Washington.

(10) Sales to farmers. Farmers selling agricultural products only at wholesale are not required to register with the department. (See WAC 458-20-101 Tax registration and tax reporting.) When making wholesale sales to farmers (including farmers operating in other states), the seller must take from the farmer a resale certificate as described in this section. Farmers not required to be registered with the department may provide, and the seller may accept, resale certificates with the registration number information omitted, provided the balance of the certificates are completed in full. Persons making sales to farmers should also refer to WAC 458-20-210 (Sales of tangible personal property for farming—Sales of agricultural products by farmers).

(11) Purchases for dual purposes. A buyer normally engaged in both consuming and reselling certain types of tangible personal property, and not able to determine at the time of purchase whether the particular property purchased will be consumed or resold, must purchase according to the general nature of his or her business. RCW 82.08.130. If the buyer principally consumes the articles in question, the buyer should not give a resale certificate for any part of the purchase. If the buyer principally resells the articles, the buyer may issue a resale certificate for the entire purchase. For the purposes of this subsection, the term "principally" means greater than fifty percent.

(a) Deferred sales tax liability. If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, the buyer must set up in his or her books of account the value of the article used and remit to the department the applicable deferred sales tax. The deferred sales tax liability should be reported under the use tax classification on the buyer's excise tax return.

(i) Buyers making purchases for dual purposes under the provisions of a resale certificate must remit deferred sales tax on all products or services they consume. If the buyer fails to make a good faith effort to remit this tax liability, the penalty for the misuse of resale certificate privileges may be assessed. This penalty will apply to the unremitted portion of the deferred sales tax liability.

A buyer will generally be considered to be making a good faith effort to report its deferred sales tax liability if the buyer discovers a minimum of eighty percent of the tax liability within one hundred twenty days of purchase, and remits the full amount of the discovered tax liability upon the next excise tax return. However, if the buyer does not satisfy this eighty percent threshold and can show by other facts and circumstances that it made a good faith effort to report the tax liability, the penalty will not be assessed. Likewise, if the department can show by other facts and circumstances that the buyer did not make a good faith effort in remitting its tax liability the penalty will be assessed, even if the eighty percent threshold is satisfied.

(ii) The following example illustrates the use of a resale certificate for dual use purchases. This example should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances. BC Contracting operates both as a prime contractor and speculative builder of residential homes. BC Contracting purchases building materials from Seller D that are principally incorporated into projects upon which BC acts as a prime contractor. BC provides Seller D with a resale certificate and purchases all building materials at wholesale. BC must remit deferred sales tax upon all building materials incorporated into the speculative projects to be considered to be properly using its resale certificate privileges. The failure to make a good faith effort to identify and remit this tax liability may result in the assessment of the fifty percent penalty for the misuse of resale certificate privileges.

(b) Tax paid at source deduction. If the buyer has not given a resale certificate, but has paid retail sales tax on all articles of tangible personal property and subsequently resells a portion of the articles, the buyer must collect the retail sales tax from its retail customers as provided by law. When

reporting these sales on the excise tax return, the buyer may then claim a deduction in the amount the buyer paid for the property resold.

(i) This deduction may be claimed under the retail sales tax classification only. It must be identified as a "taxable amount for tax paid at source" deduction on the deduction detail worksheet, which must be filed with the excise tax return. Failure to properly identify the deduction may result in the disallowance of the deduction. When completing the local sales tax portion of the tax return, the deduction must be computed at the local sales tax rate paid to the seller, and credited to the seller's tax location code.

(ii) The following example illustrates the tax paid at source deduction on or after July 1, 2008. This example should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances. Seller A is located in Spokane, Washington and purchases equipment parts for dual purposes from a supplier located in Seattle, Washington. The supplier ships the parts to Spokane. Seller A does not issue a resale certificate for the purchase, and remits retail sales tax to the supplier at the Spokane tax rate. A portion of these parts are sold and shipped to Customer B in Kennewick, with retail sales tax collected at the Kennewick tax rate. Seller A must report the amount of the sale to Customer B on its excise tax return, compute the local sales tax liability at the Kennewick rate, and code this liability to the location code for Kennewick (0302). Seller A would claim the tax paid at source deduction for the cost of the parts resold to Customer B, compute the local sales tax credit at the Spokane rate, and code this deduction amount to the location code for Spokane (3210).

(iii) Claim for deduction will be allowed only if the taxpayer keeps and preserves records in support of the deduction that show the names of the persons from whom such articles were purchased, the date of the purchase, the type of articles, the amount of the purchase and the amount of tax that was paid.

(iv) Should the buyer resell the articles at wholesale, or under other situations where retail sales tax is not to be collected, the claim for the tax paid at source deduction on a particular excise tax return may result in a credit. In such cases, the department will issue a credit notice that may be used against future tax liabilities. However, a taxpayer may request in writing a refund from the department.

(12) Waiver of penalty for resale certificate misuse. The department may waive the penalty imposed for resale certificate misuse upon finding that the use of the certificate to purchase items or services by a person not entitled to use the certificate for that purpose was due to circumstances beyond the control of the buyer. However, the use of a resale certificate to purchase items or services for personal use outside of the business does not qualify for the waiver or cancellation of the penalty. The penalty will not be waived merely because the buyer was not aware of either the proper use of the resale certificate or the penalty. In all cases the burden of proving the facts is upon the buyer.

(a) Considerations for waiver. Situations under which a waiver of the penalty will be considered by the department include, but are not necessarily limited to, the following:

(i) The resale certificate was properly used to purchase products or services for dual purposes; or the buyer was eligible to issue the resale certificate; and the buyer made a good faith effort to discover all of its deferred sales tax liability within one hundred twenty days of purchase; and the buyer remitted the discovered tax liability upon the next excise tax return. (Refer to subsection (11)(a)(i) of this section for an explanation of what constitutes "good faith effort.")

(ii) The certificate was issued and/or purchases were made without the knowledge of the buyer, and had no connection with the buyer's business activities. However, the penalty for the misuse of resale certificate privileges may be applied to the person actually issuing and/or using the resale certificate without knowledge of the buyer.

(b) One-time waiver of penalty for inadvertent or unintentional resale certificate misuse. The penalty prescribed for the misuse of the resale certificate may be waived or cancelled on a one-time only basis if such misuse was inadvertent or unintentional, and the item was purchased for use within the business. If the department does grant a one-time waiver of the penalty, the buyer will be provided written notification at that time.

(c) Examples. The following are examples of typical situations where the fifty percent penalty for the misuse of resale privileges will or will not be assessed. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC Manufacturing purchases electrical wiring and tools from X Supply. The electrical wiring is purchased for dual purposes, i.e., for resale and for consumption, with more than fifty percent of the wiring purchases becoming a component of items that ABC manufactures for sale. ABC Manufacturing issues a resale certificate to X Supply specifying "electrical wiring" as the category of items purchased for resale. ABC regularly reviews its purchases and remits deferred sales tax upon the wiring it uses as a consumer.

ABC is subsequently audited by the department and it is discovered that ABC Manufacturing failed to remit deferred sales tax upon three purchases of wiring for consumption. The unreported tax liability attributable to these three purchases is less than five percent of the total deferred sales tax liability for wiring purchases made from X Supply. It is also determined that the failure to remit deferred sales tax upon these purchases was merely an oversight. The fifty percent penalty for the misuse of resale certificate privileges does not apply, even though ABC failed to remit deferred sales tax on these purchases. The resale certificate was properly issued, and ABC remitted to the department more than eighty percent of the deferred sales tax liability for wiring purchases from X Supply.

(ii) During a routine audit examination of a jewelry store, the department discovers that a dentist has provided a resale certificate for the purchase of a necklace. This resale certificate indicates that in addition to operating a dentistry practice, the dentist also sells jewelry. The resale certificate contains the information required under RCW 82.04.470.

Upon further investigation, the department finds that the dentist is not engaged in selling jewelry. The department will look to the dentist for payment of the applicable retail sales

tax. In addition, the dentist will be assessed the fifty percent penalty for the misuse of resale certificate privileges. The penalty will not be waived or cancelled as the dentist misused the resale certificate privileges to purchase a necklace for personal use.

(iii) During a routine audit examination of a computer dealer, it is discovered that a resale certificate was obtained from a bookkeeping service. The resale certificate was completed in its entirety and accepted by the dealer. Upon further investigation it is discovered that the bookkeeping service had no knowledge of the resale certificate, and had made no payment to the computer dealer. The employee who signed the resale certificate had purchased the computer for personal use, and had personally made payment to the computer dealer.

The fifty percent penalty for the misuse of the resale certificate privileges will be waived for the bookkeeping service. The bookkeeping service had no knowledge of the purchase or unauthorized use of the resale certificate. However, the department will look to the employee for payment of the taxes and the fifty percent penalty for the misuse of resale certificate privileges.

(iv) During an audit examination it is discovered that XYZ Corporation, a duplicating company, purchased copying equipment for its own use. XYZ Corporation issued a resale certificate to the seller despite the fact that XYZ does not sell copying equipment. XYZ also failed to remit either the deferred sales or use tax to the department. As a result of a previous investigation by the department, XYZ had been informed in writing that retail sales and/or use tax applied to all such purchases. The fifty percent penalty for the misuse of resale certificate privileges will be assessed. XYZ was not eligible to provide a resale certificate for the purchase of copying equipment, and had previously been so informed. The penalty will apply to the unremitted deferred sales tax liability.

(v) AZ Construction issued a resale certificate to a building material supplier for the purchase of "pins" and "loads." The "pins" are fasteners that become a component part of the finished structure. The "load" is a powder charge that is used to drive the "pin" into the materials being fastened together. AZ Construction is informed during the course of an audit examination that it is considered the consumer of the "loads" and may not issue a resale certificate for its purchase thereof. AZ Construction indicates that it was unaware that a resale certificate could not be issued for the purchase of "loads," and there is no indication that AZ Construction had previously been so informed.

The failure to be aware of the proper use of the resale certificate is not generally grounds for waiving the fifty percent penalty for the misuse of resale certificate privileges. However, AZ Construction does qualify for the "one time only" waiver of the penalty as the misuse of the resale certificate privilege was unintentional and the "loads" were purchased for use within the business.)) (1) **Introduction.** This section provides information about reseller permits issued by the department of revenue (department). Effective January 1, 2010, reseller permits replaced resale certificates as the documentation necessary to substantiate the wholesale nature of a sales transaction. Reseller permits are issued to businesses

that make wholesale purchases, such as retailers, wholesalers, manufacturers, and qualified contractors. The permits allow businesses to purchase certain items or services at wholesale without paying retail sales tax. Additional information can be found on the department's internet site: <http://dor.wa.gov>.

(a) What other sections provide related information?

The following sections may contain additional relevant information:

- [WAC 458-20-10201](#) (Application process and eligibility requirements for reseller permits) for more information about the application process and eligibility requirements for obtaining a reseller permit;

- [WAC 458-20-10202](#) (Brief adjudicative proceedings for matters related to reseller permits) for more information about the procedures for appealing the denial of an application for a reseller permit; and

- [WAC 458-20-102A](#) (Resale certificates), which explains the resale certificate documentation requirements for wholesale sales occurring before January 1, 2010.

(b) **Examples.** This section contains examples which identify a number of facts and then state a conclusion. The examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(2) **What is a reseller permit?** A reseller permit is a document issued to a business by the department that the business provides to a seller to substantiate a wholesale purchase. Each reseller permit contains a unique identifying number. Businesses should keep the original permit and make and distribute copies of the permit to sellers from whom they make wholesale purchases as described in subsection (6) of this section. Sellers can store copies of reseller permits in either paper or electronic format.

The reseller permit document issued by the department contains an optional, blank "Notes" section in which the permit holder can provide additional information, such as a description of the items or services the permit holder wishes to purchase at wholesale.

(3) **Who may use a reseller permit?** The buyer may authorize any person in its employ to use a copy of the buyer's reseller permit on the buyer's behalf. However, misuse of the reseller permit subjects the buyer to:

- Revocation of the reseller permit;
- Penalties as provided in RCW 82.32.290 and 82.32.-291; and

- Tax, interest, and any other penalties imposed by law.

The buyer is responsible for educating all persons authorized to use the reseller permit on the proper use of the buyer's reseller permit.

(4) **How long is a reseller permit effective?** Except as otherwise provided in this subsection, reseller permits are generally valid for a period of forty-eight months from the date of issuance, renewal, or reinstatement.

(a) **Conditions when permit is effective for twenty-four months.** A reseller permit is valid for a period of twenty-four months and may be renewed for a period of forty-eight months, effective July 1, 2010, if the permit is issued to a taxpayer who:

(i) Is not registered with the department under RCW 82.32.030;

(ii) Has been registered with the department under RCW 82.32.030 for a continuous period of less than one year as of the date that the department received the taxpayer's application for a reseller permit;

(iii) Was on nonreporting status as authorized under RCW 82.32.045(4) at the time that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit;

(iv) Has filed tax returns reporting no business activity for purposes of sales and business and occupation taxes for the twelve-month period immediately preceding the date that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit; or

(v) Has failed to file tax returns covering any part of the twelve-month period immediately preceding the department's receipt of the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit.

(b) **Federally recognized Indian tribe.** The provisions of (a) of this subsection do not apply to reseller permits issued to any business owned by a federally recognized Indian tribe or by an enrolled member of a federally recognized Indian tribe, if the business does not engage in any business activity that subjects the business to the B&O tax (chapter 82.04 RCW). Permits issued to such businesses are valid for forty-eight months from the date of issuance, renewal, or reinstatement.

(c) **Contractors.** Except as otherwise provided in this subsection (c), until June 20, 2013, a reseller permit issued, renewed, or reinstated to a "contractor" as defined in WAC 458-20-10201(302) will be valid for a period of twelve months from the date of issuance, renewal, or reinstatement.

(i) Beginning July 1, 2013, reseller permits issued, renewed, or reinstated to a contractor will be valid for a period of twenty-four months from the date of issuance, renewal, or reinstatement.

(ii) However, the department may issue, renew, or reinstate permits for a period of twenty-four months beginning July 1, 2011, if the department is satisfied that the contractor is entitled to make purchases at wholesale and that issuing or renewing the reseller permit in this manner is unlikely to jeopardize collection of sales taxes due based on the criteria discussed in WAC 458-20-10201(305).

(d) **Renewal of reseller permit.** Applications to renew a reseller permit cannot be made more than ninety days before the expiration of the reseller permit.

(e) **Business ownership change.** A new reseller permit is required whenever a change in the ownership of the buyer's business requires a new tax registration. (See WAC 458-20-101 Tax registration and tax reporting.) The new business may not make purchases under the authority of the reseller permit issued to the business before the change in ownership.

(f) **Revoked or invalid reseller permit.** Purchases may not be made under the authority of a reseller permit that has been revoked by the department or is otherwise invalid. For more information about reseller permit revocation or other invalidation of reseller permits, see subsection (14) of this section.

(5) **Sales at wholesale.** All sales are treated as retail sales unless the seller takes from the buyer a copy of a reseller permit, a uniform exemption certificate authorized by RCW 82.04.470, or obtains the data elements as described in subsection (7) of this section. Reseller permits may only be used for sales at wholesale and generally may not be used as proof of entitlement to retail sales tax exemptions otherwise provided by law.

(6) **When may a buyer use a reseller permit?** The buyer may use a reseller permit only when making wholesale purchases. (See RCW 82.04.060 for additional information.) The reseller permit may not be used when making tax-exempt retail purchases.

(7) **Seller's responsibilities.** The seller has the burden of proving that the buyer had a reseller permit at the time of sale. A seller may meet its burden by taking from the buyer, at the time of sale or within one hundred twenty days after the sale, a copy of a reseller permit issued to the buyer by the department under RCW 82.32.780 or 82.32.783.

(a) In lieu of a copy of a reseller permit issued by the department, pursuant to RCW 82.04.470 a seller may accept from a buyer that is **required** to be registered with the department under RCW 82.32.030:

(i) A properly completed uniform exemption certificate approved by the streamlined sales and use tax agreement governing board; or

(ii) Any other exemption certificate as may be authorized by the department and properly completed by the buyer.

(b) Certificates authorized in (a)(i) and (ii) of this subsection must include the reseller permit number issued by the department to the buyer.

(c) A seller who accepts exemption certificates authorized in (a) of this subsection is not required to verify with the department whether the buyer is required to be registered with the department under RCW 82.32.030. It must be noted, however, that nothing in this subsection (c) may be construed to modify any of the provisions of RCW 82.08.050.

(d) In lieu of a copy of a reseller permit issued by the department, pursuant to RCW 82.04.470 a seller may accept from a buyer that is **not required** to be registered with the department under RCW 82.32.030:

(i) A properly completed uniform sales and use tax exemption certificate developed by the multistate tax commission;

(ii) A properly completed uniform exemption certificate approved by the streamlined sales and use tax agreement governing board; or

(iii) Any other exemption certificate as may be authorized by the department and properly completed by the buyer.

The Streamlined Sales and Use Tax Agreement Certificate of Exemption and Multistate Tax Commission Uniform Sales and Use Tax Exemption Certificate can each be obtained on the department's internet site at <http://dor.wa.gov>.

(e) A seller who accepts a uniform exemption certificate authorized in (d) of this subsection is not required to verify with the department whether the buyer is required to be registered with the department under RCW 82.32.030. It must be noted, however, that nothing in this subsection (e) may be

construed to modify any of the provisions of RCW 82.08.050.

(f) **Data elements.** In lieu of obtaining a reseller permit or the documentation in (a) or (d) of this subsection, RCW 82.08.050(7) authorizes a seller to capture the relevant data elements as allowed under the streamlined sales and use tax agreement. "Data elements" are the information required to be supplied on the actual Streamlined Sales and Use Tax Agreement Certificate of Exemption: Name, address, type of business, reason for exemption, identification number required by the state to which the sale is sourced, state and country issuing identification number, and if a paper form is used, a signature of the purchaser. See Streamlined Sales Tax Governing Board, Inc. Rule 317.1(A) for more information.

(g) **The term "reseller permit."** For purposes of this section, unless otherwise specified, the term "reseller permit" hereinafter contemplates all of the following: A copy of a reseller permit, a uniform exemption certificate authorized by RCW 82.04.470 as described in (a) and (d) of this subsection, or data elements as described in (f) of this subsection.

(h) **Seller must provide documentation or information.** If the seller has not obtained a reseller permit or the documentation described in (a), (b), (d), or (f) of this subsection, the seller is liable for the tax due unless it can sustain the burden of proving that a sale is a wholesale sale by demonstrating facts and circumstances that show the sale was properly made at wholesale. The department will consider all evidence presented by the seller, including the circumstances of the sales transaction itself, when determining whether the seller has met its burden of proof. It is the seller's responsibility to provide the information necessary to evaluate the facts and circumstances of all sales transactions for which reseller permits are not obtained. Facts and circumstances that should be considered include, but are not necessarily limited to, the following:

- The nature of the buyer's business. The items being purchased at wholesale must be consistent with the buyer's business. For example, a buyer having a business name of "Ace Used Cars" would generally not be expected to be in the business of selling furniture;
- The nature of the items sold. The items sold must be of a type that would normally be purchased at wholesale by the buyer; and
- Additional documentation. Other available documents, such as purchase orders and shipping instructions, should be considered in determining whether they support a finding that the sales are sales at wholesale.

(i) **Annual electronic verification.** Notwithstanding anything in RCW 82.04.470 to the contrary, a seller who maintains records establishing that it uses electronic means to verify, at least once per calendar year, the validity of its customers' reseller permits need not take a copy of a reseller permit or other documentation or the data elements as authorized in (a), (d), or (f) of this subsection for wholesale sales to those customers with valid reseller permits as confirmed by the department for all sales occurring within twelve months following the date that the seller last electronically verified the validity of its customers' reseller permits, using the department's reseller permit verification system. A seller that meets the requirements of this subsection will be deemed to have

met its burden of proving a sale is a wholesale sale rather than a retail sale.

(j) **Can a seller request a refund for sales tax paid out-of-pocket after obtaining appropriate documentation?** If the seller is required to make payment to the department, and later is able to present the department with proper documentation or prove by facts and circumstances that the sales in question are wholesale sales, the seller may in writing request a refund of the taxes paid along with the applicable interest. Both the request and the documentation or proof that the sales in question are wholesale sales must be submitted to the department within the statutory time limitations provided by RCW 82.32.060. (See WAC 458-20-229 Refunds.) However, refer to (m) of this subsection in the event of an audit situation.

(k) **Timing requirements for single orders with multiple billings.** If a single order or contract will result in multiple billings to the buyer, and a reseller permit was not obtained or on file at the time the order was placed or the contract entered, a reseller permit must be received by the seller within one hundred twenty days after the first billing. For example, a subcontractor entering into a construction contract for which it has not received a reseller permit must obtain it within one hundred twenty days of the initial construction draw request, even though the construction project may not be completed at that time and additional draw requests will follow.

(l) **Proof of wholesale sales obtained, from a buyer not required to be registered, after one hundred twenty days have passed from sale date.** If proof that a sale was a wholesale sale is obtained more than one hundred twenty days after the sale or sales in question, the nonregistered buyer must specifically identify the sale or sales to which it applies. Certificates, such as a uniform exemption certificate, used must be accompanied by other documentation signed by the buyer specifically identifying the sales in question and stating that the provisions of the accompanying certificate apply. A non-specific certificate that is not obtained within one hundred twenty days is generally not, in and of itself, acceptable proof of the wholesale nature of the sales in question. The certificate and/or required documentation must be obtained within the statutory time limitations provided by RCW 82.32.050.

(m) **Additional time to secure documentation in audit situation.** If in event of an audit the department discovers that the seller has not secured, as described in this subsection, the necessary certificates and/or documentation, the seller will generally be allowed one hundred twenty days in which to obtain and present appropriate certificates and/or documentation, or prove by facts and circumstances the sales in question are wholesale sales. The time allotted to the seller will commence from the date the auditor initially provides the seller with the results of the auditor's wholesale sales review. The processing of the audit report will not be delayed as a result of the seller's failure within the allotted time to secure and present appropriate documentation, or its inability to prove by facts and circumstances that the sales in question were wholesale sales.

(8) **Department's reseller permit verification system.** Pursuant to RCW 82.32.785, the department has developed a system available on its internet site that allows sellers to vol-

untarily verify whether their customers' reseller permits are valid. Sellers are under no obligation to use the verification system. The system is accessible at the department's internet site: <http://dor.wa.gov>. Information available on the system includes the name of the permit holder, the status of the reseller permit, and the expiration date of the permit.

(9) Penalty for improper use of reseller permit. If any buyer improperly uses a reseller permit number, reseller permit, or other documentation authorized under RCW 82.04.-470 to purchase items or services at retail without payment of sales tax that was legally due on the purchase, the department must assess against that buyer a penalty of fifty percent of the tax due on the improperly purchased item or service. See RCW 82.32.291. This penalty is in addition to all other taxes, penalties, and interest due, and can be imposed even if there was no intent to evade the payment of retail sales tax. The penalty will be assessed by the department and applies only to the buyer. However, see subsection (13) of this section for situations in which the department must waive the penalty.

(a) Improper use of reseller permit. A buyer that purchases items or services at retail without payment of sales tax legally due on the purchase is deemed to have improperly used a reseller permit number, reseller permit, or other documentation authorized under RCW 82.04.470 to purchase the items or services without payment of sales tax and is subject to the penalty described above in this subsection if the buyer:

(i) Furnished to the seller a reseller permit number, a reseller permit or copy of a reseller permit, or other documentation authorized under RCW 82.04.470 to avoid payment of sales tax legally due on the purchase; or

(ii) Made the purchase from a seller that had previously used electronic means to verify the validity of the buyer's reseller permit with the department and, as a result, did not require the buyer to provide a copy of its reseller permit or furnish other documentation authorized under RCW 82.04.470 to document the wholesale nature of the purchase. In such cases, the buyer bears the burden of proving that the purchases made without payment of sales tax were qualified purchases or the buyer remitted deferred sales tax directly to the department. The buyer not realizing that sales tax was not paid at the time of purchase is not reason for waiving the penalty.

Persons who purchase articles or services for dual purposes (i.e., some for their own consumption and some for resale) should refer to subsection (12) of this section to determine whether they may furnish a reseller permit to the seller.

(b) Examples.

(i) During a routine audit examination of a jewelry store, the department discovers that a dentist has furnished a reseller permit for the purchase of a necklace. The "Notes" section of the reseller permit indicates that in addition to operating a dentistry practice, the dentist also sells jewelry. The jewelry store correctly accepted the reseller permit as appropriate documentation.

Upon further investigation, the department finds that the dentist is not engaged in selling jewelry. The department will impose the retail sales tax, interest, and the fifty percent penalty for improper use of the reseller permit against the dentist.

(ii) M&M Plumbing Supply (M&M) has several regular customers who make purchases at wholesale. M&M uses the

department's reseller permit verification system to find all regular customers that have a reseller permit. M&M keeps the required data elements in its system and begins to make wholesale sales to all customers the system shows have a reseller permit. While it is best for sellers to ensure customers intend to purchase at wholesale, in this case, M&M has satisfied its requirement to ensure that customers making wholesale purchases have reseller permits. It is the customer's responsibility to review purchase invoices to ensure that deferred sales tax is paid if the purchase is not a valid wholesale purchase. If the customer does not pay the tax due on the next tax return, the misuse penalty will be assessed.

(10) Sales to nonresident buyers. If the buyer is a nonresident who is not engaged in business in this state and is not required to be registered with the department under RCW 82.32.030 but buys articles here for the purpose of resale in the regular course of business outside this state, the seller may accept the following from the buyer in lieu of a reseller permit:

(a) A properly completed uniform sales and use tax exemption certificate developed by the multistate tax commission; or

(b) A properly completed uniform exemption certificate approved by the streamlined sales and use tax agreement governing board. Nonresident buyers who are not required to be registered with the department under RCW 82.32.030 are nonetheless eligible to apply for and receive a reseller permit. For more information about the application process and eligibility requirements for reseller permits, see WAC 458-20-10201 (Application process and eligibility requirements for reseller permits).

(11) Sales to farmers. Farmers selling agricultural products only at wholesale are generally not required to register with the department. (See WAC 458-20-101 Tax registration and tax reporting.)

(a) Registered farmers. Farmers who are required to be registered with the department must obtain a reseller permit to substantiate wholesale purchases. In lieu of a copy of a reseller permit issued by the department, a seller may accept from a farmer that is registered with the department a properly completed Farmers' Certificate for Wholesale Purchases and Sales Tax Exemptions as long as that certificate includes the reseller permit number issued by the department to the farmer.

(b) Unregistered farmers. Farmers not required to be registered with the department may provide, and the seller may accept, any of the following documents to substantiate the wholesale nature of a purchase in lieu of a reseller permit:

(i) A Farmers' Certificate for Wholesale Purchases and Sales Tax Exemptions;

(ii) A properly completed uniform sales and use tax exemption certificate developed by the multistate tax commission; or

(iii) A properly completed uniform exemption certificate approved by the streamlined sales and use tax agreement governing board.

Farmers who are not required to be registered with the department are nonetheless eligible to apply for and receive a reseller permit. For more information about the application process and eligibility requirements for reseller permits, see

WAC 458-20-10201 (Application process and eligibility requirements for reseller permits).

(12) Purchases for dual purposes. A buyer normally engaged in both consuming and reselling certain types of tangible personal property, and not able to determine at the time of purchase whether the particular property purchased will be consumed or resold, must purchase according to the general nature of the buyer's business. RCW 82.08.130. If the buyer principally consumes the articles in question, the buyer should not give a reseller permit for any part of the purchase. If the buyer principally resells the articles, the buyer may furnish a reseller permit for the entire purchase. For the purposes of this subsection, the term "principally" means greater than fifty percent.

(a) Deferred sales tax liability. If the buyer gives a reseller permit for all purchases and thereafter consumes some of the articles purchased, the buyer must remit the deferred sales tax on the value of the article used to the department. The deferred sales tax liability should be reported under the use tax classification on the buyer's excise tax return.

(i) Buyers making purchases for dual purposes under the provisions of a reseller permit must remit deferred sales tax on all products or services they consume. If the buyer fails to make a good faith effort to remit this tax liability, the penalty for the misuse of a reseller permit will be assessed. This penalty will apply to the unremitted portion of the deferred sales tax liability.

A buyer will generally be considered to be making a good faith effort to report its deferred sales tax liability if the buyer discovers a minimum of eighty percent of the deferred sales tax liability within one hundred twenty days of purchase, and remits the full amount of the discovered tax liability upon the next excise tax return. However, if the buyer does not satisfy this eighty percent threshold and can show by other facts and circumstances that it made a good faith effort to report the tax liability, the penalty will not be assessed. Likewise, if the department can show by other facts and circumstances that the buyer did not make a good faith effort in remitting its tax liability the penalty will be assessed, even if the eighty percent threshold is satisfied.

(ii) The following example illustrates the use of a reseller permit for dual-use purchases.

BC Contracting operates both as a prime contractor and speculative builder of residential homes. BC Contracting purchases building materials from seller that are principally incorporated into projects upon which BC acts as a prime contractor. BC provides seller with a reseller permit and purchases all building materials at wholesale. BC must remit deferred sales tax upon all building materials incorporated into the speculative projects to be considered to be properly using its reseller permit.

(b) Tax paid at source deduction. If the buyer has not provided a reseller permit to the seller but has paid retail sales tax on all articles of tangible personal property and subsequently resells a portion of the articles, the buyer must collect the retail sales tax from its retail customers as provided by law. When reporting these sales on the excise tax return, the buyer may then claim a deduction to recover the sales tax paid for the property resold.

(i) This deduction may be claimed under the retail sales tax classification only. It must be identified as a "taxable amount for tax paid at source" deduction on the deduction detail worksheet, which must be filed with the excise tax return. Failure to properly identify the deduction may result in the disallowance of the deduction. When completing the local sales tax portion of the tax return, the deduction must be computed at the local sales tax rate paid to the seller, and credited to the seller's tax location code.

(ii) The following example illustrates the tax paid at source deduction on or after July 1, 2008.

A seller is located in Spokane, Washington, and purchases equipment parts for dual purposes from a supplier located in Seattle, Washington. The supplier ships the parts to Spokane. The seller does not furnish a reseller permit for the purchase, and remits retail sales tax to the supplier at the Spokane tax rate. A portion of these parts are sold and shipped to a customer in Kennewick, with retail sales tax collected at the Kennewick tax rate. The seller must report the amount of the sale to the customer on its excise tax return and compute the local sales tax liability using the Kennewick location code (0302) and rate. The seller would claim the tax paid at source deduction for the cost of the parts resold to the customer and compute the local sales tax credit using the Spokane location code (3210) and rate.

(iii) Claim for deduction will be allowed only if the taxpayer keeps and preserves records in support of the deduction that include the names of the persons from whom such articles were purchased, the date of the purchase, the type of articles, the amount of the purchase and the amount of tax that was paid.

(iv) Should the buyer resell the articles at wholesale, or under other situations where retail sales tax is not to be collected, the claim for the tax paid at source deduction on a particular excise tax return may result in a credit. In such cases, the department will issue a credit notice that may be used against future tax liabilities. However, a taxpayer may request in writing a refund from the department.

(13) Waiver of penalty for misuse of reseller permits. The department will waive the penalty imposed for misuse of reseller permits upon finding that the use of the reseller permit number, reseller permit, or other documentation authorized under RCW 82.04.470 to purchase items or services by a person not entitled to use the reseller permit for that purpose was due to circumstances beyond the control of the buyer or if the reseller permit number, reseller permit, or other documentation authorized under RCW 82.04.470 was properly used for purchases for dual purposes and the buyer made a good faith effort to report deferred sales tax. However, the use of a reseller permit to purchase items or services for personal use outside of the business does not qualify for the waiver or cancellation of the penalty. The penalty will not be waived merely because the buyer was not aware of either the proper use of the reseller permit or the penalty. In all cases the burden of proving the facts is upon the buyer.

Example. During a routine audit examination of a computer dealer, it is discovered that a reseller permit was obtained from a bookkeeping service. Upon further investigation it is discovered that the bookkeeping service had no knowledge of the reseller permit, and had made no payment

to the computer dealer. The employee who furnished the reseller permit had purchased the computer for personal use, and had personally made payment to the computer dealer.

The fifty percent penalty for the misuse of the reseller permit will be waived for the bookkeeping service. The bookkeeping service had no knowledge of the purchase or unauthorized use of the reseller permit. However, the department will impose the taxes, interest, and the fifty percent penalty for the misuse of the reseller permit against the employee.

(14) Reseller permit revocation or other invalidation. A reseller permit is no longer valid if the permit holder's certificate of registration is revoked, the permit holder's tax reporting account is closed by the department, or the permit holder otherwise ceases to engage in business.

(a) Closing of an account. A taxpayer who ceases to engage in business will have its tax reporting account closed by the department. The account can be closed per the request of the taxpayer or administratively by the department. The department will administratively close a tax reporting account if a taxpayer has not reported any gross income or filed a return within the last two years. For more information about administrative closure and reopening of taxpayer accounts, see WAC 458-20-101.

(b) Reseller permit revocation. The department may revoke a reseller permit of a taxpayer for any of the following reasons:

(i) The taxpayer used or allowed or caused its reseller permit to be used to purchase any item or service without payment of sales tax, but the taxpayer or other purchaser was not entitled to use the reseller permit for the purchase;

(ii) The department issued the reseller permit to the taxpayer in error;

(iii) The department determines that the taxpayer is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the reseller permit would be in the best interest of collecting taxes due under Title 82 RCW.

(c) Use of invalidated or revoked reseller permit. A taxpayer whose reseller permit has been revoked or whose tax reporting account has been administratively closed by the department as discussed in (a) of this subsection will receive notice of the revocation or invalidation in writing. The revocation or invalidation is effective on the date specified in the revocation or invalidation notice. Use of a revoked or invalidated permit will result in the fifty percent penalty for improper use of a reseller permit as discussed in subsection (9) of this section.

(d) Reinstatement of reseller permit. A taxpayer who wishes to have its reseller permit reinstated after invalidation or revocation must apply to the department. For more information about the application process for reseller permits, see WAC 458-20-10201 (Application process and eligibility requirements for reseller permits).

(e) Requests for reinstatement. The department may refuse to reinstate a reseller permit revoked under (b)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a taxpayer whose reseller permit has been revoked under (b)(i) of this subsection reorganizes, the new

business resulting from the reorganization is not entitled to a reseller permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(f) Business reorganization. For purposes of this subsection, "reorganize" or "reorganization" means:

(i) The transfer, however affected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly;

(ii) A mere change in identity or form of ownership, however affected; or

(iii) The new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(15) Request for copies. A person must, upon request of the department, provide the department with paper or electronic copies of all reseller permits, or other documentation as authorized in RCW 82.04.470, accepted by that person during the period specified by the department to substantiate wholesale sales. If, instead of the documentation specified in this subsection, the seller has retained the relevant data elements from such permits or other documentation authorized in RCW 82.04.470, as allowed under the streamlined sales and use tax agreement, the seller must provide such data elements to the department.

NEW SECTION

WAC 458-20-102A Resale certificates. (1) Introduction. This section provides information regarding the use of resale certificates, which were the documents used to substantiate the wholesale nature of a sales transaction occurring prior to January 1, 2010. Resale certificates cannot be used to substantiate wholesale sales made after December 31, 2009.

This section provides information that applies to periods prior to January 1, 2010. It explains the conditions under which a buyer may furnish a resale certificate to a seller, and explains the information and language required on the resale certificate. This section also provides tax reporting information to persons who purchase articles or services for dual purposes (i.e., for both resale and consumption).

(a) Legislation passed in 2009. Effective January 1, 2010, reseller permits issued by the department of revenue (department) replace resale certificates as the documentation necessary to substantiate the wholesale nature of a sales transaction (chapter 563, Laws of 2009).

Businesses should consult:

- WAC 458-20-102 (Reseller permits) for more information about the use of reseller permits to substantiate wholesale sales beginning January 1, 2010;

- WAC 458-20-10201 (Application process and eligibility requirements for reseller permits) for more information about the application process and eligibility requirements for obtaining a reseller permit; and

- WAC 458-20-10202 (Brief adjudicative proceedings for matters related to reseller permits) for more information about the procedures for appealing the denial of an application for a reseller permit.

(b) **Legislation passed in 2003.** In 2003, the legislature enacted legislation conforming state law to portions of the national Streamlined Sales and Use Tax Agreement (chapter 168, Laws of 2003), which eliminates the good faith requirement when the seller takes from the buyer a resale certificate and also eliminates signature requirements for certificates provided in a format other than paper. These changes apply to resale certificates taken on and after July 1, 2004.

(c) **Legislation passed in 2007.** Additional Streamlined Sales and Use Tax Agreement legislation was enacted in 2007 (chapter 6, Laws of 2007). It eliminates the provision that resale certificates are only valid for four years from the date they are issued to the seller, as long as there is a recurring business relationship between the buyer and seller. This change is effective on July 1, 2008.

(2) **What is a resale certificate?** The resale certificate is a document or combination of documents that substantiates the wholesale nature of a sale. The resale certificate cannot be used for purchases that are not purchases at wholesale, or where a more specific certificate, affidavit, or other documentary evidence is required by statute or other section of chapter 458-20 WAC. While the resale certificate may come in different forms, all resale certificates must satisfy the language and information requirements of RCW 82.04.470.

(a) **What is the scope of a resale certificate?** Depending on the statements made on the resale certificate, the resale certificate may authorize the buyer to purchase at wholesale all products or services being purchased from a particular seller, or may authorize only selected products or services to be purchased at wholesale. The provisions of the resale certificate may be limited to a single sales transaction, or may apply to all sales transactions as long as the seller has a recurring business relationship with the buyer. A "recurring business relationship" means at least one sale transaction within a period of twelve consecutive months. Whatever its form and/or purpose, the resale certificate must be completed in its entirety and signed by a person who is authorized to make such a representation on behalf of the buyer.

(b) **Who may issue and sign certificates?** The buyer may authorize any person in its employ to issue and sign resale certificates on the buyer's behalf. The buyer is, however, responsible for the information contained on the resale certificate. A resale certificate is not required to be completed by every person ordering or making the actual purchase of articles or services on behalf of the buyer. For example, a construction company that authorizes only its bookkeeper to issue resale certificates on its behalf may authorize both the bookkeeper and a job foreman to purchase items under the provisions of the resale certificate. The construction company is not required to provide, nor is the seller required to obtain, a resale certificate signed by each person making purchases on behalf of the construction company.

The buyer is responsible for educating all persons authorized to issue and/or use the resale certificate on the proper use of the buyer's resale certificate privileges.

(3) **Resale certificate renewal.** Prior to July 1, 2008, resale certificates must be renewed at least every four years. As of July 1, 2008, the requirement to renew resale certificates at least every four years has been eliminated. The buyer must renew its resale certificate whenever a change in the

ownership of the buyer's business requires a new tax registration. (See WAC 458-20-101 Tax registration and tax reporting.) The buyer may not make purchases under the authority of a resale certificate bearing a tax registration number that has been canceled or revoked by the department of revenue (department).

(4) **Sales at wholesale.** All sales are treated as retail sales unless the seller takes from the buyer a properly executed resale certificate. Resale certificates may only be used for sales at wholesale and may not be used as proof of entitlement to retail sales tax exemptions otherwise provided by law.

(a) **When may a buyer issue a resale certificate?** The buyer may issue a resale certificate only when the property or services purchased are:

(i) For resale in the regular course of the buyer's business without intervening use by the buyer;

(ii) To be used as an ingredient or component part of a new article of tangible personal property to be produced for sale;

(iii) A chemical to be used in processing an article to be produced for sale (see WAC 458-20-113 on chemicals used in processing);

(iv) To be used in processing ferrosilicon that is subsequently used in producing magnesium for sale;

(v) Provided to consumers as a part of competitive telephone service, as defined in RCW 82.04.065;

(vi) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or

(vii) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use by a farmer for producing for sale any agricultural product. (See WAC 458-20-210 on sales to and by farmers.)

(b) **Required information.** All resale certificates, whether paper or nonpaper format, must contain the following information:

(i) The name and address of the buyer;

(ii) The uniform business identifier or tax registration number of the buyer, if the buyer is required to be registered with the department;

(iii) The type of business;

(iv) The categories of items or services to be purchased at wholesale, unless the buyer is in a business classification that may present a blanket resale certificate as provided by the department by rule;

(v) The date on which the certificate was provided;

(vi) A statement that the items or services purchased either are purchased for resale in the regular course of business or are otherwise purchased at wholesale; and

(vii) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.

(c) **Additional requirements for paper certificates.** In addition to the requirements stated in (b) of this subsection, paper certificates must contain the following:

(i) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(ii) The signature of the authorized individual; and

(iii) The name of the seller. RCW 82.04.470.

(5) **Seller's responsibilities.** When a seller receives and accepts from the buyer a resale certificate at the time of the sale, or has a resale certificate on file at the time of the sale, or obtains a resale certificate from the buyer within one hundred twenty days after the sale, the seller is relieved of liability for retail sales tax with respect to the sale covered by the resale certificate. The seller may accept a legible fax, a duplicate copy of an original resale certificate, or a certificate in a format other than paper.

(a) If the seller has not obtained an appropriate resale certificate or other acceptable documentary evidence (see subsection (8) of this section), the seller is personally liable for the tax due unless it can sustain the burden of proving through facts and circumstances that the property was sold for one of the purposes set forth in subsection (4)(a) of this section. The department will consider all evidence presented by the seller, including the circumstances of the sales transaction itself, when determining whether the seller has met its burden of proof. It is the seller's responsibility to provide the information necessary to evaluate the facts and circumstances of all sales transactions for which resale certificates are not obtained. Facts and circumstances that should be considered include, but are not necessarily limited to, the following:

(i) The nature of the buyer's business. The items being purchased at wholesale must be consistent with the buyer's business. For example, a buyer having a business name of "Ace Used Cars" would generally not be expected to be in the business of selling furniture;

(ii) The nature of the items sold. The items sold must be of a type that would normally be purchased at wholesale by the buyer; and

(iii) Additional documentation. Other available documents, such as purchase orders and shipping instructions, should be considered in determining whether they support a finding that the sales are sales at wholesale.

(b) If the seller is required to make payment to the department, and later is able to present the department with proper documentation or prove by facts and circumstances that the sales in question are wholesale sales, the seller may in writing request a refund of the taxes paid along with the applicable interest. Both the request and the documentation or proof that the sales in question are wholesale sales must be submitted to the department within the statutory time limitations provided by RCW 82.32.060. (See WAC 458-20-229 Refunds.) However, refer to (f) of this subsection in event of an audit situation.

(c) **Timing requirements for single orders with multiple billings.** If a single order or contract will result in multiple billings to the buyer, and the appropriate resale certificate was not obtained or on file at the time the order was placed or the contract entered, the resale certificate must be received by the seller within one hundred twenty days after the first billing. For example, a subcontractor entering into a construction

contract for which it has not received a resale certificate must obtain the certificate within one hundred twenty days of the initial construction draw request, even though the construction project may not be completed at that time and additional draw requests will follow.

(d) **Requirements for resale certificates obtained after one hundred twenty days have passed.** If the resale certificate is obtained more than one hundred twenty days after the sale or sales in question, the resale certificate must be specific to the sale or sales. The certificate must specifically identify the sales in question on its face, or be accompanied by other documentation signed by the buyer specifically identifying the sales in question and stating that the provisions of the accompanying resale certificate apply. A nonspecific resale certificate that is not obtained within one hundred twenty days is generally not, in and of itself, acceptable proof of the wholesale nature of the sales in question. The resale certificate and/or required documentation must be obtained within the statutory time limitations provided by RCW 82.32.050.

(e) **Examples.** The following examples explain the seller's documentary requirements in typical situations when obtaining a resale certificate more than one hundred twenty days after the sale. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Beginning in January of year 1, MN Company regularly makes sales to ABC Inc. In June of the same year, MN discovers ABC has not provided a resale certificate. MN requests a resale certificate from ABC and, as the resale certificate will not be received within one hundred twenty days of many of the past sales transactions, requests that the resale certificate specifically identify those past sales subject to the provisions of the certificate. MN receives a legible fax copy of an original resale certificate from ABC on July 1st of that year. Accompanying the resale certificate is a memo providing a list of the invoice numbers for all past sales transactions through May 15th of that year. This memo also states that the provisions of the resale certificate apply to all past and future sales, including those listed. MN Company has satisfied the requirement that it obtain a resale certificate specific to the sales in question.

(ii) XYZ Company makes three sales to MP Inc. in October of year 1 and does not charge retail sales tax. In the review of its resale certificate file in April of the following year, XYZ discovers it has not received a resale certificate from MP Inc. and immediately requests a certificate. As the resale certificate will not be received within one hundred twenty days of the sales in question, XYZ requests that MP provide a resale certificate identifying the sales in question. MP provides XYZ with a resale certificate that does not identify the sales in question, but simply states "applies to all past purchases." XYZ Company has not satisfied its responsibility to obtain an appropriate resale certificate. As XYZ failed to secure a resale certificate within a reasonable period of time, XYZ must obtain a certificate specifically identifying the sales in question or prove through other facts and circumstances that these sales are wholesale sales. (Refer to (a) of this subsection for information on how a seller can prove

through other facts and circumstances that a sale is a wholesale sale.) It remains the seller's burden to prove the wholesale nature of the sales made to a buyer if the seller has not obtained a valid resale certificate within one hundred twenty days of the sale.

(f) **Additional time to secure documentation in audit situation.** If in event of an audit the department discovers that the seller has not secured, as described in this subsection (5), the necessary resale certificates and/or documentation, the seller will generally be allowed one hundred twenty days in which to obtain and present appropriate resale certificates and/or documentation, or prove by facts and circumstances the sales in question are wholesale sales. The time allotted to the seller shall commence from the date the auditor initially provides the seller with the results of the auditor's wholesale sales review. The processing of the audit report will not be delayed as a result of the seller's failure within the allotted time to secure and present appropriate documentation, or its inability to prove by facts and circumstances that the sales in question were wholesale sales.

(6) **Penalty for improper use.** Any buyer who uses a resale certificate to purchase items or services without payment of sales tax and who is not entitled to use the certificate for the purchase will be assessed a penalty of fifty percent of the tax due on the improperly purchased item or service. This penalty is in addition to all other taxes, penalties, and interest due, and can be imposed even if there was no intent to evade the payment of retail sales tax. The penalty will be assessed by the department and applies only to the buyer. However, see subsection (12) of this section for situations in which the department may waive the penalty.

Persons who purchase articles or services for dual purposes (i.e., some for their own consumption and some for resale) should refer to subsection (11) of this section to determine whether they may give a resale certificate to the seller.

(7) **Resale certificate - suggested form.** While there may be different forms of the resale certificate, all resale certificates must satisfy the language and information requirements provided by RCW 82.04.470. The resale certificate is available on the department's internet site at <http://dor.wa.gov>, or can be obtained by calling the department's telephone information center at 1-800-647-7706 or by writing:

Taxpayer Services
Department of Revenue
P.O. Box 47478
Olympia, WA 98504-7478

A resale certificate may be in any other form that contains substantially the same information and language, except that certificates provided in a format other than paper are not required to include the printed name of the person authorized to sign the certificate, the signature of the authorized individual, or the name of the seller.

Effective July 1, 2008, buyers also have the option of using a Streamlined Sales and Use Tax Agreement Certificate of Exemption, which has been modified for Washington state laws. It can also be found on the department's internet site at <http://dor.wa.gov>.

(a) **Buyer's responsibility to specify products or services purchased at wholesale.** RCW 82.04.470 requires the

buyer making purchases at wholesale to specify the kinds of products or services subject to the provisions of the resale certificate. A buyer who will purchase some of the items at wholesale, and consume and pay tax on some other items being purchased from the same seller, must use terms specific enough to clearly indicate to the seller what kinds of products or services the buyer is authorized to purchase at wholesale.

(i) The buyer may list the particular products or services to be purchased at wholesale, or provide general category descriptions of these products or services. The terms used to describe these categories must be descriptive enough to restrict the application of the resale certificate provisions to those products or services that the buyer is authorized to purchase at wholesale. The following are examples of terms used to describe categories of products purchased at wholesale, and businesses that may be eligible to use such terms on their resale certificates:

(A) "Hardware" for use by a general merchandise or building material supply store, "computer hardware" for use by a computer retailer;

(B) "Paint" or "painting supplies" for use by a general merchandise or paint retailer, "automotive paint" for use by an automotive repair shop; and

(C) "Building materials" or "subcontract work" for use by prime contractors performing residential home construction, "wiring" or "lighting fixtures" for use by an electrical contractor.

(ii) The buyer must remit retail sales tax on any taxable product or service not listed on the resale certificate provided to the seller. If the buyer gave a resale certificate to the seller and later used an item listed on the certificate, or if the seller failed to collect the sales tax on items not listed on the certificate, the buyer must remit the deferred sales or use tax due directly to the department.

(iii) RCW 82.08.050 provides that each seller shall collect from the buyer the full amount of retail sales tax due on each retail sale. If the department finds that the seller has engaged in a consistent pattern of failing to properly charge sales tax on items not purchased at wholesale (i.e., not listed on the resale certificate), it may hold the seller liable for the uncollected sales tax.

(iv) Persons having specific questions regarding the use of terms to describe products or services purchased at wholesale may submit their questions to the department for ruling. The department may be contacted on the internet at <http://dor.wa.gov/> or by writing:

Taxpayer Services
Department of Revenue
P.O. Box 47478
Olympia, WA 98504-7478

(b) **Blanket resale certificates.** A buyer who will purchase at wholesale all of the products or services being purchased from a particular seller will not be required to specifically describe the items or item categories on the resale certificate. If the certificate form provides for a description of the products or services being purchased at wholesale the buyer may specify "all products and/or services" (or make a similar designation). A resale certificate completed in this manner is often described as a blanket resale certificate.

(i) The resale certificate used by the buyer must, in all cases, be completed in its entirety. A resale certificate in which the section for the description of the items being purchased at wholesale is left blank by the buyer will not be considered a properly executed resale certificate.

(ii) As of July 1, 2008, renewal or updating of blanket resale certificates is not required as long as the seller has a recurring business relationship with the buyer. A "recurring business relationship" means at least one sale transaction within a period of twelve consecutive months.

To effectively administer this provision during an audit, the department will accept a resale certificate as evidence for wholesale sales that occur within four years of the certificate's effective date without evidence of sales transactions being made once every twelve months. For sales transactions made more than four years after the date of the properly completed resale certificate, the seller must substantiate that a recurring business relationship with the buyer has occurred for any sales outside the period of more than four years after the effective date of the resale certificate.

(c) **Resale certificates for single transactions.** If the resale certificate is used for a single transaction, the language and information required of a resale certificate may be written or stamped upon a purchase order or invoice. The language contained in a "single use" resale certificate should be modified to delete any reference to subsequent orders or purchases.

(d) **Examples.** The following examples explain the proper use of types of resale certificates in typical situations. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC is an automobile repair shop purchasing automobile parts for resale and tools for its own use from DE Supply. ABC must provide DE Supply with a resale certificate limiting the certificate's application to automobile part purchases. However, should ABC withdraw parts from inventory to install in its own tow truck, deferred retail sales tax or use tax must be remitted directly to the department. The buyer has the responsibility to report deferred retail sales tax or use tax upon any item put to its own use, including items for which it gave a resale certificate and later used for its own use.

(ii) X Company is a retailer selling lumber, hardware, tools, automotive parts, and household appliances. X Company regularly purchases lumber, hardware, and tools from Z Distributing. While these products are generally purchased for resale, X Company occasionally withdraws some of these products from inventory for its own use. X Company may provide Z Distributing with a resale certificate specifying "all products purchased" are purchased at wholesale. However, whenever X Company removes any product from inventory to put to its own use, deferred retail sales tax or use tax must be remitted to the department.

(iii) TM Company is a manufacturer of electric motors. When making purchases from its suppliers, TM issues a paper purchase order. This purchase order contains the information required of a resale certificate and a signature of the person ordering the items on behalf of TM. This purchase order includes a box that, if marked, indicates to the supplier

that all or certain designated items purchased are being purchased at wholesale.

When the box indicating the purchases are being made at wholesale is marked, the purchase order can be accepted as a resale certificate. As TM Company's purchase orders are being accepted as resale certificates, they must be retained by the seller for at least five years. (See WAC 458-20-254 Recordkeeping.)

(8) **Other documentary evidence.** Other documentary evidence may be used by the seller and buyer in lieu of the resale certificate form described in this section. However, this documentary evidence must collectively contain the information and language generally required of a resale certificate. The conditions and restrictions applicable to the use of resale certificates apply equally to other documentary evidence used in lieu of the resale certificate form in this section. The following are examples of documentary evidence that will be accepted to show that sales were at wholesale:

(a) **Combination of documentary evidence.** A combination of documentation kept on file, such as a membership card or application, and a sales invoice or "certificate" taken at the point of sale with the purchases listed, provided:

(i) The documentation kept on file contains all information required on a resale certificate, including, for paper certificates, the names and signatures of all persons authorized to make purchases at wholesale; and

(ii) The sales invoice or "certificate" taken at the point of sale must contain the following:

(A) Language certifying the purchase is made at wholesale, with acknowledgment of the penalties for the misuse of resale certificate privileges, as generally required of a resale certificate; and

(B) The name and registration number of the buyer/business, and, if a paper certificate, an authorized signature.

(b) **Contracts of sale.** A contract of sale that within the body of the contract provides the language and information generally required of a resale certificate. The contract of sale must specify the products or services subject to the resale certificate privileges.

(c) **Other preapproved documentary evidence.** Any other documentary evidence that has been approved in advance and in writing by the department.

(9) **Sales to nonresident buyers.** If the buyer is a nonresident who is not engaged in business in this state, but buys articles here for the purpose of resale in the regular course of business outside this state, the seller must take from the buyer a resale certificate as described in this section. The seller may accept a resale certificate from an unregistered nonresident buyer with the registration number information omitted, provided the balance of the resale certificate is completed in its entirety. The resale certificate should contain a statement that the items are being purchased for resale outside Washington.

(10) **Sales to farmers.** Farmers selling agricultural products only at wholesale are not required to register with the department. (See WAC 458-20-101 Tax registration and tax reporting.) When making wholesale sales to farmers (including farmers operating in other states), the seller must take from the farmer a resale certificate as described in this section. Farmers not required to be registered with the department may provide, and the seller may accept, resale certifi-

icates with the registration number information omitted, provided the balance of the certificates are completed in full. Persons making sales to farmers should also refer to WAC 458-20-210 (Sales of tangible personal property for farming—Sales of agricultural products by farmers).

(11) **Purchases for dual purposes.** A buyer normally engaged in both consuming and reselling certain types of tangible personal property, and not able to determine at the time of purchase whether the particular property purchased will be consumed or resold, must purchase according to the general nature of his or her business. RCW 82.08.130. If the buyer principally consumes the articles in question, the buyer should not give a resale certificate for any part of the purchase. If the buyer principally resells the articles, the buyer may issue a resale certificate for the entire purchase. For the purposes of this subsection, the term "principally" means greater than fifty percent.

(a) **Deferred sales tax liability.** If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, the buyer must set up in his or her books of account the value of the article used and remit to the department the applicable deferred sales tax. The deferred sales tax liability should be reported under the use tax classification on the buyer's excise tax return.

(i) Buyers making purchases for dual purposes under the provisions of a resale certificate must remit deferred sales tax on all products or services they consume. If the buyer fails to make a good faith effort to remit this tax liability, the penalty for the misuse of resale certificate privileges may be assessed. This penalty will apply to the unremitted portion of the deferred sales tax liability.

A buyer will generally be considered to be making a good faith effort to report its deferred sales tax liability if the buyer discovers a minimum of eighty percent of the tax liability within one hundred twenty days of purchase, and remits the full amount of the discovered tax liability upon the next excise tax return. However, if the buyer does not satisfy this eighty percent threshold and can show by other facts and circumstances that it made a good faith effort to report the tax liability, the penalty will not be assessed. Likewise, if the department can show by other facts and circumstances that the buyer did not make a good faith effort in remitting its tax liability the penalty will be assessed, even if the eighty percent threshold is satisfied.

(ii) The following example illustrates the use of a resale certificate for dual-use purchases. This example should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances. BC Contracting operates both as a prime contractor and speculative builder of residential homes. BC Contracting purchases building materials from Seller D that are principally incorporated into projects upon which BC acts as a prime contractor. BC provides Seller D with a resale certificate and purchases all building materials at wholesale. BC must remit deferred sales tax upon all building materials incorporated into the speculative projects to be considered to be properly using its resale certificate privileges. The failure to make a good faith effort to identify and remit this tax liability may result in the assessment of the fifty percent penalty for the misuse of resale certificate privileges.

(b) **Tax paid at source deduction.** If the buyer has not given a resale certificate, but has paid retail sales tax on all articles of tangible personal property and subsequently resells a portion of the articles, the buyer must collect the retail sales tax from its retail customers as provided by law. When reporting these sales on the excise tax return, the buyer may then claim a deduction in the amount the buyer paid for the property resold.

(i) This deduction may be claimed under the retail sales tax classification only. It must be identified as a "taxable amount for tax paid at source" deduction on the deduction detail worksheet, which must be filed with the excise tax return. Failure to properly identify the deduction may result in the disallowance of the deduction. When completing the local sales tax portion of the tax return, the deduction must be computed at the local sales tax rate paid to the seller, and credited to the seller's tax location code.

(ii) The following example illustrates the tax paid at source deduction on or after July 1, 2008. This example should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances. Seller A is located in Spokane, Washington and purchases equipment parts for dual purposes from a supplier located in Seattle, Washington. The supplier ships the parts to Spokane. Seller A does not issue a resale certificate for the purchase, and remits retail sales tax to the supplier at the Spokane tax rate. A portion of these parts are sold and shipped to Customer B in Kennewick, with retail sales tax collected at the Kennewick tax rate. Seller A must report the amount of the sale to Customer B on its excise tax return, compute the local sales tax liability at the Kennewick rate, and code this liability to the location code for Kennewick (0302). Seller A would claim the tax paid at source deduction for the cost of the parts resold to Customer B, compute the local sales tax credit at the Spokane rate, and code this deduction amount to the location code for Spokane (3210).

(iii) Claim for deduction will be allowed only if the taxpayer keeps and preserves records in support of the deduction that show the names of the persons from whom such articles were purchased, the date of the purchase, the type of articles, the amount of the purchase and the amount of tax that was paid.

(iv) Should the buyer resell the articles at wholesale, or under other situations where retail sales tax is not to be collected, the claim for the tax paid at source deduction on a particular excise tax return may result in a credit. In such cases, the department will issue a credit notice that may be used against future tax liabilities. However, a taxpayer may request in writing a refund from the department.

(12) **Waiver of penalty for resale certificate misuse.** The department may waive the penalty imposed for resale certificate misuse upon finding that the use of the certificate to purchase items or services by a person not entitled to use the certificate for that purpose was due to circumstances beyond the control of the buyer. However, the use of a resale certificate to purchase items or services for personal use outside of the business does not qualify for the waiver or cancellation of the penalty. The penalty will not be waived merely because the buyer was not aware of either the proper use of

the resale certificate or the penalty. In all cases the burden of proving the facts is upon the buyer.

(a) **Considerations for waiver.** Situations under which a waiver of the penalty will be considered by the department include, but are not necessarily limited to, the following:

(i) The resale certificate was properly used to purchase products or services for dual purposes; or the buyer was eligible to issue the resale certificate; and the buyer made a good faith effort to discover all of its deferred sales tax liability within one hundred twenty days of purchase; and the buyer remitted the discovered tax liability upon the next excise tax return. (Refer to subsection (11)(a)(i) of this section for an explanation of what constitutes "good faith effort.")

(ii) The certificate was issued and/or purchases were made without the knowledge of the buyer, and had no connection with the buyer's business activities. However, the penalty for the misuse of resale certificate privileges may be applied to the person actually issuing and/or using the resale certificate without knowledge of the buyer.

(b) **One time waiver of penalty for inadvertent or unintentional resale certificate misuse.** The penalty prescribed for the misuse of the resale certificate may be waived or canceled on a one time only basis if such misuse was inadvertent or unintentional, and the item was purchased for use within the business. If the department does grant a one time waiver of the penalty, the buyer will be provided written notification at that time.

(c) **Examples.** The following are examples of typical situations where the fifty percent penalty for the misuse of resale privileges will or will not be assessed. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC Manufacturing purchases electrical wiring and tools from X Supply. The electrical wiring is purchased for dual purposes, i.e., for resale and for consumption, with more than fifty percent of the wiring purchases becoming a component of items that ABC manufactures for sale. ABC Manufacturing issues a resale certificate to X Supply specifying "electrical wiring" as the category of items purchased for resale. ABC regularly reviews its purchases and remits deferred sales tax upon the wiring it uses as a consumer.

ABC is subsequently audited by the department and it is discovered that ABC Manufacturing failed to remit deferred sales tax upon three purchases of wiring for consumption. The unreported tax liability attributable to these three purchases is less than five percent of the total deferred sales tax liability for wiring purchases made from X Supply. It is also determined that the failure to remit deferred sales tax upon these purchases was merely an oversight. The fifty percent penalty for the misuse of resale certificate privileges does not apply, even though ABC failed to remit deferred sales tax on these purchases. The resale certificate was properly issued, and ABC remitted to the department more than eighty percent of the deferred sales tax liability for wiring purchases from X Supply.

(ii) During a routine audit examination of a jewelry store, the department discovers that a dentist has provided a resale certificate for the purchase of a necklace. This resale certificate indicates that in addition to operating a dentistry prac-

tice, the dentist also sells jewelry. The resale certificate contains the information required under RCW 82.04.470.

Upon further investigation, the department finds that the dentist is not engaged in selling jewelry. The department will look to the dentist for payment of the applicable retail sales tax. In addition, the dentist will be assessed the fifty percent penalty for the misuse of resale certificate privileges. The penalty will not be waived or canceled as the dentist misused the resale certificate privileges to purchase a necklace for personal use.

(iii) During a routine audit examination of a computer dealer, it is discovered that a resale certificate was obtained from a bookkeeping service. The resale certificate was completed in its entirety and accepted by the dealer. Upon further investigation it is discovered that the bookkeeping service had no knowledge of the resale certificate, and had made no payment to the computer dealer. The employee who signed the resale certificate had purchased the computer for personal use, and had personally made payment to the computer dealer.

The fifty percent penalty for the misuse of the resale certificate privileges will be waived for the bookkeeping service. The bookkeeping service had no knowledge of the purchase or unauthorized use of the resale certificate. However, the department will look to the employee for payment of the taxes and the fifty percent penalty for the misuse of resale certificate privileges.

(iv) During an audit examination it is discovered that XYZ Corporation, a duplicating company, purchased copying equipment for its own use. XYZ Corporation issued a resale certificate to the seller despite the fact that XYZ does not sell copying equipment. XYZ also failed to remit either the deferred sales or use tax to the department. As a result of a previous investigation by the department, XYZ had been informed in writing that retail sales and/or use tax applied to all such purchases. The fifty percent penalty for the misuse of resale certificate privileges will be assessed. XYZ was not eligible to provide a resale certificate for the purchase of copying equipment, and had previously been so informed. The penalty will apply to the unremitted deferred sales tax liability.

(v) AZ Construction issued a resale certificate to a building material supplier for the purchase of "pins" and "loads." The "pins" are fasteners that become a component part of the finished structure. The "load" is a powder charge that is used to drive the "pin" into the materials being fastened together. AZ Construction is informed during the course of an audit examination that it is considered the consumer of the "loads" and may not issue a resale certificate for its purchase thereof. AZ Construction indicates that it was unaware that a resale certificate could not be issued for the purchase of "loads," and there is no indication that AZ Construction had previously been so informed.

The failure to be aware of the proper use of the resale certificate is not generally grounds for waiving the fifty percent penalty for the misuse of resale certificate privileges. However, AZ Construction does qualify for the "one time only" waiver of the penalty as the misuse of the resale certificate privilege was unintentional and the "loads" were purchased for use within the business.

WSR 11-12-022
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 24, 2011, 9:10 a.m., effective September 1, 2011]

Effective Date of Rule: September 1, 2011.

Purpose: The office of superintendent of public instruction (OSPI) has worked with stakeholders of alternative learning experience (ALE) with the goal of reviewing the existing ALE rules (WAC 392-121-182) and providing input, guidance and recommendations for amending these rules in order to:

- Update ALE requirements,
- Provide flexibility in program design and implementation,
- And continue fostering individualized learning.

The result is OSPI's proposed rule change. This rule change updates district requirements and responsibilities, defines the key terms related to ALE, and addresses a number of issues that were highlighted by the workgroup.

Citation of Existing Rules Affected by this Order:
 Amending WAC 392-121-182.

Statutory Authority for Adoption: RCW 28A.150.305.

Adopted under notice filed as WSR 11-07-087 on March 22, 2011.

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 0, Repealed 0.

Date Adopted: April 26, 2011.

Randy Dorn
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 09-06-038, filed 2/25/09, effective 3/28/09)

WAC 392-121-182 Alternative learning experience requirements. (1) ~~((An))~~ **Purposes:** The purposes of this section are the following:

(a) To ensure that students enrolled in an alternative learning experience ~~((may be counted as a course of study))~~ offered by a school district have available to them educational opportunities designed to meet their individual needs;

(b) To provide general program requirements for alternative learning experiences ~~((may make))~~ offered by or through school districts;

(c) To provide a method for determining full-time equivalent enrollment and a process school districts must use ~~((of digital and/or on-line curricula, and may be delivered over the internet or using other electronic means.))~~ when claiming state funding for alternative learning experiences.

(2) **General requirements:** A school district must meet the requirements of this section to count an alternative learning experience as a course of study pursuant to WAC 392-121-107. This section applies solely to school districts claiming state funding pursuant to WAC 392-121-107 for an alternative learning experience ~~((may also include significant participation by students, parents, and families in the design and implementation of a student's learning experience. This section provides an alternative method of determining full-time equivalent enrollment and claiming state funding for public school learning experiences that are:~~

~~(a) Individual~~), including an alternative learning experience on-line program as defined in RCW 28A.150.262. It is not intended to apply to alternative learning experiences funded exclusively with federal or local resources.

(3) **Definitions:** For the purposes of this section the following definitions apply:

(a) "Alternative learning experience" means:

(i) A course or a set of courses ~~((of study for students))~~ developed by a certificated teacher and documented in an individual written student learning plan for any student who meets the definition for enrollment specified by WAC 392-121-106. A student(s) may enroll part-time in an alternative learning experience(s). Such enrollment ~~((shall be))~~ is subject to the provisions of RCW 28A.150.350 and chapter 392-134 WAC; and

~~((b))~~ (ii) The student pursues the requirements of the written student learning plan in whole or in part independently from a regular attendance-based instructional classroom setting, although the learning plan may include direct instructional components; and

(iii) The student's learning is supervised, monitored, ~~((assessed, and))~~ evaluated ~~((by school staff. As used in this section, "school staff"))~~, and documented by a certificated teacher.

(b) "Certificated teacher" means ~~((certificated instructional staff of the))~~ an employee of a school district, or of a school district contractor pursuant to WAC 392-121-188, who is assigned and endorsed according to the provisions of chapter 181-82 WAC ~~((, or a contractor pursuant to WAC 392-121-188));~~

(c) ~~((Provided in accordance with))~~ "Written student learning plan" means a written plan for learning that is developed by a certificated teacher that defines the requirements of an individual student's alternative learning experience ~~((plan that is implemented pursuant to))~~. The written student learning plan must include at least the following elements:

(i) A beginning and ending date for the student's alternative learning experience;

(ii) An estimate by a certificated teacher of the average number of hours per week the student will engage in learning activities to meet the requirements of the written student learning plan. This estimate must consider only the time the student will engage in learning activities necessary to accom-

plish the learning goals and performance objectives specified in the written student learning plan.

(iii) A description of how weekly direct personal contact requirements will be fulfilled;

(iv) A description of each alternative learning experience course included as part of the learning plan, including specific learning goals, performance objectives, and learning activities for each course, written in a manner that facilitates monthly evaluation of student progress. This requirement may be met through the use of individual course syllabi or other similarly detailed descriptions of learning requirements. The description must clearly identify the requirements a student must meet to successfully complete the course or program. Courses must be identified using course names, codes, and designators specified in the most recent *Comprehensive Education Data and Research System* data manual published by the office of superintendent of public instruction;

(v) Identification of the certificated teacher responsible for each course included as part of the plan;

(vi) Identification of all instructional materials that will be used to complete the learning plan; and

(vii) A description of the timelines and methods for evaluating student progress toward the learning goals and performance objectives specified in the learning plan;

(viii) Identification of whether each alternative learning experience course meets one or more of the state essential academic learning requirements or grade-level expectations and any other academic goals, objectives, and learning requirements defined by the school district ((board's policy for)). For each high school alternative learning ((experiences; and

(d) Provided in whole or part, outside the regular classroom setting, including those learning experiences provided digitally via the internet or other electronic means.

~~This section sets forth the standards, procedures, and requirements for state-funded alternative learning experiences. This section is not intended to prevent or limit alternative education programs provided by a school district with federal or local resources.~~

~~An alternative learning experience may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:~~

~~(2)) experience course, the written student learning plan must specify whether the course meets state and district graduation requirements.~~

(d) "Direct personal contact" means a one-to-one meeting between a certificated teacher and the student, or, where appropriate, between the certificated teacher, the student, and the student's parent. Direct personal contact can be accomplished in person or through the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication. Direct personal contact must be for the purposes of instruction, review of assignments, testing, evaluation of student progress, or other learning activities or requirements identified in the written student learning plan, and must at minimum include a two-way exchange of information between a certificated teacher and the student. All required direct personal contact must be documented.

(e) "Satisfactory progress" means a certificated teacher has determined that a student's progress toward achieving the specific learning goals and performance objectives specified in the written student learning plan is satisfactory. The evaluation of satisfactory progress is conducted in a manner consistent with school district student evaluation or grading procedures, and is based on the professional judgment of a certificated teacher;

(f) "Intervention plan" means a plan designed to improve the progress of students determined to be not making satisfactory progress. An intervention plan must be developed, documented, and implemented by a certificated teacher in conjunction with the student and, for students in grades K-8, the student's parent(s). At minimum, the intervention plan must include at least one of the following interventions:

(i) Increasing the frequency or duration of direct personal contact for the purposes of enhancing the ability of the certificated teacher to improve student learning;

(ii) Modifying the manner in which direct personal contact is accomplished;

(iii) Modifying the student's learning goals or performance objectives;

(iv) Modifying the number of or scope of courses or the content included in the learning plan.

(g) "Parent" has the same definition as "parent" in WAC 392-172A-01125.

(4) Alternative learning experience program requirements:

(a) Each student participating in an alternative learning experience must have a written student learning plan developed by a certificated teacher that is designed to meet the student's individual educational needs. A certificated teacher must have responsibility and accountability for each course specified in the plan, including supervision and monitoring, and evaluation and documentation of the student's progress. The written student learning plan may be developed with assistance from the student, the student's parents, or other interested parties.

(b) Each student enrolled in an alternative learning experience must have direct personal contact with a certificated teacher at least once a week, until the student completes all course objectives or otherwise meets the requirements of the learning plan.

(c) The educational progress of each student enrolled in an alternative learning experience must be evaluated at least once each calendar month of enrollment by a certificated teacher and the results of each evaluation must be communicated to the student or, if the student is in grades K-8, both the student and the student's parent. Educational progress must be evaluated according to the following requirements:

(i) Each student's educational progress evaluation must be based on the learning goals and performance objectives defined in the written student learning plan.

(ii) The progress evaluation conducted by a certificated teacher must include direct personal contact with the student.

(iii) Based on the progress evaluation, a certificated teacher must determine and document whether the student is making satisfactory progress reaching the learning goals and performance objectives defined in the written student learning plan.

(iv) If it is determined that the student failed to make satisfactory progress or that the student failed to follow the written student learning plan, an intervention plan must be developed for the student.

(v) If after no more than three consecutive calendar months in which it is determined the student is not making satisfactory progress despite documented intervention efforts, a course of study designed to more appropriately meet the student's educational needs must be developed and implemented by a certificated teacher in conjunction with the student and where possible, the student's parent. This may include removal of the student from the alternative learning experience and enrollment of the student in another educational program offered by the school district.

(5) Required school district board policies for alternative learning experiences: The board of directors of a school district claiming state funding for alternative learning experiences ~~((shall))~~ must adopt and annually review written policies ~~((for))~~ authorizing such alternative learning experiences, including each alternative learning experience program and program provider ~~((that:~~

~~((a) Require a written plan for each student participating in an alternative learning experience that meets the minimum criteria pursuant to subsection (4) of this section;~~

~~((b) Require that the overall ratio of certificated instructional staff to full-time equivalent students enrolled in alternative learning experience programs and courses, including those that rely primarily on digital curriculum, be identified and approved by the school district board of directors in a public meeting;~~

~~((c) Describe how student performance will be supervised, monitored, assessed, evaluated, and recorded by school staff. Such description shall include methods for periodic grade reporting, if different from existing school district). The policy((;~~

~~((d) Require each student enrolled in an alternative learning experience to have direct personal contact with school staff at least weekly, until the student completes the course objectives or the requirements of the learning plan. Direct personal contact shall be for the purposes of instruction, review of assignments, testing, reporting of student progress, or other learning activities. Direct personal contact means a face-to-face meeting with the student and, where appropriate, the student's parent or guardian. In establishing policies for alternative learning experience programs and program providers, the school district board of directors may determine that direct personal contact can be accomplished through the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication, instead of a face to face meeting, if in the judgment of the board such contact methods do not compromise educational quality, student health and safety, or the fiscal integrity of the district;~~

~~((e) Require that each student's educational progress be reviewed at least monthly and that the results of each review be communicated to the student and if the student is in grades K-8, the student's parent or guardian;~~

~~((f) At the discretion of the school district board, the policy may describe responsibilities of the student's parent(s) or guardian including, but not limited to:~~

~~((i) Approval of the written alternative learning experience plan;~~

~~((ii) Responsibility for the parent(s) or guardian to provide or implement a portion of the student's alternative learning experience under the supervision of school staff, if the parent(s) or guardian agrees; and~~

~~((iii) Requirements to meet with school staff for purposes of evaluating the student's performance and/or receiving instructions on assisting with the student's alternative learning experience. The school district board may also prescribe requirements for appointing a person to provide or supervise a portion of the student's alternative learning experience in the event the student's parent(s) or guardian will not or cannot be a participant in the student's alternative learning experience;~~

~~((g) Designate)) must designate, by title, one or more school district official(s) responsible for ((approving specific)) overseeing the district's alternative learning experience courses or programs ((or courses)), including monitoring compliance with this section, and reporting at least annually to the school district board of directors on the program. This annual report shall include at least the following:~~

~~((((i)) (a) Documentation of alternative learning experience student headcount and full-time equivalent enrollment claimed for basic education funding;~~

~~((((ii) A description)) (b) Identification of ((how certificated and classified staff are assigned program management and instructional responsibilities that maximize student learning, including)) the overall ratio of certificated instructional staff to full-time equivalent students enrolled in each alternative learning experience program;~~

~~((((iii) A description of how a written student learning plan pursuant to subsection (4) of this section, is developed, and student performance supervised and evaluated, by certificated staff;~~

~~((iv)) (c) A description of how the program supports the district's overall goals and objectives for student academic achievement; and~~

~~((v)) (d) Results of any self-evaluations conducted pursuant to subsection ((7)) (9) of this section((;~~

~~((h) Satisfy the office of superintendent of public instruction's requirements for courses of study and equivalencies (chapter 392-410 WAC);~~

~~((i) For alternative learning experience courses offering credit, or for alternative learning experience programs issuing a high school diploma, satisfy the state board of education's high school graduation requirements (chapter 180-51 WAC); and~~

~~((j) Identify what, if any, expenditures which are directly related to the written student learning plan and are paid by participants of an alternative learning experience may be subject to reimbursement by the district)).~~

~~((3)) (6) **Alternative learning experience implementation ((standards)) requirements:**~~

~~((a) School districts that offer alternative learning experiences ((shall be)) must ensure that they are accessible to all students, including ((those)) students with disabilities. Alternative learning experiences for special education students ((shall)) must be provided in accordance with chapter 392-172A WAC.~~

(b) Contracting for alternative learning experiences is subject to the provisions of WAC 392-121-188.

(c) It is the responsibility of the school district or school district contractor to ensure that students have all curricula, course content, instructional materials, and other learning resources essential to successfully complete the requirements of the written student learning plan. Curricula, course content, instructional materials, and other learning resources for alternative learning experiences shall at minimum be consistent in quality with those available to the district's overall student population. Instructional materials shall be provided in accordance with RCW 28A.320.230) and learning activities that are identified in the alternative learning experience written student learning plan.

~~((e) Work-based learning as a component of)~~ (d) School districts must ensure that no student or parent is provided any compensation, reimbursement, gift, reward, or gratuity related to the student's enrollment or participation in, or related to another student's recruitment or enrollment in, an alternative learning experience unless otherwise required by law.

(e) Curricula, course of study shall be subject to the provisions of WAC 392-410-315) content, instructional materials, learning activities, and (392-121-124.

~~(d) Contracting)~~ other learning resources for alternative learning experiences (shall be subject) must be consistent in quality with those available to the (provisions of WAC 392-121-188 and) district's overall student population.

(f) Instructional materials used in alternative learning experiences must be approved pursuant to school board policies adopted in accordance with RCW ((28A.150.305)) 28A.320.230.

~~((e))~~ (g)(i) A school district that provides one or more alternative learning experiences to a student (shall) must provide the parent(s) ((or guardian)) of the student, prior to the student's enrollment, with a description of the difference between home-based instruction pursuant to chapter 28A.200 RCW and the enrollment option selected by the student. The parent ((or guardian shall)) must sign documentation attesting to his or her understanding of the difference ((and the)). Such documentation ((shall)) must be retained by the district and made available for audit.

~~((f) The school district shall)~~ (ii) In the event a school district cannot locate a student's parent within three days of a student's request for enrollment in an alternative learning experience, the school district may enroll the student for a conditional period of no longer than thirty calendar days. The student must be disenrolled from the alternative learning experience if the school district does not obtain the documentation required under this subsection before the end of the thirty day conditional enrollment period.

(h) The school district or school district contractor is prohibited from advertising, marketing, and otherwise providing unsolicited information about learning programs offered by the school district including, but not limited to, digital learning programs, part-time enrollment opportunities, and other alternative learning programs, to students and their parents who have filed a declaration of intent to cause a child to receive home-based instruction under RCW 28A.200.010. School districts may respond to requests for information that

are initiated by a parent. This prohibition does not apply to general mailings, newsletters, or other general communication distributed by the school district or the school district contractor to all households in the district.

(i) Work-based learning as a component of an alternative learning experience course of study is subject to the provisions of WAC 392-410-315 and 392-121-124.

(j) The school district must institute reliable methods to verify a student is doing his or her own work. The methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district.

~~((g))~~ (k) State funded alternative learning experience on-line programs must be accredited by the Northwest Accreditation Commission or another national, regional, or state accreditation program listed by the office of superintendent of public ((schools or public)) instruction on its web site.

(l) School districts may accept nonresident students under the school ((programs whose primary purpose is to provide)) choice enrollment provisions of RCW 28A.225-200 through 28A.225.230 and chapter 392-137 WAC for enrollment in alternative learning experiences ((using digital or on-line means shall be accredited through the state accreditation program or through the regional accreditation program.

~~(4) Written student learning plan:~~ Each student enrolled in an alternative learning experience course of study shall have a written student learning plan designed to meet the student's individual educational needs. The written student learning plan may be developed in partnership with the student, the student's parents, and other interested parties, with recognition that school staff has the primary responsibility and accountability for the plan, including supervision and monitoring, and evaluation and assessment of the student's progress. The written student learning plan shall include, but not be limited to, the following elements:

(a) A beginning and ending date for the learning experience;

(b) An estimate of the average number of hours per week that the student will engage in learning activities to meet the requirements of the student learning plan. This estimate may be used in reporting enrollment in compliance with subsection (5) of this section and must be based upon the criteria in subsection (6) of this section;

(c) A description of how weekly contact requirements will be fulfilled;

~~(d) A description of the specific learning goals and performance objectives of the).~~ School districts enrolling such students in alternative learning experiences are subject to all school district duties and liabilities pertaining to such students for the full school year, including ensuring the student's compulsory attendance pursuant to chapter 28A.225 RCW, until such time as the student has actually enrolled in another school district, or has otherwise met the mandatory attendance requirements specified by RCW 28A.225.010.

(m) The alternative learning experience must satisfy the office of superintendent of public instruction's requirements for courses of study and equivalencies as provided in chapter 392-410 WAC;

(n) Alternative learning experience ~~((This requirement may be met through the use of course syllabi or other similarly detailed descriptions of learning requirements. The description shall clearly identify the requirements a student must meet to successfully complete the course or program;~~

~~(e) Identification of instructional materials essential to successful completion of the learning plan; and~~

~~(f) A description of the timelines and methods for evaluating student progress toward the learning goals and performance objectives specified in the learning plan.~~

The written student learning plan shall identify whether the alternative learning experience meets one or more of the state essential academic learning requirements or any other academic goals, objectives, and learning requirements defined by the school district. For ~~For~~) courses offering credit or alternative learning experience programs issuing a high school diploma must satisfy the ~~((plan shall specify whether the experience meets))~~ state board of education's high school credit and ~~((district))~~ graduation requirements as provided in chapter 180-51 WAC.

~~((5))~~ **(7) Enrollment reporting procedures:** Effective ~~((2005-06))~~ 2011-12 school year, the full-time equivalency of students enrolled in an alternative learning experience ~~((programs shall))~~ must be determined as follows:

(a) ~~((Using))~~ The school district must use the definition of full-time equivalent student in WAC 392-121-122 and the number of hours the student is expected to engage in learning activities as follows:

(i) On the first enrollment count date on or after the start date specified in the written student learning plan, subject to documented evidence of student participation as required by WAC 392-121-106(4), the student's full-time equivalent must be based on the estimated average weekly hours of learning activity described in the student's written student learning plan~~((;))~~.

(ii) On any subsequent monthly count date~~((s))~~, the student's full-time equivalent must be based on the estimated average weekly hours of learning activity described in the written student learning plan if:

(A) The student's progress ~~((review))~~ evaluation pursuant to subsection ~~((6))~~ (4)(c) of this section indicates satisfactory progress~~((; the student's full-time equivalent shall be based on the estimated average weekly hours of learning activity identified in the student learning plan)); or~~

(B) The student's prior month progress evaluation pursuant to subsection (4)(c) of this section indicates a lack of satisfactory progress, and an intervention plan designed to improve student progress has been developed, documented, and implemented within five school days of the date of the prior month's progress evaluation.

(iii) ~~((If the student's progress review indicates a lack of satisfactory progress, the student's full-time equivalent shall be based on the estimated average weekly hours of learning activity described in the student learning plan, and the actual number of hours the student engages in learning activity pursuant to))~~ On any subsequent monthly count date if an intervention plan has not been developed, documented, and implemented within five days of the ~~((written student learning plan shall be documented during))~~ prior month's progress

evaluation, the ~~((ensuing month. Documented hours shall encompass only time spent on those learning activities intended to accomplish the learning goals and performance objectives identified in the written student learning plan, shall meet the following criteria and shall be verified))~~ student's full-time equivalent must not be included by the school district ~~((staff.~~

~~((A) Those hours of classroom instruction provided by school staff;~~

~~((B) Those hours of work based learning calculated in accordance with WAC 392-121-107(1)(f);~~

~~((C) Those hours of learning activity other than those specified in (a)(iii)(A), (B) and (D) of this subsection))~~ in that ~~((are conducted and supervised by the student's parent(s) or guardian, or other person as designated by the written plan; and))~~ month's enrollment count.

~~((D) Those hours that the student participates in learning activities other than those specified in (a)(iii)(A), (B) and (C) of this subsection. If the student is in grades K-8, such learning activity shall be supervised by the student's parent(s) or guardian or other person designated by the written student learning plan;))~~

(iv) ~~((On subsequent monthly count dates, if the student's progress review indicates a lack of satisfactory progress, the student's full-time equivalent shall be based on the actual average weekly hours of learning activity documented during the prior month;~~

~~((v))~~ Enrollment of part-time students ~~((shall be))~~ is subject to the provisions of RCW 28A.150.350, and ~~((shall generate the))~~ generates a pro rata share of full-time funding.

(b) The enrollment count ~~((shall))~~ must exclude students meeting the definition of enrollment exclusions in WAC 392-121-108 or students who have not had direct personal contact with ~~((school staff))~~ a certificated teacher for twenty consecutive school days. Any such student ~~((shall))~~ must not be counted as an enrolled student until the student has met with ~~((appropriate school staff))~~ a certificated teacher and resumed participation in their alternative learning experience or ~~((participated))~~ is participating in another course of study as defined in WAC 392-121-107;

(c) The enrollment count must exclude students who are not residents of Washington state as defined by WAC 392-137-115.

(d) The enrollment count must exclude students who as of the enrollment count date have completed the requirements of the written student learning plan prior to ending date specified in the plan and who have not had a new written student learning plan established with a new beginning and ending date that encompasses the count date;

(e) School districts providing alternative learning experiences to nonresident students ~~((shall))~~ must document the district of the student's physical residence, and shall establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate~~((;~~

(6) Accountability for student performance:

~~((a) At minimum, students enrolled in))~~ including, but not limited to:

(i) When a resident district and one or more nonresident district(s) will each be claiming basic education funding for a student in the same month or months, the districts shall execute a written agreement that at minimum identifies the maximum aggregate basic education funding each district may claim for the duration of the agreement. A nonresident district may not claim funding for a student until after the effective date of the agreement.

(ii) When a district is providing alternative learning experiences ((shall have their educational performance evaluated according to the following process and schedule:

(i) Each student's educational progress shall be reviewed at least once per month. The progress review shall be based on the learning goals and performance objectives defined in the written student learning plan.

(ii) The progress review shall be conducted by)) to non-resident students under the school ((staff and shall include direct personal contact with the student. If allowed by district policy, direct personal contact may include the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication. The results of the review shall be communicated to the student and, where possible, the student's parent(s) or guardian.

(iii) Based on)) choice enrollment provisions of RCW 28A.225.200 through 28A.225.230 and 392-137 WAC the ((progress review, school staff shall determine and document whether)) district may not claim funding for the student ((is making satisfactory progress in completing)) until after the ((learning activities and reaching)) release date documented by the ((learning goals and performance objectives defined in the written plan)) resident district.

((iv) If the student fails to make satisfactory progress for no more than two consecutive evaluation periods or if the student fails to follow the written student learning plan, an intervention plan designed to improve student progress shall be developed and implemented. This intervention plan shall be developed by school staff in conjunction with the student and, for students in grades K-8, the student's parent(s) or guardian.

(v) If, after no more than three subsequent evaluation periods, the student still is not making satisfactory progress, a plan designed to more appropriately meet the student's educational need shall be developed and implemented by school staff in conjunction with the student and, for students in grades K-8, the student's parent(s) or guardian.

(b) The educational progress of)) (8) **Assessment requirements:**

(a) All students enrolled in alternative learning experiences ((shall)) **must** be assessed at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students ((shall)) **must** also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW.

(b) Any student whose alternative learning experience enrollment is claimed as greater than 0.8 full-time equivalent

in any one month through the January count date must be included by the school district in any required state or federal accountability reporting for that school year, subject to existing state and federal accountability rules and procedures.

(c) Students enrolled ((full-time)) in nonresident alternative learning experience schools, programs, or courses ((shall)) **who are unable to participate in required annual state assessments at the nonresident district must** have the opportunity to participate in ((any)) such required annual state assessments at the district of physical residence, subject to that district's planned testing schedule. It is the responsibility of the nonresident enrolling district to ((facilitate)) establish a written agreement with the district of physical residence that facilitates all necessary coordination ((with)) between the districts ((of residence)) and with the student and, where appropriate, the student's parent(s) ((or guardian)) to fulfill this requirement. Such coordination may include arranging for appropriate assessment ((booklets,)) materials, notifying the student ((notification)) of assessment administration schedules, ((arrangements)) arranging for the forwarding of completed assessment ((booklets)) materials to the enrolling district for submission for scoring and reporting, and other steps as may be necessary. The agreement may include rates and terms for payment of reasonable fees by the enrolling district to the district of physical residence to cover costs associated with planning for and administering the assessments to students not enrolled in the district of physical residence. Assessment results for students assessed according to these provisions ((shall)) must be included in the enrolling district's accountability measurements, and not in the district of physical residence's accountability measurements.

((7)) (9) **Program evaluation requirements:** School districts offering alternative learning experiences ((shall)) **must** engage in periodic self-evaluation of these learning experiences in a manner designed to objectively measure their effectiveness, including the impact of the experiences on student learning and achievement. Self-evaluation ((shall)) **must** follow a continuous improvement model, and may be implemented as part of the school district's school improvement planning efforts.

((8) ~~Annual reporting~~) (10) **Reporting requirements:** Each school district offering alternative learning experiences ((shall)) **must** report monthly to the superintendent of public instruction accurate monthly headcount and full-time equivalent enrollment for students enrolled in alternative learning experiences as well as information about the resident and serving districts of such students. Each school district offering alternative learning experiences **must** also report annually to the superintendent of public instruction on the types of programs and course offerings subject to this section ((including student headcount and full-time equivalent enrollment claimed for basic education funding)). The annual report shall identify the ratio of certificated instructional staff to full-time equivalent students enrolled in alternative learning experience courses or programs. The annual report shall separately identify alternative learning experience enrollment of students provided under contract pursuant to RCW 28A.150.305 and WAC 392-121-188.

((9)) (11) **Documentation** ((In accordance with required records)) **and record retention** ((schedules, a

~~school district~~) **requirements:** School districts claiming state funding for alternative learning experiences (~~shall~~) must retain all documentation required in this section in accordance with established records retention schedules and must make such documentation available upon request for purposes of state monitoring and audit. School districts must maintain the following written documentation (~~available for audit~~):

(a) School board policy for alternative learning experiences pursuant to this section;

(b) Annual reports to the school district board of directors as required by subsection ~~((2)(g))~~ (5) of this section;

(c) Monthly and Annual reports to the superintendent of public instruction as required by subsection ~~((8))~~ (10) of this section;

(d) The written student learning plans required by subsection (4) of this section ~~(including documentation of required weekly direct personal contact)~~;

(e) Evidence of direct personal contact required by subsection (4) of this section;

(f) Student progress ~~(reviews)~~ evaluations ~~(;)~~ and intervention plans required by subsection (4) of this section;

(g) The results of any assessments required by subsection ~~((6))~~ (8) of this section;

~~((f))~~ (h) Student enrollment detail substantiating full-time equivalent enrollment reported to the state ~~(including estimated total hours of participation in educational activities, and any actual documentation of hours of learning for those students failing to make satisfactory progress)~~; and

~~((g))~~ (i) Signed parent enrollment disclosure documents required by subsection ~~((3)(e))~~ (6)(g) of this section.

WSR 11-12-025

PERMANENT RULES

DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed May 24, 2011, 2:26 p.m., effective January 2, 2012]

Effective Date of Rule: January 2, 2012.

Purpose: ESHB 2876 (chapter 209, Laws of 2010) directs the medical quality assurance commission to repeal existing pain management rules and adopt new rules for the management of chronic noncancer pain. The adopted rules include the mandatory elements for dosing criteria, guidance on specialty consultants, guidance on tracking clinical progress, and guidance on tracking opioid use. The adopted rules also describe practitioner consultation exemptions.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-919-800, 246-919-810, 246-919-820, and 246-919-830.

Statutory Authority for Adoption: RCW 18.71.450, 18.71A.100, 18.71.017, 18.71A.020.

Adopted under notice filed as WSR 11-03-063 on January 18, 2011.

Changes Other than Editing from Proposed to Adopted Version: Language Changes: The adopted rules include the following changes from the proposed rules published as WSR 11-03-063.

- Pain management—Intent, WAC 246-919-850 and 246-918-800. Language is added to clarify the commission's intent and philosophy for the rules. In WAC 246-918-800 language is added to clarify that these rules do not restrict the current scope of practice for the physician assistant or the working agreement between the physician assistant and the physician, which may include pain management.
- Definitions, WAC 246-919-852 and 246-918-802.
 - o The terms "episodic care," "morphine equivalent dose," and "multidisciplinary pain clinic" are added to the definitions.
 - o The terms "physical dependence," "psychological dependence," and "tolerance" are deleted as these terms are not used in the rules.
- Written agreement for treatment, WAC 246-919-856(4) and 246-918-806(4). "Or multidisciplinary pain clinic" and "or pharmacy system" are added.
- Long-acting opioids, including methadone, WAC 246-919-858 and 246-918-808. In the third sentence, after "one-time," "(lifetime)" is added.
- Consultation: Recommendations and requirements, WAC 246-919-860(1) and 246-918-810(1). The words "and document the consideration" are added to clarify that the physician and physician assistant must also document the consideration to refer a patient.
- Consultation: Recommendations and requirements, WAC 246-919-860(2) and 246-918-810(2). The word "adult" is added to clarify the morphine equivalent dose (MED) threshold is for adults. The word "oral" is also added to clarify that the threshold is based on an "oral" dose. Language regarding pediatric patients is also added at the end of the paragraph: "Great caution should be used when prescribing opioids to children with chronic noncancer pain and appropriate referrals to a specialist is encouraged."
- Pain management specialist, WAC 246-919-863 (1)(d)(ii) and 246-918-813 (1)(d)(ii). Language is added to clarify the cycle in which to complete the required continuing education is two years for physicians and three years for osteopathic physicians.
- Pain management specialist, WAC 246-919-863 (1)(d)(iii) and (3)(d) and 246-918-813 (1)(d)(iii) and (3)(d). Language is added to clarify that the current practice may also be in a multidisciplinary pain clinic setting.

The adopted rules also include edits for grammar, punctuation, and formatting.

A final cost-benefit analysis is available by contacting Julie Kitten, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-2757, fax (360) 236-2795, e-mail julie.kitten@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 28, Amended 0, Repealed 4.

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 28, Amended 0, Repealed 4.

Date Adopted: March 4, 2011.

Maryella E. Jansen
Executive Director

Pain Management

NEW SECTION

WAC 246-918-800 Pain management—Intent. These rules govern the use of opioids in the treatment of patients for chronic noncancer pain.

Nothing in these rules in any way restricts the current scope of practice of physician assistants as set forth in chapters 18.71A and 18.57A RCW and the working agreements between the physician and physician assistant, which may include pain management.

The Washington state medical quality assurance commission (commission) recognizes that principles of quality medical practice dictate that the people of the state of Washington have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the morbidity and costs associated with untreated or inappropriately treated pain. For the purposes of this rule, the inappropriate treatment of pain includes nontreatment, undertreatment, overtreatment, and the continued use of ineffective treatments.

The diagnosis and treatment of pain is integral to the practice of medicine. The commission encourages physician assistants to view pain management as a part of quality medical practice for all patients with pain, acute or chronic, and it is especially urgent for patients who experience pain as a result of terminal illness. All physician assistants should become knowledgeable about assessing patients' pain and effective methods of pain treatment, as well as statutory requirements for prescribing controlled substances. Accordingly, this rule has been developed to clarify the commission's position on pain control, particularly as related to the use of controlled substances, to alleviate physician assistant uncertainty and to encourage better pain management.

Inappropriate pain treatment may result from a physician assistant's lack of knowledge about pain management. Fears of investigation or sanction by federal, state, and local agencies may also result in inappropriate treatment of pain. Appropriate pain management is the treating physician assistant's responsibility. As such, the commission will consider

the inappropriate treatment of pain to be a departure from standards of practice and will investigate such allegations, recognizing that some types of pain cannot be completely relieved, and taking into account whether the treatment is appropriate for the diagnosis.

The commission recognizes that controlled substances including opioid analgesics may be essential in the treatment of acute pain due to trauma or surgery and chronic pain, whether due to cancer or noncancer origins. The commission will refer to current clinical practice guidelines and expert review in approaching cases involving management of pain. The medical management of pain should consider current clinical knowledge and scientific research and the use of pharmacologic and nonpharmacologic modalities according to the judgment of the physician assistant. Pain should be assessed and treated promptly, and the quantity and frequency of doses should be adjusted according to the intensity, duration of the pain, and treatment outcomes. Physician assistants should recognize that tolerance and physical dependence are normal consequences of sustained use of opioid analgesics and are not the same as addiction.

The commission is obligated under the laws of the state of Washington to protect the public health and safety. The commission recognizes that the use of opioid analgesics for other than legitimate medical purposes poses a threat to the individual and society and that the inappropriate prescribing of controlled substances, including opioid analgesics, may lead to drug diversion and abuse by individuals who seek them for other than legitimate medical use. Accordingly, the commission expects that physician assistants incorporate safeguards into their practices to minimize the potential for the abuse and diversion of controlled substances.

Physician assistants should not fear disciplinary action from the commission for ordering, prescribing, dispensing or administering controlled substances, including opioid analgesics, for a legitimate medical purpose and in the course of professional practice. The commission will consider prescribing, ordering, dispensing or administering controlled substances for pain to be for a legitimate medical purpose if based on sound clinical judgment. All such prescribing must be based on clear documentation of unrelieved pain. To be within the usual course of professional practice, a physician assistant-patient relationship must exist and the prescribing should be based on a diagnosis and documentation of unrelieved pain. Compliance with applicable state or federal law is required.

The commission will judge the validity of the physician assistant's treatment of the patient based on available documentation, rather than solely on the quantity and duration of medication administration. The goal is to control the patient's pain while effectively addressing other aspects of the patient's functioning, including physical, psychological, social, and work-related factors.

These rules are designed to assist practitioners in providing appropriate medical care for patients. They are not inflexible rules or rigid practice requirements and are not intended, nor should they be used, to establish a legal standard of care outside the context of the medical quality assurance committee's jurisdiction.

The ultimate judgment regarding the propriety of any specific procedure or course of action must be made by the practitioner based on all the circumstances presented. Thus, an approach that differs from the rules, standing alone, does not necessarily imply that the approach was below the standard of care. To the contrary, a conscientious practitioner may responsibly adopt a course of action different from that set forth in the rules when, in the reasonable judgment of the practitioner, such course of action is indicated by the condition of the patient, limitations of available resources, or advances in knowledge or technology subsequent to publication of these rules. However, a practitioner who employs an approach substantially different from these rules is advised to document in the patient record information sufficient to justify the approach taken.

The practice of medicine involves not only the science, but also the art of dealing with the prevention, diagnosis, alleviation, and treatment of disease. The variety and complexity of human conditions make it impossible to always reach the most appropriate diagnosis or to predict with certainty a particular response to treatment.

Therefore, it should be recognized that adherence to these rules will not assure an accurate diagnosis or a successful outcome. The sole purpose of these rules is to assist practitioners in following a reasonable course of action based on current knowledge, available resources, and the needs of the patient to deliver effective and safe medical care.

NEW SECTION

WAC 246-918-801 Exclusions. The rules adopted under WAC 246-918-800 through 246-918-813 do not apply:

- (1) To the provision of palliative, hospice, or other end-of-life care; or
- (2) To the management of acute pain caused by an injury or surgical procedure.

NEW SECTION

WAC 246-918-802 Definitions. The definitions in this section apply in WAC 246-918-800 through 246-918-813 unless the context clearly requires otherwise.

(1) "Acute pain" means the normal, predicted physiological response to a noxious chemical, thermal, or mechanical stimulus and typically is associated with invasive procedures, trauma, and disease. It is generally time-limited, often less than three months in duration, and usually less than six months.

(2) "Addiction" means a primary, chronic, neurobiologic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. It is characterized by behaviors that include:

- (a) Impaired control over drug use;
- (b) Craving;
- (c) Compulsive use; or
- (d) Continued use despite harm.

(3) "Chronic noncancer pain" means a state in which noncancer pain persists beyond the usual course of an acute disease or healing of an injury, or that may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years.

(4) "Comorbidity" means a preexisting or coexisting physical or psychiatric disease or condition.

(5) "Episodic care" means medical care provided by a practitioner other than the designated primary care practitioner in the acute care setting, for example, urgent care or emergency department.

(6) "Hospice" means a model of care that focuses on relieving symptoms and supporting patients with a life expectancy of six months or less. Hospice involves an interdisciplinary approach to provide health care, pain management, and emotional and spiritual support. The emphasis is on comfort, quality of life and patient and family support. Hospice can be provided in the patient's home as well as free-standing hospice facilities, hospitals, nursing homes, or other long-term care facilities.

(7) "Morphine equivalent dose" means a conversion of various opioids to a morphine equivalent dose by the use of accepted conversion tables.

(8) "Multidisciplinary pain clinic" means a clinic or office that provides comprehensive pain management and includes care provided by multiple available disciplines or treatment modalities, for example, medical care through physicians, physician assistants, osteopathic physicians, osteopathic physician assistants, advanced registered nurse practitioners, and physical therapy, occupational therapy, or other complementary therapies.

(9) "Palliative" means care that improves the quality of life of patients and their families facing life-threatening illness. With palliative care particular attention is given to the prevention, assessment, and treatment of pain and other symptoms, and to the provision of psychological, spiritual, and emotional support.

NEW SECTION

WAC 246-918-803 Patient evaluation. The physician assistant shall obtain, evaluate, and document the patient's health history and physical examination in the health record prior to treating for chronic noncancer pain.

(1) The patient's health history shall include:

- (a) Current and past treatments for pain;
- (b) Comorbidities; and
- (c) Any substance abuse.

(2) The patient's health history should include:

(a) A review of any available prescription monitoring program or emergency department-based information exchange; and

(b) Any relevant information from a pharmacist provided to the physician assistant.

(3) The initial patient evaluation shall include:

- (a) Physical examination;
- (b) The nature and intensity of the pain;
- (c) The effect of the pain on physical and psychological function;
- (d) Medications including indication(s), date, type, dosage, and quantity prescribed;

(e) A risk screening of the patient for potential comorbidities and risk factors using an appropriate screening tool. The screening should address:

- (i) History of addiction;

- (ii) Abuse or aberrant behavior regarding opioid use;
 - (iii) Psychiatric conditions;
 - (iv) Regular concomitant use of benzodiazepines, alcohol, or other central nervous system medications;
 - (v) Poorly controlled depression or anxiety;
 - (vi) Evidence or risk of significant adverse events, including falls or fractures;
 - (vii) Receipt of opioids from more than one prescribing practitioner or practitioner group;
 - (viii) Repeated visits to emergency departments seeking opioids;
 - (ix) History of sleep apnea or other respiratory risk factors;
 - (x) Possible or current pregnancy; and
 - (xi) History of allergies or intolerances.
- (4) The initial patient evaluation should include:
- (a) Any available diagnostic, therapeutic, and laboratory results; and
 - (b) Any available consultations.
- (5) The health record shall be maintained in an accessible manner, readily available for review, and should include:
- (a) The diagnosis, treatment plan, and objectives;
 - (b) Documentation of the presence of one or more recognized indications for the use of pain medication;
 - (c) Documentation of any medication prescribed;
 - (d) Results of periodic reviews;
 - (e) Any written agreements for treatment between the patient and the physician assistant; and
 - (f) The physician assistant's instructions to the patient.

NEW SECTION

WAC 246-918-804 Treatment plan. (1) The written treatment plan shall state the objectives that will be used to determine treatment success and shall include, at a minimum:

- (a) Any change in pain relief;
- (b) Any change in physical and psychosocial function; and
- (c) Additional diagnostic evaluations or other planned treatments.

(2) After treatment begins the physician assistant should adjust drug therapy to the individual health needs of the patient. The physician assistant shall include indications for medication use on the prescription and require photo identification of the person picking up the prescription in order to fill. The physician assistant shall advise the patient that it is the patient's responsibility to safeguard all medications and keep them in a secure location.

(3) Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

NEW SECTION

WAC 246-918-805 Informed consent. The physician assistant shall discuss the risks and benefits of treatment options with the patient, persons designated by the patient, or with the patient's surrogate or guardian if the patient is without health care decision-making capacity.

NEW SECTION

WAC 246-918-806 Written agreement for treatment.

Chronic noncancer pain patients should receive all chronic pain management prescriptions from one physician assistant and one pharmacy whenever possible. If the patient is at high risk for medication abuse, or has a history of substance abuse, or psychiatric comorbidities, the prescribing physician assistant shall use a written agreement for treatment with the patient outlining patient responsibilities. This written agreement for treatment shall include:

(1) The patient's agreement to provide biological samples for urine/serum medical level screening when requested by the physician assistant;

(2) The patient's agreement to take medications at the dose and frequency prescribed with a specific protocol for lost prescriptions and early refills;

(3) Reasons for which drug therapy may be discontinued (e.g., violation of agreement);

(4) The requirement that all chronic pain management prescriptions are provided by a single prescriber or multidisciplinary pain clinic and dispensed by a single pharmacy or pharmacy system;

(5) The patient's agreement to not abuse alcohol or use other medically unauthorized substances;

(6) A written authorization for:

(a) The physician assistant to release the agreement for treatment to local emergency departments, urgent care facilities, and pharmacies; and

(b) Other practitioners to report violations of the agreement back to the physician assistant;

(7) A written authorization that the physician assistant may notify the proper authorities if he or she has reason to believe the patient has engaged in illegal activity;

(8) Acknowledgment that a violation of the agreement may result in a tapering or discontinuation of the prescription;

(9) Acknowledgment that it is the patient's responsibility to safeguard all medications and keep them in a secure location; and

(10) Acknowledgment that if the patient violates the terms of the agreement, the violation and the physician assistant's response to the violation will be documented, as well as the rationale for changes in the treatment plan.

NEW SECTION

WAC 246-918-807 Periodic review. The physician assistant shall periodically review the course of treatment for chronic noncancer pain, the patient's state of health, and any new information about the etiology of the pain. Generally, periodic reviews shall take place at least every six months. However, for treatment of stable patients with chronic noncancer pain involving nonescalating daily dosages of forty milligrams of a morphine equivalent dose (MED) or less, periodic reviews shall take place at least annually.

(1) During the periodic review, the physician assistant shall determine:

(a) Patient's compliance with any medication treatment plan;

(b) If pain, function, or quality of life have improved or diminished using objective evidence, considering any available information from family members or other caregivers; and

(c) If continuation or modification of medications for pain management treatment is necessary based on the physician assistant's evaluation of progress towards treatment objectives.

(2) The physician assistant shall assess the appropriateness of continued use of the current treatment plan if the patient's progress or compliance with current treatment plan is unsatisfactory. The physician assistant shall consider tapering, changing, or discontinuing treatment when:

- (a) Function or pain does not improve after a trial period;
- (b) There is evidence of significant adverse effects;
- (c) Other treatment modalities are indicated; or
- (d) There is evidence of misuse, addiction, or diversion.

(3) The physician assistant should periodically review information from any available prescription monitoring program or emergency department-based information exchange.

(4) The physician assistant should periodically review any relevant information from a pharmacist provided to the physician assistant.

NEW SECTION

WAC 246-918-808 Long-acting opioids, including methadone. Long-acting opioids, including methadone, should only be prescribed by a physician assistant who is familiar with its risks and use, and who is prepared to conduct the necessary careful monitoring. Special attention should be given to patients who are initiating such treatment. A physician assistant prescribing long-acting opioids or methadone should have a one-time (lifetime) completion of at least four continuing education hours relating to this topic.

NEW SECTION

WAC 246-918-809 Episodic care. (1) When evaluating patients for episodic care, such as emergency or urgent care, the physician assistant should review any available prescription monitoring program, emergency department-based information exchange, or other tracking system.

(2) Episodic care practitioners should avoid providing opioids for chronic pain management. However, if opioids are provided, the practitioner should limit the use of opioids for a chronic noncancer pain patient to the minimum amount necessary to control the pain until the patient can receive care from a primary care practitioner.

(3) Prescriptions for opioids written by an episodic care practitioner shall include indications for use or the International Classification of Diseases (ICD) code and shall be written to require photo identification of the person picking up the prescription in order to fill.

(4) If a patient has signed a written agreement for treatment and has provided a written authorization to release the agreement under WAC 246-918-806(6) to episodic care practitioners, then the episodic care practitioner should report known violations of the agreement back to the patient's treatment practitioner who provided the agreement for treatment.

NEW SECTION

WAC 246-918-810 Consultation—Recommendations and requirements. (1) The physician assistant shall consider, and document the consideration, referring the patient for additional evaluation and treatment as needed to achieve treatment objectives. Special attention should be given to those chronic noncancer pain patients who are under eighteen years of age, or who are at risk for medication misuse, abuse, or diversion. The management of pain in patients with a history of substance abuse or with comorbid psychiatric disorders may require extra care, monitoring, documentation, and consultation with, or referral to, an expert in the management of such patients.

(2) The mandatory consultation threshold for adults is one hundred twenty milligrams morphine equivalent dose (MED)(oral). In the event a practitioner prescribes a dosage amount that meets or exceeds the consultation threshold of one hundred twenty milligrams MED (orally) per day, a consultation with a pain management specialist as described in WAC 246-918-813 is required, unless the consultation is exempted under WAC 246-918-811 or 246-918-812. Great caution should be used when prescribing opioids to children with chronic noncancer pain and appropriate referrals to a specialist is encouraged.

(a) The mandatory consultation shall consist of at least one of the following:

- (i) An office visit with the patient and the pain management specialist;
- (ii) A telephone consultation between the pain management specialist and the physician assistant;
- (iii) An electronic consultation between the pain management specialist and the physician assistant; or
- (iv) An audio-visual evaluation conducted by the pain management specialist remotely, where the patient is present with either the physician assistant or a licensed health care practitioner designated by the physician assistant or the pain management specialist.

(b) A physician assistant shall document each mandatory consultation with the pain management specialist. Any written record of the consultation by the pain management specialist shall be maintained as a patient record by the specialist. If the specialist provides a written record of the consultation to the physician assistant, the physician assistant shall maintain it as part of the patient record.

(3) Nothing in this chapter shall limit any person's ability to contractually require a consultation with a pain management specialist at any time. For the purposes of WAC 246-918-800 through 246-918-813, "person" means an individual, a trust or estate, a firm, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

NEW SECTION

WAC 246-918-811 Consultation—Exemptions for exigent and special circumstances. A physician assistant is not required to consult with a pain management specialist as described in WAC 246-918-813 when he or she has docu-

mented adherence to all standards of practice as defined in WAC 246-918-800 through 246-918-813 when any one or more of the following conditions apply:

- (1) The patient is following a tapering schedule;
- (2) The patient requires treatment for acute pain which may or may not include hospitalization, requiring a temporary escalation in opioid dosage, with expected return to or below their baseline dosage level;
- (3) The physician assistant documents reasonable attempts to obtain a consultation with a pain management specialist and the circumstances justifying prescribing above one hundred twenty milligrams morphine equivalent dose (MED) per day without first obtaining a consultation; or
- (4) The physician assistant documents that the patient's pain and function is stable and that the patient is on a nonescalating dosage of opioids.

NEW SECTION

WAC 246-918-812 Consultation—Exemptions for the physician assistant. The physician assistant is exempt from the consultation requirement in WAC 246-918-810 if one or more of the following qualifications are met:

- (1) The sponsoring physician is a pain management specialist under WAC 246-918-813; or
- (2) The sponsoring physician and the physician assistant has successfully completed, within the last two years, a minimum of twelve continuing education hours (Category 1 for physicians) on chronic pain management, with at least two of these hours dedicated to long-acting opioids; or
- (3) The physician assistant is a pain management practitioner working in a multidisciplinary chronic pain treatment center, or a multidisciplinary academic research facility.

NEW SECTION

WAC 246-918-813 Pain management specialist. A pain management specialist shall meet one or more of the following qualifications:

- (1) If a physician or osteopathic physician:
 - (a) Board certified or board eligible by an American Board of Medical Specialties-approved board (ABMS) or by the American Osteopathic Association (AOA) in physical medicine and rehabilitation, rehabilitation medicine, neurology, rheumatology, or anesthesiology; or
 - (b) Has a subspecialty certificate in pain medicine by an ABMS-approved board; or
 - (c) Has a certification of added qualification in pain management by the AOA; or
 - (d) A minimum of three years of clinical experience in a chronic pain management care setting; and
 - (i) Credentialed in pain management by an entity approved by the Washington state medical quality assurance commission for physicians or the Washington state board of osteopathic medicine and surgery for osteopathic physicians; and
 - (ii) Successful completion of a minimum of at least eighteen continuing education hours in pain management during the past two years for physicians or three years for osteopathic physicians; and

(iii) At least thirty percent of the physician's or osteopathic physician's current practice is the direct provision of pain management care, or is in a multidisciplinary pain clinic.

(2) If a dentist: Board certified or board eligible in oral medicine or orofacial pain by the American Board of Oral Medicine or the American Board of Orofacial Pain.

(3) If an advanced registered nurse practitioner (ARNP):

(a) A minimum of three years of clinical experience in a chronic pain management care setting;

(b) Credentialed in pain management by the Washington state nursing care quality assurance commission-approved national professional association, pain association, or other credentialing entity;

(c) Successful completion of a minimum of at least eighteen continuing education hours in pain management during the past two years; and

(d) At least thirty percent of the ARNP's current practice is the direct provision of pain management care, or is in a multidisciplinary pain clinic.

(4) If a podiatric physician:

(a) Board certified or board eligible in a specialty that includes a focus on pain management by the American Board of Podiatric Surgery, the American Board of Podiatric Orthopedics and Primary Podiatric Medicine, or other accredited certifying board as approved by the Washington state podiatric medical board; or

(b) A minimum of three years of clinical experience in a chronic pain management care setting; and

(c) Credentialed in pain management by the Washington state podiatric medical board-approved national professional association, pain association, or other credentialing entity; and

(d) Successful completion of a minimum of at least eighteen hours of continuing education in pain management during the past two years, and at least thirty percent of the podiatric physician's current practice is the direct provision of pain management care.

Pain Management

NEW SECTION

WAC 246-919-850 Pain management—Intent. These rules govern the use of opioids in the treatment of patients for chronic noncancer pain.

The Washington state medical quality assurance commission (commission) recognizes that principles of quality medical practice dictate that the people of the state of Washington have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the morbidity and costs associated with untreated or inappropriately treated pain. For the purposes of this rule, the inappropriate treatment of pain includes nontreatment, undertreatment, overtreatment, and the continued use of ineffective treatments.

The diagnosis and treatment of pain is integral to the practice of medicine. The commission encourages physicians to view pain management as a part of quality medical

practice for all patients with pain, acute or chronic, and it is especially urgent for patients who experience pain as a result of terminal illness. All physicians should become knowledgeable about assessing patients' pain and effective methods of pain treatment, as well as statutory requirements for prescribing controlled substances. Accordingly, this rule has been developed to clarify the commission's position on pain control, particularly as related to the use of controlled substances, to alleviate physician uncertainty and to encourage better pain management.

Inappropriate pain treatment may result from a physician's lack of knowledge about pain management. Fears of investigation or sanction by federal, state, and local agencies may also result in inappropriate treatment of pain. Appropriate pain management is the treating physician's responsibility. As such, the commission will consider the inappropriate treatment of pain to be a departure from standards of practice and will investigate such allegations, recognizing that some types of pain cannot be completely relieved, and taking into account whether the treatment is appropriate for the diagnosis.

The commission recognizes that controlled substances including opioid analgesics may be essential in the treatment of acute pain due to trauma or surgery and chronic pain, whether due to cancer or noncancer origins. The commission will refer to current clinical practice guidelines and expert review in approaching cases involving management of pain. The medical management of pain should consider current clinical knowledge and scientific research and the use of pharmacologic and nonpharmacologic modalities according to the judgment of the physician. Pain should be assessed and treated promptly, and the quantity and frequency of doses should be adjusted according to the intensity, duration of the pain, and treatment outcomes. Physicians should recognize that tolerance and physical dependence are normal consequences of sustained use of opioid analgesics and are not the same as addiction.

The commission is obligated under the laws of the state of Washington to protect the public health and safety. The commission recognizes that the use of opioid analgesics for other than legitimate medical purposes poses a threat to the individual and society and that the inappropriate prescribing of controlled substances, including opioid analgesics, may lead to drug diversion and abuse by individuals who seek them for other than legitimate medical use. Accordingly, the commission expects that physicians incorporate safeguards into their practices to minimize the potential for the abuse and diversion of controlled substances.

Physicians should not fear disciplinary action from the commission for ordering, prescribing, dispensing or administering controlled substances, including opioid analgesics, for a legitimate medical purpose and in the course of professional practice. The commission will consider prescribing, ordering, dispensing or administering controlled substances for pain to be for a legitimate medical purpose if based on sound clinical judgment. All such prescribing must be based on clear documentation of unrelieved pain. To be within the usual course of professional practice, a physician-patient relationship must exist and the prescribing should be based

on a diagnosis and documentation of unrelieved pain. Compliance with applicable state or federal law is required.

The commission will judge the validity of the physician's treatment of the patient based on available documentation, rather than solely on the quantity and duration of medication administration. The goal is to control the patient's pain while effectively addressing other aspects of the patient's functioning, including physical, psychological, social, and work-related factors.

These rules are designed to assist practitioners in providing appropriate medical care for patients. They are not inflexible rules or rigid practice requirements and are not intended, nor should they be used, to establish a legal standard of care outside the context of the medical quality assurance committee's jurisdiction.

The ultimate judgment regarding the propriety of any specific procedure or course of action must be made by the practitioner based on all the circumstances presented. Thus, an approach that differs from the rules, standing alone, does not necessarily imply that the approach was below the standard of care. To the contrary, a conscientious practitioner may responsibly adopt a course of action different from that set forth in the rules when, in the reasonable judgment of the practitioner, such course of action is indicated by the condition of the patient, limitations of available resources, or advances in knowledge or technology subsequent to publication of these rules. However, a practitioner who employs an approach substantially different from these rules is advised to document in the patient record information sufficient to justify the approach taken.

The practice of medicine involves not only the science, but also the art of dealing with the prevention, diagnosis, alleviation, and treatment of disease. The variety and complexity of human conditions make it impossible to always reach the most appropriate diagnosis or to predict with certainty a particular response to treatment.

Therefore, it should be recognized that adherence to these rules will not assure an accurate diagnosis or a successful outcome. The sole purpose of these rules is to assist practitioners in following a reasonable course of action based on current knowledge, available resources, and the needs of the patient to deliver effective and safe medical care.

NEW SECTION

WAC 246-919-851 Exclusions. The rules adopted under WAC 246-919-850 through 246-919-863 do not apply:

- (1) To the provision of palliative, hospice, or other end-of-life care; or
- (2) To the management of acute pain caused by an injury or surgical procedure.

NEW SECTION

WAC 246-919-852 Definitions. The definitions in WAC 246-919-850 through 246-919-863 apply unless the context clearly requires otherwise.

- (1) "Acute pain" means the normal, predicted physiological response to a noxious chemical, thermal, or mechanical stimulus and typically is associated with invasive procedures, trauma, and disease. It is generally time-limited, often less

than three months in duration, and usually less than six months.

(2) "Addiction" means a primary, chronic, neurobiologic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. It is characterized by behaviors that include:

- (a) Impaired control over drug use;
- (b) Craving;
- (c) Compulsive use; or
- (d) Continued use despite harm.

(3) "Chronic noncancer pain" means a state in which noncancer pain persists beyond the usual course of an acute disease or healing of an injury, or that may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years.

(4) "Comorbidity" means a preexisting or coexisting physical or psychiatric disease or condition.

(5) "Episodic care" means medical care provided by a practitioner other than the designated primary care practitioner in the acute care setting, for example, urgent care or emergency department.

(6) "Hospice" means a model of care that focuses on relieving symptoms and supporting patients with a life expectancy of six months or less. Hospice involves an interdisciplinary approach to provide health care, pain management, and emotional and spiritual support. The emphasis is on comfort, quality of life and patient and family support. Hospice can be provided in the patient's home as well as free-standing hospice facilities, hospitals, nursing homes, or other long-term care facilities.

(7) "Morphine equivalent dose" means a conversion of various opioids to a morphine equivalent dose by the use of accepted conversion tables.

(8) "Multidisciplinary pain clinic" means a clinic or office that provides comprehensive pain management and includes care provided by multiple available disciplines or treatment modalities, for example, medical care through physicians, physician assistants, osteopathic physicians, osteopathic physician assistants, advanced registered nurse practitioners, and physical therapy, occupational therapy, or other complementary therapies.

(9) "Palliative" means care that improves the quality of life of patients and their families facing life-threatening illness. With palliative care particular attention is given to the prevention, assessment, and treatment of pain and other symptoms, and to the provision of psychological, spiritual, and emotional support.

NEW SECTION

WAC 246-919-853 Patient evaluation. The physician shall obtain, evaluate, and document the patient's health history and physical examination in the health record prior to treating for chronic noncancer pain.

- (1) The patient's health history shall include:
 - (a) Current and past treatments for pain;
 - (b) Comorbidities; and
 - (c) Any substance abuse.
- (2) The patient's health history should include:

- (a) A review of any available prescription monitoring program or emergency department-based information exchange; and

- (b) Any relevant information from a pharmacist provided to a physician.

- (3) The initial patient evaluation shall include:

- (a) Physical examination;

- (b) The nature and intensity of the pain;

- (c) The effect of the pain on physical and psychological function;

- (d) Medications including indication(s), date, type, dosage, and quantity prescribed;

- (e) A risk screening of the patient for potential comorbidities and risk factors using an appropriate screening tool. The screening should address:

- (i) History of addiction;

- (ii) Abuse or aberrant behavior regarding opioid use;

- (iii) Psychiatric conditions;

- (iv) Regular concomitant use of benzodiazepines, alcohol, or other central nervous system medications;

- (v) Poorly controlled depression or anxiety;

- (vi) Evidence or risk of significant adverse events, including falls or fractures;

- (vii) Receipt of opioids from more than one prescribing practitioner or practitioner group;

- (viii) Repeated visits to emergency departments seeking opioids;

- (ix) History of sleep apnea or other respiratory risk factors;

- (x) Possible or current pregnancy; and

- (xi) History of allergies or intolerances.

- (4) The initial patient evaluation should include:

- (a) Any available diagnostic, therapeutic, and laboratory results; and

- (b) Any available consultations.

- (5) The health record shall be maintained in an accessible manner, readily available for review, and should include:

- (a) The diagnosis, treatment plan, and objectives;

- (b) Documentation of the presence of one or more recognized indications for the use of pain medication;

- (c) Documentation of any medication prescribed;

- (d) Results of periodic reviews;

- (e) Any written agreements for treatment between the patient and the physician; and

- (f) The physician's instructions to the patient.

NEW SECTION

WAC 246-919-854 Treatment plan. (1) The written treatment plan shall state the objectives that will be used to determine treatment success and shall include, at a minimum:

- (a) Any change in pain relief;

- (b) Any change in physical and psychosocial function; and

- (c) Additional diagnostic evaluations or other planned treatments.

(2) After treatment begins the physician should adjust drug therapy to the individual health needs of the patient. The physician shall include indications for medication use on the prescription and require photo identification of the person

picking up the prescription in order to fill. The physician shall advise the patient that it is the patient's responsibility to safeguard all medications and keep them in a secure location.

(3) Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

NEW SECTION

WAC 246-919-855 Informed consent. The physician shall discuss the risks and benefits of treatment options with the patient, persons designated by the patient, or with the patient's surrogate or guardian if the patient is without health care decision-making capacity.

NEW SECTION

WAC 246-919-856 Written agreement for treatment. Chronic noncancer pain patients should receive all chronic pain management prescriptions from one physician and one pharmacy whenever possible. If the patient is at high risk for medication abuse, or has a history of substance abuse, or psychiatric comorbidities, the prescribing physician shall use a written agreement for treatment with the patient outlining patient responsibilities. This written agreement for treatment shall include:

(1) The patient's agreement to provide biological samples for urine/serum medical level screening when requested by the physician;

(2) The patient's agreement to take medications at the dose and frequency prescribed with a specific protocol for lost prescriptions and early refills;

(3) Reasons for which drug therapy may be discontinued (e.g., violation of agreement);

(4) The requirement that all chronic pain management prescriptions are provided by a single prescriber or multidisciplinary pain clinic and dispensed by a single pharmacy or pharmacy system;

(5) The patient's agreement to not abuse alcohol or use other medically unauthorized substances;

(6) A written authorization for:

(a) The physician to release the agreement for treatment to local emergency departments, urgent care facilities, and pharmacies; and

(b) Other practitioners to report violations of the agreement back to the physician;

(7) A written authorization that the physician may notify the proper authorities if he or she has reason to believe the patient has engaged in illegal activity;

(8) Acknowledgment that a violation of the agreement may result in a tapering or discontinuation of the prescription;

(9) Acknowledgment that it is the patient's responsibility to safeguard all medications and keep them in a secure location; and

(10) Acknowledgment that if the patient violates the terms of the agreement, the violation and the physician's response to the violation will be documented, as well as the rationale for changes in the treatment plan.

NEW SECTION

WAC 246-919-857 Periodic review. The physician shall periodically review the course of treatment for chronic noncancer pain, the patient's state of health, and any new information about the etiology of the pain. Generally, periodic reviews shall take place at least every six months. However, for treatment of stable patients with chronic noncancer pain involving nonescalating daily dosages of forty milligrams of a morphine equivalent dose (MED) or less, periodic reviews shall take place at least annually.

(1) During the periodic review, the physician shall determine:

(a) Patient's compliance with any medication treatment plan;

(b) If pain, function, or quality of life have improved or diminished using objective evidence, considering any available information from family members or other caregivers; and

(c) If continuation or modification of medications for pain management treatment is necessary based on the physician's evaluation of progress towards treatment objectives.

(2) The physician shall assess the appropriateness of continued use of the current treatment plan if the patient's progress or compliance with current treatment plan is unsatisfactory. The physician shall consider tapering, changing, or discontinuing treatment when:

(a) Function or pain does not improve after a trial period;

(b) There is evidence of significant adverse effects;

(c) Other treatment modalities are indicated; or

(d) There is evidence of misuse, addiction, or diversion.

(3) The physician should periodically review information from any available prescription monitoring program or emergency department-based information exchange.

(4) The physician should periodically review any relevant information from a pharmacist provided to the physician.

NEW SECTION

WAC 246-919-858 Long-acting opioids, including methadone. Long-acting opioids, including methadone, should only be prescribed by a physician who is familiar with its risks and use, and who is prepared to conduct the necessary careful monitoring. Special attention should be given to patients who are initiating such treatment. The physician prescribing long-acting opioids or methadone should have a one-time (lifetime) completion of at least four hours of continuing education relating to this topic.

NEW SECTION

WAC 246-919-859 Episodic care. (1) When evaluating patients for episodic care, such as emergency or urgent care, the physician should review any available prescription monitoring program, emergency department-based information exchange, or other tracking system.

(2) Episodic care practitioners should avoid providing opioids for chronic pain management. However, if opioids are provided, the practitioner should limit the use of opioids for a chronic noncancer pain patient to the minimum amount

necessary to control the pain until the patient can receive care from a primary care practitioner.

(3) Prescriptions for opioids written by an episodic care practitioner shall include indications for use or the International Classification of Diseases (ICD) code and shall be written to require photo identification of the person picking up the prescription in order to fill.

(4) If a patient has signed a written agreement for treatment and has provided a written authorization to release the agreement under WAC 246-919-856(6) to episodic care practitioners, then the episodic care practitioner should report known violations of the agreement back to the patient's treatment practitioner who provided the agreement for treatment.

NEW SECTION

WAC 246-919-860 Consultation—Recommendations and requirements. (1) The physician shall consider, and document the consideration, referring the patient for additional evaluation and treatment as needed to achieve treatment objectives. Special attention should be given to those chronic noncancer pain patients who are under eighteen years of age, or who are at risk for medication misuse, abuse, or diversion. The management of pain in patients with a history of substance abuse or with comorbid psychiatric disorders may require extra care, monitoring, documentation, and consultation with, or referral to, an expert in the management of such patients.

(2) The mandatory consultation threshold for adults is one hundred twenty milligrams morphine equivalent dose (MED)(oral). In the event a physician prescribes a dosage amount that meets or exceeds the consultation threshold of one hundred twenty milligrams MED (orally) per day, a consultation with a pain management specialist as described in WAC 246-919-863 is required, unless the consultation is exempted under WAC 246-919-861 or 246-919-862. Great caution should be used when prescribing opioids to children with chronic noncancer pain and appropriate referrals to a specialist is encouraged.

(a) The mandatory consultation shall consist of at least one of the following:

(i) An office visit with the patient and the pain management specialist;

(ii) A telephone consultation between the pain management specialist and the physician;

(iii) An electronic consultation between the pain management specialist and the physician; or

(iv) An audio-visual evaluation conducted by the pain management specialist remotely, where the patient is present with either the physician or a licensed health care practitioner designated by the physician or the pain management specialist.

(b) A physician shall document each mandatory consultation with the pain management specialist. Any written record of the consultation by the pain management specialist shall be maintained as a patient record by the specialist. If the specialist provides a written record of the consultation to the physician, the physician shall maintain it as part of the patient record.

(3) Nothing in this chapter shall limit any person's ability to contractually require a consultation with a pain management specialist at any time. For the purposes of WAC 246-919-850 through 246-919-863, "person" means an individual, a trust or estate, a firm, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

NEW SECTION

WAC 246-919-861 Consultation—Exemptions for exigent and special circumstances. A physician is not required to consult with a pain management specialist as described in WAC 246-919-863 when he or she has documented adherence to all standards of practice as defined in WAC 246-919-850 through 246-919-863 and when any one or more of the following conditions apply:

(1) The patient is following a tapering schedule;

(2) The patient requires treatment for acute pain which may or may not include hospitalization, requiring a temporary escalation in opioid dosage, with expected return to or below their baseline dosage level; or

(3) The physician documents reasonable attempts to obtain a consultation with a pain management specialist and the circumstances justifying prescribing above one hundred twenty milligrams morphine equivalent dose (MED) per day without first obtaining a consultation; or

(4) The physician documents the patient's pain and function is stable and the patient is on a nonescalating dosage of opioids.

NEW SECTION

WAC 246-919-862 Consultation—Exemptions for the physician. The physician is exempt from the consultation requirement in WAC 246-919-860 if one or more of the following qualifications are met:

(1) The physician is a pain management specialist under WAC 246-919-863; or

(2) The physician has successfully completed, within the last two years, a minimum of twelve (Category I) continuing education hours on chronic pain management with at least two of these hours dedicated to long acting opioids; or

(3) The physician is a pain management practitioner working in a multidisciplinary chronic pain treatment center, or a multidisciplinary academic research facility; or

(4) The physician has a minimum three years of clinical experience in a chronic pain management setting, and at least thirty percent of his or her current practice is the direct provision of pain management care.

NEW SECTION

WAC 246-919-863 Pain management specialist. A pain management specialist shall meet one or more of the following qualifications:

(1) If a physician or osteopathic physician:

(a) Board certified or board eligible by an American Board of Medical Specialties-approved board (ABMS) or by

the American Osteopathic Association (AOA) in physical medicine and rehabilitation, rehabilitation medicine, neurology, rheumatology, or anesthesiology; or

(b) Has a subspecialty certificate in pain medicine by an ABMS-approved board; or

(c) Has a certification of added qualification in pain management by the AOA; or

(d) A minimum of three years of clinical experience in a chronic pain management care setting; and

(i) Credentialed in pain management by an entity approved by the Washington state medical quality assurance commission for physicians or the Washington state board of osteopathic medicine and surgery for osteopathic physicians; and

(ii) Successful completion of a minimum of at least eighteen continuing education hours in pain management during the past two years for physicians or three years for osteopathic physicians; and

(iii) At least thirty percent of the physician's or osteopathic physician's current practice is the direct provision of pain management care or is in a multidisciplinary pain clinic.

(2) If a dentist: Board certified or board eligible in oral medicine or orofacial pain by the American Board of Oral Medicine or the American Board of Orofacial Pain.

(3) If an advanced registered nurse practitioner (ARNP):

(a) A minimum of three years of clinical experience in a chronic pain management care setting;

(b) Credentialed in pain management by the Washington state nursing care quality assurance commission-approved national professional association, pain association, or other credentialing entity;

(c) Successful completion of a minimum of at least eighteen continuing education hours in pain management during the past two years; and

(d) At least thirty percent of the ARNP's current practice is the direct provision of pain management care or is in a multidisciplinary pain clinic.

(4) If a podiatric physician:

(a) Board certified or board eligible in a specialty that includes a focus on pain management by the American Board of Podiatric Surgery, the American Board of Podiatric Orthopedics and Primary Podiatric Medicine, or other accredited certifying board as approved by the Washington state podiatric medical board; or

(b) A minimum of three years of clinical experience in a chronic pain management care setting; and

(c) Credentialed in pain management by the Washington state podiatric medical board-approved national professional association, pain association, or other credentialing entity; and

(d) Successful completion of a minimum of at least eighteen hours of continuing education in pain management during the past two years, and at least thirty percent of the podiatric physician's current practice is the direct provision of pain management care.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-919-800	Purpose.
WAC 246-919-810	What specific guidance should a practitioner follow?
WAC 246-919-820	What knowledge should a practitioner possess to treat pain patients?
WAC 246-919-830	How will the commission evaluate prescribing for pain?

**WSR 11-12-027
PERMANENT RULES
DEPARTMENT OF HEALTH**

[Filed May 24, 2011, 3:20 p.m., effective July 1, 2011]

Effective Date of Rule: July 1, 2011.

Purpose: WAC 246-08-400 Allowable fees for searching and duplicating medical records, the adopted rule adjusts the maximum amounts that medical providers may charge for searching and duplicating medical records. RCW 70.02.010(15) requires the adjustment to occur every two years based on the change in the consumer price index (CPI) for the Seattle-Tacoma area. The amounts per page will increase by 1.9 percent.

Citation of Existing Rules Affected by this Order: Amending WAC 246-08-400.

Statutory Authority for Adoption: RCW 70.02.010(15) and 43.70.040.

Adopted under notice filed as WSR 11-08-025 on March 31, 2011.

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 24, 2011.

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 09-13-102, filed 6/17/09, effective 7/1/09)

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(15) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

- (1) Copying charge per page:
 - (a) No more than one dollar and (~~two~~) four cents per page for the first thirty pages;
 - (b) No more than (~~seventy-eight~~) seventy-nine cents per page for all other pages.
- (2) Additional charges:
 - (a) The provider can charge a twenty-three dollar clerical fee for searching and handling records;
 - (b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.
- (3) This section is effective July 1, (~~2009~~) 2011, through June 30, (~~2014~~) 2013.
- (4) HIPAA covered entities: See HIPAA regulation Section 164.524 (c)(4) to determine applicability of this rule.

WSR 11-12-032

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed May 25, 2011, 11:02 a.m., effective June 25, 2011]

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

Purpose: Technical edits to WAC 181-79A-145, citation for definition of private school is no longer accurate.

Citation of Existing Rules Affected by this Order: Amending X [WAC 181-79A-145].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 11-05-080 on February 15, 2011.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

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: April 19, 2011.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 10-16-124, filed 8/3/10, effective 9/3/10)

WAC 181-79A-145 Levels and validity of certificates. Two levels of certification may be issued.

(1) Initial and continuing certificates: Teachers with program completion dates through August 31, 2000, administrators with program completion dates through August 31, 2004, and educational staff associates with program completion dates through August 31, 2005, will be issued the following levels of certificates: Provided, That initial and continuing teachers' certificates after August 31, 2000, initial and continuing principal and program administrator certificates after August 31, 2004, and initial and continuing educational staff associate certificates after August 31, 2005, will be issued only to previous Washington certificate holders, pursuant to WAC 181-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 181-79A-250(1) and 181-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal. Initial administrator and educational staff associate certificate holders shall be issued a continuing certificate if they meet the requirements for such certificate. Initial administrator and educational staff associate certificate holders shall be issued a residency certificate if their initial certificate has expired or they do not meet the requirements for a continuing certificate.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 181-79A-250(3).

(2) Residency and professional certificates: Teachers, administrators, and educational staff associates with program completion dates commencing with the dates indicated below will be issued the following levels of certificates:

(a) Residency certificate. The residency certificate will be issued to teachers beginning September 1, 2000, to principal/program administrators beginning September 1, 2004, and to educational staff associate school counselors, school psychologists, and school social workers no later than September 1, 2005.

(b) The first issue of a residency certificate for teachers, principals, program administrators, and educational staff associates shall be valid until the holder has completed two consecutive years of successful service in the role in Washington with a school district, state approved private school, or state agency that provides educational services for students. When the principal, program administrator, or educational staff associate completes two consecutive years of successful service in the role in the state with the same employer, their residency certificate will be reissued with a five-year expiration date; provided, that the second consecutive year of successful service in the role will be considered to be complete

for purposes of reissuance if a contract for the third such year has been signed and returned to the employer. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC 181-79A-250.

(c) For teachers, after September 1, 2011, a first issue teacher residency certificate remains undated until the teacher is eligible to register for the professional certificate assessment under WAC 181-79A-206, at which time the residency certificate is dated for three years as verified by the certification office of the superintendent of public instruction: Provided, That teachers who hold an undated initial residency certification and teach in nonpublic school settings as defined under ~~(chapter 180-55)~~ WAC 181-79A-030 are considered to hold a valid certificate and may participate in the professional certificate requirements by submitting proof of experience under WAC 181-79A-206.

(d) Professional certificate. The professional certificate will be issued to teachers beginning September 1, 2001, to principals/program administrators beginning September 1, 2007, and to educational staff associate school counselors, school psychologists, and school social workers beginning September 1, 2007. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 (3)(b) or 181-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater. Provided further that a professional educational staff associate certificate for school counselors based on the possession of a valid school counselor's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 or 181-79A-206 shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(3) First peoples' language, culture, and oral tribal traditions certificates: The first peoples' language, culture, and oral tribal traditions certificate will be issued beginning in January 2007. The first peoples' language, culture, and oral tribal traditions certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-252.

WSR 11-12-035

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 25, 2011, 11:49 a.m., effective July 1, 2011]

Effective Date of Rule: July 1, 2011.

Purpose: The rule protects public health and the environment by establishing requirements that prevent contact with or contamination from inadequately treated sewage. The rule consolidates and revises large on-site sewage system (3,500 gpd to 100,000 gpd) requirements including siting, design, construction, installation, management, permitting, operation, maintenance, and repair requirements. It also establishes environmental review requirements.

Statutory Authority for Adoption: RCW 70.118B.020.

Adopted under notice filed as WSR 11-02-064 on January 4, 2011.

Changes Other than Editing from Proposed to Adopted Version: Only editorial changes were made from the proposed to adopted versions of the rules.

A final cost-benefit analysis is available by contacting Melissa McEachron, Department of Health, Office of Shellfish and Water Protection, P.O. Box 47824, Olympia, 98504-7824, phone (360) 236-3265, fax (360) 236-2257, e-mail melissa.mceachron@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 68, 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 68, Amended 0, Repealed 0.

Date Adopted: May 25, 2011.

Gregg L. Grunenfelder
Deputy Secretary
for Mary C. Selecky
Secretary

PART 1: GENERAL PROVISIONS

NEW SECTION

WAC 246-272B-01000 Purpose and objectives. (1)

The purpose of this chapter is to protect public health and the environment by establishing a comprehensive framework for statewide management of LOSS.

(2) This chapter implements chapter 70.118B RCW, Large on-site sewage disposal systems, by establishing regulations for LOSS owners, operators, design engineers, and installers; and their duties in siting, designing, constructing, installing, permitting, operating, monitoring, maintaining, and repairing LOSS to achieve sustainable long-term sewage management.

NEW SECTION

WAC 246-272B-01100 Acronyms and definitions.

The following acronyms and definitions apply throughout this chapter unless the context clearly requires otherwise:

(1) "Additive" means a commercial product added to an OSS intended to affect performance or aesthetics of an OSS.

(2) "ASTM" means American Society for Testing and Materials.

(3) "Bank" means any naturally occurring slope greater than one hundred percent (forty-five degrees) and extending

vertically at least five feet from the toe of the slope to the top of the slope.

(4) "Bed" means a drainfield component consisting of an excavation with a width greater than three feet and up to ten feet.

(5) "BOD" means biochemical oxygen demand, typically expressed in mg/L.

(6) "Building sewer" means that part of the horizontal piping of a drainage system extending from the building drain, which collects sewage from all the drainage pipes inside a building, to an OSS. It begins two feet outside the building wall and conveys sewage from the building drain to the remaining portions of the OSS.

(7) "CBOD" means carbonaceous biochemical oxygen demand, typically expressed in mg/L.

(8) "Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

(9) "Covenant" means a recorded agreement stating certain activities or practices are required or prohibited.

(10) "Cover material" means soil placed over a drainfield or dripfield composed predominantly of mineral material with no greater than ten percent organic content. Cover material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.

(11) "Cut" means any artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope.

(12) "Department" means the Washington state department of health.

(13) "Design engineer" means a professional engineer who is licensed in Washington state under chapter 18.43 RCW and is experienced and qualified in the analysis and design of LOSS or sewage treatment system components. If the LOSS or any component of the LOSS is considered a "significant structure" as defined in chapter 18.43 RCW, the design engineer shall be licensed as a structural engineer unless an exception specified in RCW 18.43.040 applies.

(14) "Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four-hour period. It incorporates both an operating capacity and a surge capacity for the LOSS during periodic heavy use events.

(15) "Development" means a combination of residences, structures, and facilities, or similar activity, in or on subdivisions, sites, or areas, where residential strength sewage is produced.

(16) "Distribution technology" means any arrangement of equipment or materials that distributes LOSS effluent within the drainfield.

(17) "Domestic sewage" means urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, nonresidential buildings such as churches or schools, commercial establishments, or other buildings, excluding industrial wastewater and storm water.

(18) "Drain rock" means clean washed gravel or crushed rock ranging in size from three-fourths inch to two and one-half inches, and containing no more than two percent by

weight passing a US No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve.

(19) "Drainfield" means the treatment and soil dispersal component of a LOSS consisting of trenches or beds containing either a distribution pipe within a layer of drain rock covered with a geotextile or equivalent covering, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this chapter, with pressure distribution of effluent.

(20) "Dripfield" means a type of drainfield where effluent is applied directly into the soil through driplines.

(21) "Dripline" means the distribution piping used with a subsurface drip system to discharge effluent into the soil. A dripline consists of small diameter, flexible polyethylene tubing with small in-line emitters.

(22) "Drywell" means a subterranean pit, chamber, or structure used to collect storm water, effluent, or other liquid and disperse it into the soil.

(23) "Effective particle size" means the size of sieve opening where ninety percent by weight of a sample of filter media is retained on the sieve and ten percent passes through the sieve.

(24) "Effluent" means liquid discharged from a septic tank or other LOSS treatment component.

(25) "Emitter" means an orifice that discharges effluent at a slow, controlled rate.

(26) "Expansion" means a change to the LOSS or its influent that causes the LOSS to exceed its existing treatment or dispersal capacity, or a change that reduces the treatment or dispersal capacity of the existing LOSS.

(27) "Extremely gravelly" means soil with sixty to ninety percent rock fragments by volume.

(28) "Failure" means a condition of a LOSS or LOSS component that threatens the public health or environment by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public.

(29) "FC" means fecal coliform bacteria, typically expressed in number of colonies/100 ml.

(30) "Fecal coliform" means bacteria common to the digestive systems of warm blooded animals that are cultured in standards tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection, and are generally expressed as colonies per 100 ml.

(31) "gpd" means gallons per day.

(32) "Gravelly" means soils with fifteen to thirty-four percent rock fragments by volume.

(33) "Greywater" means domestic type flows from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen or utility sinks. Greywater does not include flow from a toilet or urinal.

(34) "Gross land area" means the total land area of a proposed development that might include the centerline of adjoining road or street right of ways, if dedicated as part of the development, but does not include land area under surface water.

(35) "Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water.

(36) "High quality effluent (HQE)" means a treatment level higher than Treatment Level B as established in WAC 246-272B-06250.

(37) "Holding tank sewage system" means a LOSS that incorporates a sewage tank without a discharge outlet, and requires the services of a sewage pumper, and off-site treatment and disposal for the generated sewage.

(38) "Hydraulic loading rate" means the rate at which effluent is applied to a drainfield or other treatment component usually expressed as gpd/sf.

(39) "Hydrogeologist" means a professional hydrogeologist who is licensed in Washington state under chapter 18.220 RCW.

(40) "HGR" means hydrogeology report.

(41) "HQE" means high quality effluent.

(42) "Industrial wastewater" means the water or liquid carried waste from an industrial process. This waste may result from any process or activity of industry, manufacture, trade, or business; from the development of any natural resource; or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

(43) "Infiltrative surface" means the horizontal surface area measured in square feet within a drainfield to which effluent is applied and through which effluent moves into original undisturbed soil or other porous treatment media.

(44) "Influent" means the domestic sewage entering the LOSS.

(45) "Installer" means a person who installs or repairs an OSS and who meets the requirements in WAC 246-272B-05000.

(46) "Large on-site sewage system (LOSS)" means an OSS with design flows of three thousand five hundred gpd up to and including one hundred thousand gpd.

(47) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the county or district public health department as defined in RCW 70.05.010, or his or her authorized representative.

(48) "LOSS" means large on-site sewage system.

(49) "Maintenance" means the actions necessary to keep the OSS and its components functioning to protect public health and the environment.

(50) "Management entity" means a publicly or privately owned entity acting as an agent of the owner responsible for the proper and safe long-term management of the LOSS.

(51) "Massive structure" means soil that appears as a coherent or solid mass not separated into peds of any kind.

(52) "mg/L" means milligrams per liter.

(53) "ml" means milliliter.

(54) "mm" means millimeter.

(55) "Moderate structure" means well formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds, and material that is not in peds.

(56) "Modification" means a change to an existing LOSS that includes, but is not limited to, a repair, an expansion, a replacement, treatment or other process improvement, or a management or ownership change.

(57) "Monitoring" means routine observation and measurement of LOSS performance to determine if it is function-

ing as intended and if maintenance is needed. Monitoring also includes maintaining accurate records documenting monitoring activities.

(58) "N₁₀" means a treatment level based on total nitrogen of 10 mg/L-N.

(59) "N₂₀" means a treatment level based on total nitrogen of 20 mg/L-N.

(60) "NEMA" means National Electrical Manufacturer Association.

(61) "NRCS" means Natural Resources Conservation Service.

(62) "O&G" means oils and grease.

(63) "Oils and grease" means a component of sewage typically originating from food stuffs or consisting of compounds of alcohol or glycerol with fatty acids, typically expressed in mg/L. Standard laboratory methods for determining O&G are USEPA Method 1664 or Standard Methods 5520.

(64) "O&M" means operations and maintenance.

(65) "On-site sewage system (OSS)" means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment and disposal of domestic sewage. It consists of a collection system, a treatment component or treatment sequence, and a drainfield. It may or may not include a mechanical treatment system. An OSS also refers to a holding tank sewage system or other system that does not have a drainfield. A holding tank that discharges to a sewer is not included in the definition of OSS. A system into which storm water or industrial wastewater is discharged is not included in the definition of OSS.

(66) "Operator" means a person who is responsible for operating the LOSS and ensuring that it consistently and reliably treats sewage according to the terms and conditions of the operating permit, and who meets the requirements in WAC 246-272B-07200.

(67) "Operating capacity" means the average daily volume of sewage that a LOSS can treat and disperse on a sustained basis.

(68) "Ordinary high-water mark" means the mark on lakes, streams, springs, and tidal waters found by examining the beds and banks and ascertaining where the presence and action of water 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 with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

(a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

(69) "OSS" means on-site sewage system.

(70) "Owner" means a person responsible for the LOSS and for complying with this chapter.

(71) "P" means phosphorus, typically expressed in mg/L.

(72) "Ped" means a unit of soil structure such as a block, column, granule, plate, or prism formed by natural processes.

(73) "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

(74) "Platy structure" means soil that contains flat peds that lie horizontally and often overlap. This type of structure impedes the vertical movement of water.

(75) "Pressure distribution" means a system of small diameter pipes equally distributing pumped effluent throughout a drainfield.

(76) "Private management entity" means a person, for-profit organization, nonprofit organization, or the authorized agents of these entities responsible for the proper and safe long-term management of the LOSS. This definition does not include public entities or wastewater companies regulated by the Washington utilities and transportation commission.

(77) "Proprietary product" means sewage treatment or distribution technology, methods, and materials subject to a patent or trademark.

(78) "psi" means pounds per square inch.

(79) "Public domain technology" means sewage treatment or distribution technology, method, or material not subject to a patent or trademark.

(80) "Public entity" means a municipal corporation such as a city; town; county; water, sewer, or water-sewer district; public utility district; port district; or federal, state, or local agency.

(81) "Pumper" means a person approved by the local health officer to remove and transport sewage or septage from an OSS.

(82) "Reclaimed water" means water derived in any part from wastewater with a domestic wastewater component that has been adequately and reliably treated, so that it can be used for beneficial purposes. Reclaimed water is not considered a wastewater.

(83) "Record drawing" means an accurate graphic and written record of the location and features that are needed to properly monitor, operate, and maintain the LOSS that bears the stamp and signature of a design engineer.

(84) "Repair" means reconstruction, relocation, or replacement of a LOSS or a LOSS component that has failed or is not functioning as designed.

(85) "Reserve area" means an area of land approved for the installation of a LOSS and dedicated for replacement of the LOSS in the event of a failure.

(86) "Residential strength sewage" means sewage with the constituency and strength of biochemical oxygen demand; carbonaceous biochemical oxygen demand; fats, oils, and grease; and suspended solids typical of domestic sewage.

(87) "Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots. Some examples include: Hardpan, claypan, fragipan, caliche, some compacted soils, bedrock, or unstructured clay soils.

(88) "Rock fragment" means pieces of rocks or minerals having a diameter greater than two millimeters, such as gravel, cobbles, stones, and boulders.

(89) "Sanitary sewer system" means all facilities, including approved LOSS, used in the collection, transmission,

storage, treatment, or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial, or industrial wastewater. LOSS are only considered sanitary sewer systems if they are designed to serve urban densities. Sanitary sewer system is also commonly known as public sewer system.

(90) "Seepage pit" means an excavation where the side-wall or bottom is designed to dispose of effluent without the use of pipe or other approved method of distribution.

(91) "Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from septic tanks, pump chambers, holding tanks, or other OSS components.

(92) "Septic tank" means a water tight treatment receptacle receiving the discharge of sewage from a building sewer or sewers; designed and constructed to permit separation of settleable and floating solids from the liquid, and detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

(93) "Septic tank effluent (STE)" means liquid waste with characteristics typical of effluent from a properly sized septic tank treating residential strength sewage.

(94) "Sewage tank" means a water tight prefabricated or cast-in-place septic tank, pump tank, holding tank, grease interceptor tank, recirculating filter tank, tank used with a proprietary product, or any other tank used in an OSS. This term also includes tanks used in a septic tank effluent pump or vacuum collection or transmission system for an OSS.

(95) "Site risk survey (SRS)" means a screening tool used to identify and evaluate potential impacts to public health and the environment from a LOSS.

(96) "Soil log" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and dispersal medium for sewage.

(97) "Soil scientist" means a person certified by the American Society of Agronomy or Soil Scientist Society of America as a Certified Professional Soil Scientist.

(98) "Soil texture" means the USDA numerical classification of soil particles two millimeters or less in size and the description of the percent of sand, silt, and clay.

(99) "Soil type" means one of seven numerical classifications based on USDA classifications of soil texture, structure and percent rock fragments as described in Table 1 in WAC 246-272B-03400.

(100) "sf" means square feet.

(101) "SRS" means site risk survey.

(102) "STE" means septic tank effluent.

(103) "Strong structure" means peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.

(104) "Subsurface drip system" means a pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the dripline.

(105) "Surface water" means any body of water, whether fresh or marine, which either flows or is contained in natural or artificial unlined depressions or drainage course and contains water for forty-eight continuous hours during May through October. Such bodies include, but are not limited to, natural and artificial lakes, ponds, springs, rivers, streams, canals, ditches, swamps, marshes, tidal waters, and wetlands.

(106) "Test pit" means an excavation used to observe the soil profile in its original condition for purpose of completing a soil log.

(107) "Timed dosing" means delivery of discrete volumes of sewage at prescribed time intervals.

(108) "Treatment component" means a technology or process that reduces targeted constituents in sewage in preparation for dispersal or disposal.

(109) "Trench" means a drainfield component consisting of an excavation with a width of three feet or less.

(110) "TSS" means total suspended solids, typically expressed in mg/L.

(111) "Uniformity coefficient" means a numeric quantity calculated by dividing the size of the sieve opening which

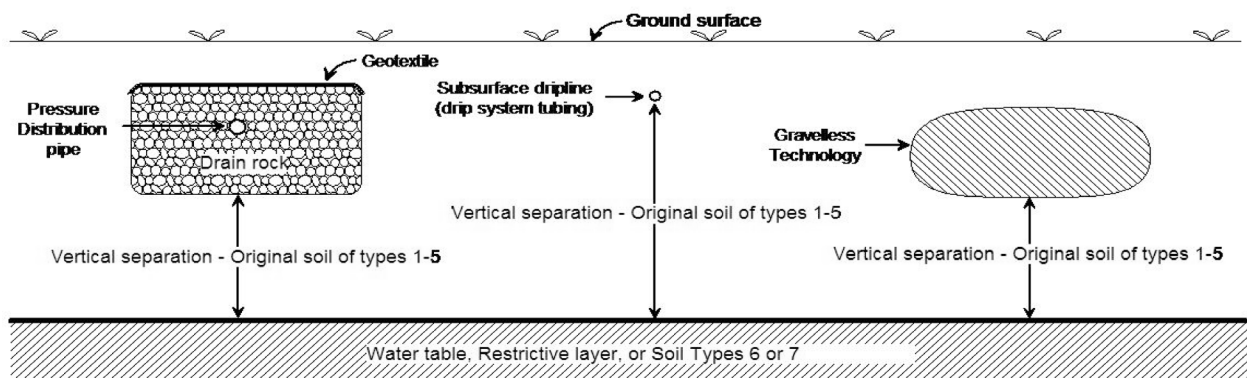
will pass sixty percent of a sample by the size of the opening which will pass ten percent of the sample on a weight basis. Symbolically this is depicted as $d_{60}/d_{10} = U_c$.

(112) "USDA" means United States Department of Agriculture.

(113) "USEPA" means United States Environmental Protection Agency.

(114) "Vertical separation" means the depth of unsaturated, original, undisturbed soil between the infiltrative surface of a drainfield component and the highest seasonal water table, a restrictive layer, or soil types 6 or 7 as illustrated by the profile drawings of drainfields in Figure 1 below.

Figure 1: Profile Drawings of Drainfields Showing Examples of Vertical Separation



(115) "Very gravelly" means soil with thirty-five to fifty-nine percent rock fragments by volume.

(116) "Water table" means the upper surface of the groundwater, whether permanent or seasonal.

(117) "Well" means water well, resource protection well, and dewatering well as defined in RCW 18.104.020.

NEW SECTION

WAC 246-272B-01200 Applicability and relationship to other statutes and regulations. (1) This chapter applies to all LOSS constructed, operated, and maintained in the state of Washington, except for:

- (a) Systems receiving industrial wastewater discharges;
- (b) Systems receiving storm water discharges;
- (c) Combined sanitary sewer and storm water systems;
- (d) Evaporative lagoon systems with design flows above three thousand five hundred gallons per day;
- (e) Systems with design flows above one hundred thousand gallons per day; and
- (f) Systems that discharge to surface water or to land surface.

(2) This chapter requires LOSS owners and those proposing to construct a LOSS to comply with applicable sections of chapter 90.48 RCW, Water pollution control, regarding control and prevention of pollution of waters of the state including, but not limited to:

(a) Surface and groundwater standards established under RCW 90.48.035; and

(b) Those provisions requiring all known, available, and reasonable methods of treatment.

(3) This chapter is intended to be consistent with the reclaimed water requirements under chapter 90.46 RCW, Reclaimed water use.

(4) This chapter is intended to be consistent with other statutes and rules that apply to professional engineers in chapter 18.43 RCW, Engineers and land surveyors, and Title 196 WAC, Licensing, department of (engineers and land surveyors, board of registration for professional).

(5) This chapter is intended to be consistent with the requirements of any comprehensive plan or development regulation adopted under chapter 36.70A RCW, Growth management—Planning by selected counties and cities, or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county.

(6) In addition to the requirements of this chapter, it is the responsibility of a person designing, constructing, owning, or operating and maintaining a LOSS to also comply with chapter 27.53 RCW, Archaeological sites and resources.

(7) In addition to the requirements of this chapter, it is the responsibility of a person designing, constructing, owning, or operating and maintaining a LOSS to also comply with applicable local requirements including, but not limited to, land use and development regulations, comprehensive

plans, designated sensitive and critical areas regulations, and building permit and inspection requirements.

NEW SECTION

WAC 246-272B-01300 General requirements. (1)

Persons may not install or operate a LOSS without an operating permit as provided in this chapter.

(2) Owners shall obtain an operating permit from the department and shall renew it annually.

(3) LOSS permitted prior to the effective date of this chapter, that do not fully comply with the design, construction, and operating requirements in this chapter may continue in service without upgrade until modified, expanded, or repaired. The department shall require upgrades if it determines there is a threat to public health or the environment.

(4) The LOSS owner shall operate and maintain the LOSS to consistently and reliably treat sewage.

(5) The department may impose more stringent requirements than those described in this chapter when necessary to protect public health or the environment.

PART 2: APPROVAL AND PERMITTING PROCESS

Subpart A - New Construction

NEW SECTION

WAC 246-272B-02000 Site review—Predesign report, soil characterization, and site inspection. (1) The owner proposing a new LOSS shall submit to the department:

(a) Two hard copies and one copy in electronic format acceptable to the department of the predesign report that meets the requirements of WAC 246-272B-03000 and is prepared, stamped, signed, and dated by a design engineer; and

(b) The base fee as established in chapter 246-272 WAC, Wastewater and reclaimed water use fees.

(2) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the conceptual treatment design appears to be viable, the notice of determination must include an invoice for the inspection fee as established in chapter 246-272 WAC, Wastewater and reclaimed water use fees, and instructions to proceed to the site inspection.

(b) If the conceptual treatment design is not viable, the notice of determination must include an invoice for all unpaid fees, the reasons for the determination, and a statement that the department is discontinuing review of the project.

(3) Upon receiving the notice to proceed, the owner may proceed with the site inspection. To proceed, the owner shall:

(a) Schedule the site inspection with the department, design engineer and the person who prepared the soil logs if different than the design engineer; and

(b) Pay the inspection fee established in chapter 246-272 WAC, Wastewater and reclaimed water use fees.

(4) After receiving the fee, the department shall inspect the proposed LOSS site with the design engineer and the person who prepared the soil logs, if different than the design engineer, to:

(a) View test pits;

(b) Verify soil type and other predesign report information; and

(c) Determine if more information or changes are needed, including laboratory analysis of soil consistent with WAC 246-272B-03400.

(5) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department determines that the soil and site information is consistent with the conceptual treatment design, the notice of determination must include the maximum loading rate and instructions to proceed to the environmental review.

(b) If the department determines that the soil and site information is not consistent with the conceptual treatment design, the notice of determination must include an invoice for all unpaid fees, the reasons for the decision, and a statement that the department is discontinuing review of the project. Once the department discontinues review, the LOSS project ends. The department shall treat any future LOSS project submittals involving the same location as a new LOSS project subject to the requirements of subsection (1) of this section.

NEW SECTION

WAC 246-272B-02050 Environmental review—Site risk survey and hydrogeology report. (1) Upon receiving the notice to proceed, the owner may proceed with the environmental review. To proceed, the owner shall submit an SRS that meets the requirements of WAC 246-272B-03200.

(2) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department determines that the SRS contains sufficient information to determine the public health and environmental impacts of the LOSS and the LOSS is feasible, the notice of determination must include instructions to proceed to engineering.

(b) If the department determines that site conditions identified in the SRS require further evaluation to determine the public health and environmental impacts of the LOSS, the notice of determination must include instructions for the owner to submit an HGR.

(3) Upon receiving the notice requiring an HGR, the owner may complete an HGR. To proceed, the owner shall submit an HGR that meets the requirements of WAC 246-272B-03300 and is prepared, signed, and dated by a licensed hydrogeologist.

(4) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department determines that the HGR contains sufficient information and the LOSS is feasible, the notice of determination must include instructions to proceed to engineering.

(b) If the department determines that the HGR indicates the LOSS is not feasible due to unacceptable environmental or public health impacts, the notice of determination must include an invoice for all unpaid fees and the reasons for the

decision, and the department shall discontinue review of the project.

(5) An owner may satisfy the requirements of an SRS by submitting an HGR that meets the requirements of WAC 246-272B-03300.

NEW SECTION

WAC 246-272B-02100 Engineering. (1) Upon receiving the department determination that the HGR contains sufficient information to determine the public health and environmental impacts of the LOSS and the LOSS is feasible, the owner may proceed with engineering. To proceed, the owner shall submit two hard copies and one copy in an electronic format acceptable to the department of an engineering report that meets the requirements of WAC 246-272B-04000, and a draft O&M manual that meets the requirements of WAC 246-272B-04200 that are prepared, stamped, signed, and dated by a design engineer.

(2) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department approves the engineering report and draft O&M manual, the notice of determination must include instructions to proceed to plans and specifications.

(b) If the department does not approve the engineering report and draft O&M manual, the notice of determination must include an invoice for all unpaid fees, the reasons for the decision, and a statement that the department is discontinuing review of the project.

(3) Upon receiving the notice to proceed, the owner may proceed with plans and specifications. To proceed, the owner shall submit to the department three hard copies and one copy, in an electronic format acceptable to the department, of plans and specifications that meet the requirements of WAC 246-272B-04400 that are prepared, stamped, signed, and dated by a design engineer.

(4) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department approves the plans and specifications, the notice of determination must include an invoice for unpaid fees, a copy of the department-approved plans and specifications, and instructions to submit a completed operating permit application.

(b) If the department does not approve the plans and specifications, the notice of determination must include an invoice for all unpaid fees and the reasons for the decision, and the department shall discontinue review of the project.

(5) If the department approves the plans and specifications, the department shall send a copy of the department-approved plans and specifications to the design engineer.

(6) The owner shall use department-approved plans and specifications for bidding and construction purposes.

NEW SECTION

WAC 246-272B-02150 LOSS 14,500 gpd and below—Operating permit application and approval to construct. (1) To apply for an operating permit, the owner of a LOSS with design flow of 14,500 gpd and below shall sub-

mit a completed operating permit application on a form provided by the department; the operating permit fee established in chapter 246-272 WAC, Wastewater and reclaimed water use fees; and all other unpaid fees.

(2) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department determines that the application meets the requirements of this chapter, the notice of determination must include the draft operating permit, and an invoice for the inspection fee and any additional review fees established in chapter 246-272 WAC, Wastewater and reclaimed water use fees.

(b) If the department determines that the application does not meet the requirements of this chapter, the notice of determination must include an invoice for all unpaid fees, the reasons for the decision, and a statement that the department is discontinuing review of the project.

(3) If the owner disagrees with the department draft operating permit, the owner may submit comments to the department within thirty days of receipt.

(4) The department shall consider comments submitted by the owner, and issue approval to construct and the operating permit after all fees are paid.

NEW SECTION

WAC 246-272B-02200 LOSS greater than 14,500 gpd—Operating permit application. (1) To apply for an operating permit, the owner of a LOSS with a design flow greater than 14,500 gpd shall complete and submit an operating permit application on a form provided by the department; the operating permit fee established in chapter 246-272 WAC, Wastewater and reclaimed water use fees; and all other unpaid fees.

(2) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department determines that the application meets the requirements of this chapter, the notice of determination must include the draft operating permit and instructions to provide public notice that meets the requirements of WAC 246-272B-02250.

(b) If the department determines that the application does not meet the requirements of this chapter, the notice of determination must include an invoice for all unpaid fees and the reasons for the decision, and the department shall discontinue review of the project.

(3) If the owner disagrees with the department draft operating permit, the owner may submit comments to the department, within thirty days of receipt.

(4) The department shall consider comments submitted by the owner and may modify the draft operating permit before the owner provides public notice.

NEW SECTION

WAC 246-272B-02250 LOSS greater than 14,500 gpd—Public notice. (1) Within one year of receiving the notice of determination under WAC 246-272B-02200 (2)(a), the owner may proceed with public notice. To proceed, the

owner shall provide public notice that meets the requirements of this section prior to receiving department approval to construct the LOSS.

(2) The owner shall provide the draft public notice to the department for review and approval. The public notice must include the following information:

- (a) Date of notice;
- (b) Name, mailing and e-mail addresses of the owner;
- (c) Brief description of development to be served by the proposal, including property location and local zoning of the development and drainfield site;
- (d) Proposed LOSS design flow;
- (e) Proposed LOSS waste strength;
- (f) Proposed location of treatment and drainfield site, giving street address and parcel number;
- (g) How to obtain a copy of the operating permit application, draft operating permit, LOSS project information, or additional information from the owner; and
- (h) How to comment to the department and the date comments are due. Comments are due thirty days from the first date of publication.

(3) The department shall review and provide a written response to the owner within fourteen days of receipt of the draft public notice. The department may approve the notice as submitted or require changes to the notice including, but not limited to, corrections, or additional distribution or posting of the public notice to interested parties, local governments, or state agencies.

(4) The owner shall, at the owner's expense:

- (a) Make changes to the public notice as directed by the department prior to publication and distribution;
 - (b) Publish the public notice once a week for two consecutive weeks in a local paper of general circulation in the county where the project is proposed;
 - (c) Provide additional distribution or posting of the public notice if directed by the department; and
 - (d) Submit an affidavit of publication to the department within fourteen days of the second publication.
- (5) If the department determines that the public notice does not meet the requirements of this section, the department shall notify the owner in writing and include an invoice for all unpaid fees and the reasons for the decision, and the department may:

- (a) Allow the owner an opportunity to correct public notice deficiencies in order to meet the requirements of this section; or
- (b) Discontinue review of the project.

NEW SECTION

WAC 246-272B-02300 LOSS greater than 14,500 gpd—Operating permit and approval to construct. (1) The department shall consider comments received within thirty days of the first published public notice required by WAC 246-272B-02250, and may:

- (a) Require additional information from the owner;
- (b) Require changes to the LOSS design, O&M manual, or management plan; or
- (c) Modify the draft operating permit.

(2) The department shall notify the owner in writing of additional submittals required by subsection (1) of this section.

(3) The owner shall submit required information and changes to the LOSS design, O&M manual, or management plan to the department.

(4) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department determines that the proposed LOSS meets the requirements of this chapter, the notice of determination must include an invoice for the final inspection fee, the annual operating permit fee, all other unpaid fees, and the operating permit.

(b) If the department determines that the LOSS does not meet the requirements of this chapter, the notice of determination must include an invoice for all unpaid fees and the reasons for the decision, and the department shall discontinue review of the project.

(5) The department shall provide on the department's web site at doh.wa.gov the notice of final decision that identifies whether the LOSS operating permit has been approved and issued, or has been denied. The department may also use any of the following methods to provide the notice of final decision:

- (a) Publication in a local newspaper of general circulation in the county of the proposal;
- (b) Electronic mail;
- (c) Press release; or
- (d) Other means of notification the department deems appropriate.

(6) An owner may appeal the department's decision on the operating permit by requesting an adjudicative proceeding consistent with WAC 246-272B-08200.

(7) An aggrieved person may appeal the department's issuance of an initial operating permit according to WAC 246-272B-08300.

(8) The department shall notify the owner in writing of approval to construct when all fees are paid and all appeals, if any, are resolved.

NEW SECTION

WAC 246-272B-02350 Construction. (1) The owner may not begin construction until receiving the department's written approval to construct.

(2) After receiving approval to construct, the owner shall annually apply to renew the operating permit.

(3) If construction does not begin within two years following the date of the department's approval of the plans and specifications:

(a) The approval for plans and specifications, any approval given to documents following public notice, and notice to construct expire and become null and void. If these approvals expire, the operating permit becomes null and void.

(b) The owner may request a single extension of up to two years of the plans and specifications approval and all subsequent approvals prior to the two year expiration date by

submitting a written request including a status report and construction schedule with the anticipated completion date.

(c) The department may impose additional terms and conditions if it grants an extension.

(4) The owner shall use an installer that meets the requirements of WAC 246-272B-05000 to construct the LOSS.

(5) If during construction, the owner determines a substantial change to the approved plans and specifications is necessary, the owner shall submit revised plans and specifications that are prepared, stamped, signed, and dated by a design engineer to the department for review and approval.

(6) The department shall review the revised plans and specifications, approve or deny the changes, and notify the owner of the decision in writing and include an invoice for review fees.

(7) The owner shall construct the LOSS consistent with the approved plans and specifications, and Part 5 of this chapter.

(8) After the design engineer has verified the LOSS has been pretested and functions consistently with the approved engineering documents and plans and specifications, the owner shall schedule the final inspection with the department and design engineer.

(9) The department shall conduct the final inspection in accordance with WAC 246-272B-05300 and notify the owner in writing of the inspection results.

(10) If the LOSS fails the final inspection, the department may:

(a) Allow the owner the opportunity to correct deficiencies and schedule another final inspection with the department and design engineer; or

(b) Determine the LOSS is unable to pass final inspection.

(11) If the department determines the LOSS is unable to pass final inspection, the department shall notify the owner in writing. The notice must include an invoice for all unpaid fees, the reasons for the decision, and a statement that the department is discontinuing review of the project and the LOSS may not be put into service.

(12) If the LOSS passes the final inspection, the owner shall submit to the department the construction completion report, final O&M manual, record drawings, and final management plan, all of which must be prepared, stamped, signed, and dated by a design engineer; and all unpaid fees within sixty days of receiving the final inspection results.

(13) After receiving final documents and all unpaid fees, the department may approve the construction completion report, final O&M manual, record drawings, and final management plan as submitted or require changes. If the final documents are approved, the department shall notify the owner in writing that the LOSS may be put into service. The LOSS may not be put into service until the owner receives department notification.

(14) The owner shall provide copies of the final department-approved O&M manual to the operator and management entity.

Subpart B - First Department Operating Permit for Existing LOSS

NEW SECTION

WAC 246-272B-02400 LOSS constructed on or before July 1, 1984. (1) The owner of a LOSS constructed on or before July 1, 1984, who does not have an operating permit issued by the department shall submit:

(a) A completed application on a form provided by the department;

(b) Copies of all available design and construction documentation, including previous design and construction reviews of the LOSS by the department of ecology or local health jurisdiction;

(c) A copy of any permit previously issued by the department of ecology or a local health jurisdiction; and

(d) The annual operating permit fee established in chapter 246-272 WAC, Wastewater and reclaimed water use fees.

(2) The department shall review the application and all other documents submitted and may issue an operating permit unless there is a current known failure. The operating permit may have conditions including, but not limited to, the following owner requirements:

(a) Submit inspection results prepared, stamped, signed, and dated by a design engineer that identify and map the basic treatment elements of the LOSS;

(b) Submit an SRS;

(c) Submit an engineering evaluation prepared, stamped, signed, and dated by a design engineer to verify that the LOSS is operating properly to treat sewage, and protect public health and the environment;

(d) Submit an O&M manual; or

(e) Prohibit additional connections to the LOSS until the owner demonstrates that the LOSS treatment process, drainfield, and reserve area meet requirements specified in WAC 246-272B-06050, 246-272B-06100, and 246-272B-06250 through 246-272B-06500.

(3) If the LOSS is failing, the owner shall comply with the requirements in WAC 246-272B-07450.

NEW SECTION

WAC 246-272B-02450 LOSS with current permit from department of ecology or local health jurisdiction.

(1) The owner of a LOSS permitted by the department of ecology or local health jurisdiction shall continue to maintain a current permit and meet its terms and conditions until the department issues a LOSS operating permit.

(2) The department shall notify the owner when to submit an operating permit application to the department.

(3) The owner shall submit a complete operating permit application on a form provided by the department and annual operating permit fee established in chapter 246-272 WAC, Wastewater and reclaimed water use fees, within thirty days of receiving notification from the department.

(4) The department shall review the operating permit application and other information obtained from the department of ecology or local health jurisdiction and may issue an

operating permit. The operating permit may have conditions including, but not limited to, the following:

- (a) Continue existing permit conditions;
 - (b) Submit inspection results prepared, stamped, signed, and dated by a design engineer that identify and map the basic treatment elements of the LOSS;
 - (c) Submit an SRS;
 - (d) Submit an engineering evaluation prepared, stamped, signed, and dated by a design engineer to verify that the LOSS is operating properly to treat sewage, and protect public health and the environment;
 - (e) Submit an O&M manual; or
 - (f) Prohibit additional connections to the LOSS until the owner demonstrates that the LOSS treatment process, drainfield, and reserve area meet requirements specified in WAC 246-272B-06050, 246-272B-06100, and 246-272B-06250 through 246-272B-06500.
- (5) If the LOSS is failing, the owner shall comply with the requirements in WAC 246-272B-07450.

NEW SECTION

WAC 246-272B-02500 LOSS constructed after July 1, 1984, without current operating or discharge permit.

(1) The owner of a LOSS constructed after July 1, 1984, that does not have an operating or discharge permit from the department, department of ecology, or local health jurisdiction shall submit:

- (a) An operating permit application on a form provided by the department;
- (b) Copies of all design and construction documents, including any previous design and construction review of the LOSS by the department of ecology or local health jurisdiction;
- (c) Inspection results prepared, stamped, signed, and dated by a design engineer that identify and map the basic treatment elements of the LOSS;
- (d) An SRS;
- (e) An engineering evaluation prepared, stamped, signed, and dated by a design engineer to verify that the LOSS is operating properly to treat sewage, and protect public health and the environment; and
- (f) The annual operating permit fee established in chapter 246-272 WAC, Wastewater and reclaimed water use fees.

(2) The department may also require the owner to submit a predesign report, engineering report, plans and specification, O&M manual, or management plan.

(3) The department shall review the operating permit application and other information provided by the owner or obtained from the department of ecology or local health jurisdiction and may issue an operating permit.

(4) The department shall not approve any additional connections to the LOSS until the owner demonstrates that the LOSS treatment process, drainfield, and reserve area meet requirements specified in WAC 246-272B-06050, 246-272B-06100, and 246-272B-06250 through 246-272B-06500.

(5) If the LOSS is failing, the owner shall comply with the requirements of WAC 246-272B-07450.

Subpart C - Permitted LOSS

NEW SECTION

WAC 246-272B-02550 LOSS modifications. (1)

When a LOSS owner proposes a modification to the design, operation, or physical facilities, or when the department requires the owner to make such a modification, the owner shall consult with the department to determine the appropriate site review, environmental review, or engineering documents to prepare and submit.

(2) Based on consultation with the department, the owner proposing a LOSS modification shall submit to the department:

(a) Two hard copies and one copy in electronic format acceptable to the department, that meets the requirements of this chapter of one or more of the following documents: Pre-design report, SRS, HGR, engineering report, management plan, O&M manual; or

(b) Three hard copies and one copy in electronic format acceptable to the department of plans and specifications that meet the requirements of WAC 246-272B-04400; or

(c) Documents identified in subsection (2)(a) and (b) of this section; and

(d) The base fee as established in chapter 246-272 WAC, Wastewater and reclaimed water use fees.

(3) The owner and department shall follow the process for preparing, submitting, reviewing, and approving site review, environmental review, and engineering submittals consistent with WAC 246-272B-02000, 246-272B-02050, and 246-272B-02100.

(4) The department shall notify the owner in writing of its decision to approve or deny the proposal to repair, expand, or otherwise modify a LOSS.

(5) If the department approves the proposal to repair, expand, or otherwise modify a LOSS where the existing and proposed design flow is 14,500 gpd or less, the department shall issue a notice to construct after receiving all unpaid fees, and the owner shall comply with the requirements of Part 5 of this chapter.

(6) If the department approves the proposal to repair or otherwise modify a LOSS where the existing design flow is more than 14,500 gpd, the flow will not increase, and waste strength will not change, the department shall issue a notice to construct after receiving all unpaid fees, and the owner shall comply with the requirements of Part 5 of this chapter.

(7) If the department approves the proposal to repair, expand, or otherwise modify a LOSS, the owner shall submit an operating permit application consistent with WAC 246-272B-02200, and provide public notice consistent with WAC 246-272B-02250 when:

(a) The proposed modification expands the design flow from 14,500 gpd or less to greater than 14,500 gpd; or

(b) The existing design flow is greater than 14,500 gpd and:

(i) The design flow increases; or

(ii) The waste strength characteristics change.

(8) If the proposal is denied, the notification must include the reasons for the denial.

(9) LOSS owners proposing modifications to the design, operation, or physical facilities identified in subsection (7) of this section shall follow applicable requirements of WAC 246-272B-02300 and 246-272B-02350.

(10) LOSS owners shall report any change in ownership or management entity to the department a minimum of thirty days prior to the change taking effect.

(11) Any new owner shall submit an application for a new operating permit, the permit fee, and a new management plan that meets the requirements of WAC 246-272B-04100 thirty days prior to assuming ownership.

(12) The department may approve or deny the change in ownership, notifying the owner of the decision in writing.

(a) If the department approves the change in ownership, it shall issue the new owner an operating permit within thirty days of receiving the new application and management plan.

(b) If the department denies the change in ownership, the notice of the decision must include the reasons for the decision.

(13) If the change in ownership is denied:

(a) The owner to whom the operating permit is issued may continue to operate the LOSS;

(b) The department may allow another person to operate the LOSS under a compliance agreement or order; or

(c) The department may direct the person operating the LOSS without a valid operating permit to discontinue operating the LOSS.

NEW SECTION

WAC 246-272B-02650 Operating permit renewals.

(1) The owner shall submit a completed operating permit renewal application, annual report, all other information required by the department, and the annual permit fee established in chapter 246-272 WAC, Wastewater and reclaimed water use fees, to the department at least thirty days prior to the expiration date of the current operating permit.

(2) The department shall review the completed renewal application, submitted information, the existing permit, and other relevant information to determine compliance with this chapter and existing operating permit conditions and requirements.

(3) The department shall issue, deny, or modify a renewal operating permit within thirty days of receiving the complete renewal form and other required items, or notify the owner of any delay within thirty days.

(4) During the department's review of the completed renewal application and other materials, the current LOSS operating permit shall remain in full force and effect until the owner is notified of the department's decision.

(5) In the renewal operating permit, the department shall impose conditions or requirements it determines are necessary to demonstrate the LOSS is properly operated and maintained to protect public health and the environment.

NEW SECTION

WAC 246-272B-02700 Operating permit requirements and conditions. (1) The department shall issue a LOSS operating permit for the LOSS and owner named in the application.

(2) The department may issue a new operating permit when there is a change in LOSS ownership or management, according to WAC 246-272B-02550.

(3) LOSS owners shall employ one or more operators meeting the requirements of WAC 246-272B-07200 at all times and shall notify the department of any change in the operator, including when there is no operator, within thirty days.

(4) LOSS owners shall employ an approved management entity at all times that meets the requirements of WAC 246-272B-04100.

(5) Operating permit conditions may include, but are not limited to, requiring:

(a) Monitoring information;

(b) Reports;

(c) New or modified documents such as SRS, HGR, O&M manual, engineering report, engineering inspection and evaluation of the LOSS, plans and specifications, record drawings, or other information to the department; and

(d) LOSS component repairs or replacement.

(6) The owner shall notify the department within five calendar days when the LOSS is not in compliance with any operating permit monitoring limit or condition.

(7) The owner shall submit an annual operating report that:

(a) Summarizes results and actions taken over the prior year related to the LOSS, including treatment upsets and monitoring violations, if any;

(b) Discusses any proposed modifications to the monitoring and reporting plan for the next year;

(c) Lists recorded influent sewage volume, measured in gpd; and

(d) Compares actual peak and average daily flows to the LOSS design flow.

(8) Reports required in the operating permit have the following due dates:

(a) Monthly reports are due on the 10th of each month for the prior month.

(b) Quarterly reports are due on the 10th of April, July, October, and January for the prior calendar quarter.

(c) Annual reports are due with the application for permit renewal.

PART 3: SITE AND ENVIRONMENTAL REVIEW REQUIREMENTS

Subpart A - Site Review

NEW SECTION

WAC 246-272B-03000 Site review—Predesign report. At a minimum, the predesign report must include the following information:

(1) Contact information for the owner and design engineer;

(2) Site address, legal description, and name of the county where the project is located;

(3) Vicinity map showing:

(a) The project site;

(b) Project property boundaries;

- (c) Parcels surrounding and adjoining the project property boundaries; and
- (d) Zoning and current land use of all identified properties and parcels.
- (4) Site map scaled to clearly show:
 - (a) Project boundaries;
 - (b) Topographic contours with maximum intervals of five feet, including the data source for the map;
 - (c) Cuts, banks, fill;
 - (d) Slopes greater than thirty percent;
 - (e) Areas of soil or slope instability;
 - (f) Bedrock outcrops;
 - (g) All items identified in WAC 246-272B-06050, Table 3 that are within the minimum horizontal setback distance noted in the table;
 - (h) All wells within one thousand feet of the project property boundaries;
 - (i) Location of one hundred-year flood boundaries, if any, within the mapped area;
 - (j) Proposed primary and reserve drainfield boundaries; and
 - (k) Test pits.
- (5) Identification of tribal lands and archaeological resources within one thousand feet of the primary or reserve drainfield perimeter.
 - (6) A description of underground utilities at the site;
 - (7) USDA NRCS soil map and mapping unit description;
 - (8) A narrative discussion of the LOSS project describing at a minimum:
 - (a) The development with specific residential and non-residential facilities identified;
 - (b) The drinking water source serving the development;
 - (c) The total land area available, in acres, for the development and all LOSS components;
 - (d) Applicable parts of the city, town, or county comprehensive plan or development regulations for all property the LOSS will be sited on and the development it serves, including the primary and reserve drainfield areas;
 - (e) How the LOSS project complies and is consistent with local comprehensive plans and land use and development regulations, including standards developed for any sensitive or critical areas designated by a city, town, county, or local health jurisdiction within one thousand feet of the drainfield perimeter;
 - (f) Any city, town, county, or local health jurisdiction requirement for the property to connect to public sewer;
 - (g) Expected project design flow and waste strength;
 - (h) Proposed treatment and dispersal method; and
 - (i) A description of how the owner proposes to meet the ownership and management requirements in WAC 246-272B-04100(2).
 - (9) Soil logs meeting the requirements in WAC 246-272B-03400 from the primary and reserve drainfield areas;
 - (10) Soil type and hydraulic loading rate using Table 1 in WAC 246-272B-03400;
 - (11) Narrative describing the physical characteristics of the primary and reserve drainfield site including:
 - (a) Topography and slope;
 - (b) Vegetation;
 - (c) Predominant soil type;

- (d) Vertical separation;
- (e) Site drainage patterns; and
- (f) Water table and any restrictive layers.
- (12) Calculations and a discussion showing that the proposed site meets the minimum land area requirements of WAC 246-272B-03500 using the values in Table 2 in that section for the identified soil types; and
- (13) If available, a copy of the SEPA checklist and determination or other environmental review and local planning determination for the development.

NEW SECTION

WAC 246-272B-03100 Site review—Inspection. (1) The owner shall prepare test pits that are open and available for inspection, and meet the requirements of WAC 246-272B-03400.

(2) The owner shall provide a means for safe ingress and egress and is responsible for constructing, maintaining, and closing test pits in a safe manner as required by chapter 296-155 WAC, Safety standards for construction work.

(3) The owner shall provide the department representative at the time of inspection a topographic site map scaled to clearly show:

- (a) Numbered test pit locations within the proposed primary and reserve drainfield areas;
- (b) Accurate geographic location of test pits; and
- (c) A reference point that is marked on the site that can be used for horizontal measurement.

(4) The owner, design engineer, or soil scientist shall be prepared to mark the boundaries of the proposed drainfield areas if requested by the department.

(5) The owner shall make equipment and an operator available to dig additional test pits if required by the department or if the proposed drainfield is relocated. If not, and an additional site inspection is necessary, the owner shall pay an additional site inspection fee established in chapter 246-272 WAC, Wastewater and reclaimed water use fees.

Subpart B - Environmental Review

NEW SECTION

WAC 246-272B-03200 Environmental review—Site risk survey. At a minimum, the SRS must include the following information:

- (1) Design flow and waste strength.
- (2) A description of the physical characteristics of the primary and reserve drainfield site including:
 - (a) Predominant soil type;
 - (b) Vertical separation; and
 - (c) Water table.
- (3) Identification of sensitive or critical areas designated by a local, state, or federal agency if the primary or reserve drainfield is located within the boundaries of the area including, but not limited to:
 - (a) Critical aquifer recharge area;
 - (b) Sole source aquifer;
 - (c) Designated wellhead protection area;
 - (d) Marine recovery area; and
 - (e) One hundred-year flood plain.

(4) Identification of sensitive lands or resources within one-half mile of the primary or reserve drainfield perimeter including, but not limited to:

- (a) Fish hatcheries;
 - (b) Shellfish growing areas; and
 - (c) Water recreation areas.
- (5) Basic hydrogeology information for the primary and reserve drainfield including, but not limited to:
- (a) Well logs for all wells within one thousand feet;
 - (b) Depth to groundwater including perched groundwater and deeper aquifers;
 - (c) Vadose zone characteristics, including the presence of impermeable layers or aquitards;
 - (d) Direction of groundwater flow;
 - (e) Groundwater quality information, including nitrate and fecal coliform;
 - (f) Nitrate screening balance; and
 - (g) Potential hydraulic continuity to surface water.
- (6) Topographic map that clearly shows site features including:
- (a) Map scale and north arrow;
 - (b) Section, township, and range where project is located;
 - (c) Project or property boundaries;
 - (d) Location of proposed primary and reserve drainfields;
 - (e) Location of areas prone to flooding including any designated one hundred-year flood plain boundaries;
 - (f) Unstable areas prone to significant surface or mass erosion;
 - (g) Direction of groundwater flow;
 - (h) Other contaminant sources including other OSS;
 - (i) Critical area boundaries or other sensitive areas listed in subsections (3) and (4) of this section;
 - (j) Surface water and wetlands within one thousand feet of the proposed drainfield perimeter; and
 - (k) Active and abandoned wells within one thousand feet of the proposed drainfield perimeter.
- (7) Other information the department may request to determine public health and environmental impacts from the LOSS.

NEW SECTION

WAC 246-272B-03300 Environmental review—Hydrogeology report. (1) The department will determine the scope of the HGR based on the site conditions identified in the SRS, if one has been completed.

(2) If an SRS has not been completed, the owner shall include the information listed in WAC 246-272B-03200 in the HGR.

(3) The HGR must include sufficient site specific information and analysis for the department to determine the public health and environmental impacts of the LOSS, including:

- (a) Further analysis of the site conditions identified in the SRS; and
 - (b) Mitigation to reduce or eliminate potential impacts.
- (4) The HGR must also include a ground and surface water monitoring plan as appropriate.

Subpart C - Site Standards

NEW SECTION

WAC 246-272B-03400 Soil characterization. (1) The owner shall install enough test pits to characterize soil type and conditions across both the primary and reserve drainfield areas.

(2) Each test pit must be:

(a) Prepared so the soil profile can be viewed in original undisturbed position to a depth of at least three feet deeper than the anticipated infiltrative surface, or to a restrictive layer or to seasonal high water table, whichever is shallower; and

(b) Open and accessible during the department's inspection.

(3) Soil logs must be prepared by either a soil scientist or design engineer and include the following:

- (a) Numbers that correspond to the test pit number;
- (b) Collection date;
- (c) Weather conditions on the day the test pits were excavated;
- (d) Soil names and particle size limits of the USDA NRCS Soil Classification System;
- (e) The most restrictive soil type for hydraulic loading;
- (f) The most coarse soil type for treatment;
- (g) Groundwater depth in profile, if present;
- (h) The presence of fill or debris in the soil profile;
- (i) Other characteristics that affect the treatment or water movement potential of the soil;
- (j) The following information, by horizon:
 - (i) Soil type using Table 1 below;
 - (ii) Depth;
 - (iii) Thickness;
 - (iv) Texture;
 - (v) Structure;
 - (vi) Percent rock;
 - (vii) Relative soil density;
 - (viii) Moist soil color using a Munsell soil color chart to describe both the soil matrix and mottling, if present; and
 - (ix) Unusually wet soil; and

(k) If prepared by a design engineer, the design engineer's stamp, signature, and date.

(4) The department may require the owner to submit soil samples for laboratory analysis to confirm soil type and to support the proposed hydraulic loading rates.

(a) Soil analyses must be performed by a qualified laboratory and reported using the USDA NRCS Soil Classification System.

(b) Each sample must be identified by project name, date collected, weather conditions, test pit number, and depth where the sample was collected to the nearest inch.

(c) The owner shall provide a copy of the laboratory results to the department.

(5) When water table measurements are needed to assess the impact of the LOSS on the environment and the highest seasonal water table cannot be reliably determined, the department may require an analysis based on:

(a) Continuous water table measurements at the site recorded during months of probable high-water table conditions; and

(b) Corresponding average monthly precipitation data for the area from the national weather service.

(6) The department may require additional soil information relevant to the LOSS design.

Table 1: Soil types and Hydraulic Loading Rates

Soil Type	Soil Textural Classification	Maximum Hydraulic Loading Rate, for residential strength effluent, gpd/sf
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils.	1.0
2	Coarse sands.	1.0
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6
5	Very fine sands, very fine loamy sand, very fine sandy loams; or silt loams and sandy clay loams with a moderate or strong structure (excluding platy structure).	0.4
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	Not suitable
7	Sandy clay, clay, silty clay, strongly cemented or firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays. Soils greater than 90% rock.	Not suitable

NEW SECTION

WAC 246-272B-03500 Minimum land area. (1) To manage nutrient loading, and in addition to any nutrient reduction treatment required by the department based on the SRS or HGR prepared under WAC 246-272B-03200 and 246-272B-03300, the owner shall dedicate a minimum land area for the total development served by the LOSS and the LOSS drainfield.

(2) For all types of development, the maximum daily volume of effluent that can be discharged per acre of gross land area is shown in Table 2 in this section.

(3) Table 2 applies to residential strength effluent.

(4) This section does not apply to individual lot sizes.

Table 2: Maximum Effluent per Acre

Finest Textured Soil Type Within the Vertical Separation	Maximum Effluent, gpd Per Acre
1 and 2	900
3, 4, and 5	1,575

PART 4: ENGINEERING REQUIREMENTS

NEW SECTION

WAC 246-272B-04000 Engineering report. (1) The engineering report must outline the scope of the LOSS project, provide necessary background information, the design guidance or standards used, calculations for developing plans and specifications, and impact on public health and the environment.

(2) The engineering report must be prepared using design and technical standards in Part 6 of this chapter and consistent with good engineering practice.

(3) The engineer may incorporate by reference, or include in an appendix, information developed for the site review or environmental review, if still relevant.

(4) At a minimum the report must include:

(a) An executive summary providing a brief overview of the following:

(i) Nature of the project, such as a new development, expansion, phased construction;

(ii) Location of the LOSS;

(iii) Proposed ownership and management;

(iv) Facilities served when the development is complete;

(v) Design flow;

(vi) Wastewater characteristics and strength;

(vii) Site and soil characteristics; and

(viii) Treatment and dispersal proposal;

(b) A narrative providing a detailed explanation of the following:

(i) Facilities served when the development is complete;

(ii) Existing or anticipated wastewater characteristics and strength;

(iii) Proposed treatment and dispersal method;

(iv) Local comprehensive plans, land use and development regulations, sensitive area designations, and requirements by local jurisdictions to connect to public sewer that apply to property the LOSS will be sited on and the development to be served, including the primary and reserve drainfield areas;

(v) Existing sewer or water systems on the development site; and

(vi) Source of drinking water and water system purveyor for properties served by the LOSS;

(c) A copy of the applicable parts of:

(i) City, town, or county comprehensive plans or development regulations for property the LOSS will be sited on and the development it serves, including the primary and reserve drainfield areas; and

(ii) City, town, county, or local health jurisdiction requirements for the property to connect to public sewer;

(d) A statement that the LOSS and development are consistent with the regulations and designations identified in (c) of this subsection;

(e) An explanation of how the LOSS and the development are consistent with the local comprehensive plan, land use and development regulations, and sensitive and critical areas. The explanation must provide sufficient information to demonstrate that the LOSS and the development are consistent with these regulations and designations, and may include copies of relevant portions of the local comprehensive plan, land use or development regulations, sensitive area designations, or other related documents pertaining to the LOSS site and proposed development;

(f) A copy of the SEPA checklist and determination or other environmental review and local planning determination for the project;

(g) A vicinity map showing the project's location;

(h) A map and development plan of the development area scaled to clearly show the following:

(i) Total development area;

(ii) Proposed primary and reserve drainfield areas;

(iii) Any surface water, wetland, or well within one thousand feet of the drainfield perimeter;

(iv) Topographic contour lines and elevations shown at intervals of ten feet or less and verified by field measurements;

(v) Drainage basins and drainage patterns throughout the development site;

(vi) Any existing or proposed storm water systems or retention basins on the development site;

(vii) Location of one hundred-year flood boundaries within one thousand feet of the drainfield perimeter;

(viii) Existing or proposed structures, roads, and parking areas adjacent to the proposed drainfield;

(ix) Location of existing and proposed encumbrances affecting system placement; and

(x) All water, sewer, greywater, reclaimed water, storm water, irrigation lines within ten feet of the project or property boundaries;

(i) An analysis of the site's capacity to treat and dispose of the proposed quantity and quality of sewage;

(j) SRS as described in WAC 246-272B-03200, if one was completed;

(k) HGR as described in WAC 246-272B-03300, if one was completed;

(l) Soil characterization as described in WAC 246-272B-03400 if updated since the department approval of the pre-design report;

(m) A discussion of proposed treatment processes addressing:

(i) Wastewater characterization, flow patterns, and any site specific constituents of concern of the wastewater;

(ii) Treatment standard approved by the department in the site review and environmental review process, and the expected treatment performance of the proposed treatment technology;

(iii) Proposed O&M activities; and

(iv) Any alternative treatment processes evaluated;

(n) Confirmation, including calculations, that the development and LOSS design complies with the minimum land requirements in WAC 246-272B-03500;

(o) Design criteria, calculations, and any other supporting material needed to develop the plans and specifications, including:

(i) Design flow;

(ii) Soil type and hydraulic loading rate;

(iii) Pipe sizes;

(iv) Hydraulic evaluation and drainfield dosing calculations to determine dose volume, orifice size, spacing, residual head;

(v) Pump selection with pump and system curves;

(vi) Tank size; and

(vii) Treatment component design calculations, if applicable, and supporting performance information;

(p) Proposed monitoring and sampling for influent, effluent, and, if necessary, water quality monitoring to demonstrate treatment standards will be met on an ongoing basis;

(q) A summary description of how the LOSS will be owned and managed after construction;

(r) A copy of the legal title or recorded easement to the property where the LOSS will be located showing that the owner retains legal control of the drainfield and LOSS components. If there will be sewage tanks on individual lots, the report must include a plan for obtaining easements if not already established;

(s) Discussion of the construction process summarizing how the requirements of Part 5 will be met;

(t) Updated general information, including changes to the following:

(i) Name, telephone number, fax number, mailing address, and e-mail address of:

(A) Owner of the LOSS proposal;

(B) Authorized representative of the owner, if any;

(C) Legal owner of property where the LOSS is proposed to be installed;

(D) Design engineer;

(E) Certified operator, if known; and

(F) Any other project contact;

(ii) Project site address, county, tax parcel number, and legal description; and

(u) A management plan that meets the requirements of WAC 246-272B-04100.

NEW SECTION

WAC 246-272B-04100 Management plan. (1) The management plan must include, at a minimum:

(a) A statement identifying whether the ownership of the development served by the LOSS is:

(i) A single owner; or

(ii) A collection of individually owned lots or units.

(b) If a development has individually owned lots or units, a statement that it is managed by:

(i) A public entity or a wastewater company regulated by the Washington utilities and transportation commission; or

(ii) A private management entity with a public entity or a wastewater company regulated by the Washington utilities

and transportation commission contracted as a third party guarantor.

(c) A copy of the agreement, ordinance, covenant, or other legal document given to all customers that explains the rights and responsibilities of individual users of the LOSS and of the owner, management entity, or other responsible person. The agreement, ordinance, covenant, or other legal document must include, but is not limited to, the following:

- (i) The fees and rates to be charged;
- (ii) How charges may be amended; and
- (iii) A list of substances that are prohibited from entering the LOSS in WAC 246-272B-06000.

(d) A narrative describing the management entity's experience managing LOSS and OSS including, but not be limited to:

(i) A list of all LOSS and OSS currently managed and owned, and counties they are located in;

(ii) Number of staff and their qualifications.

(e) Name, telephone number, fax number, mailing address, and e-mail address for the following:

- (i) Management entity;
- (ii) Primary contact person for the management entity;
- (iii) Third-party guarantor, if any.

(f) A copy of all recorded LOSS and LOSS component easements that allow access to perform O&M, repair, modification, and replacement, if located on private property or in the public right of way, including easements for sewage tanks on individual lots. Easements for sewage tanks on individual lots must be obtained and recorded as the lots are built upon, if not before.

(g) A description of the specific duties of the management entity;

(h) A contingency plan to operate, maintain, and manage the LOSS so that public health and the environment are protected during a transition from one management entity to another;

(i) Signed and notarized management agreement between the LOSS owner and the management entity in which the management entity agrees to comply with the following requirements:

(i) Operate and maintain the LOSS consistent with this chapter and any other applicable rules or statutes, and with the requirements in the owner's operating permit;

(ii) Provide adequate management, staff, and facilities to properly manage the LOSS;

(iii) Provide the owner and the department updated contact information including name, telephone number, fax number, mailing address, and e-mail address when changes occur;

(iv) Contract with licensed, certified, or local health jurisdiction-approved professionals for maintenance service, pumping, electrical, and mechanical repair and modifications, as needed; and

(v) When a proprietary treatment component is used, employ the proprietary treatment component manufacturer to monitor and maintain the proprietary system, or employ a LOSS operator who meets the requirements of WAC 246-272B-07200(3).

(j) Maintain records of performance and all inspections, repairs, sampling, pumping, and improvements;

(k) Proof of an accounting and audit system set up and maintained using standard accounting practices; and

(l) Description of how the owner or management entity will obtain and maintain adequate current and future funding for LOSS operations and capital improvement expenses including:

(i) Long-term maintenance and operation of the LOSS and operator costs;

(ii) Inspection, repair, and replacement of components; and

(iii) Compliance with any conditions of construction approval or conditions that may be included in the operating permit.

(2) If the LOSS serves individually owned units or lots, the management plan must also include the following:

(a) Articles of incorporation and bylaws, including procedures to amend existing agreements for homeowner associations, corporations, or other associations of owners.

(b) Name of the association's or corporation's registered agent; and

(c) Copies of recorded easements to the LOSS and all components, including sewage tanks on individual lots, regarding access to perform O&M, repair, modification, and replacement. Easements for sewage tanks on individual lots must be obtained and recorded as the lots are built upon, if not before.

NEW SECTION

WAC 246-272B-04200 Operations and maintenance manual. The O&M manual must include the following information:

(1) Name, telephone number, fax number, mailing address, and e-mail address for the following:

- (a) Operator;
- (b) Owner;
- (c) Design engineer;
- (d) Installer;
- (e) Electrician;
- (f) Pumper;
- (g) Management entity;
- (h) Primary contact person for the management entity;

and

- (i) Third party guarantor, if any.
- (2) Owner and operator responsibilities;
- (3) Copies of LOSS legal documents including, but not limited to, the management contract;
- (4) LOSS information including:
 - (a) Narrative description of treatment and dispersal process and components;
 - (b) LOSS flow diagram or schematic; and
 - (c) Design criteria:
 - (i) Number and type of units served;
 - (ii) Design flow;
 - (iii) Soil type and drainfield hydraulic loading rate;
 - (iv) Sieve analysis, if any;
 - (v) Drainfield capacity;
 - (vi) Tank capacities; and
 - (vii) Treatment component capacities.

(5) Normal operation and maintenance procedures and schedules, including at a minimum:

- (a) Summary and schedule of permit conditions to be met;
- (b) Flow metering reading;
- (c) Recommended component settings;
- (d) Process control information;
- (e) Periodic facilities inspection to verify efficiency of operation, adequacy of performance, and general condition of the equipment and components;
- (f) Periodic inspection of scum and sludge levels and the integrity of LOSS sewage tanks and tanks on individual lots and cleaning filters, pumping tanks, or making repairs as needed;
- (g) Periodic maintenance of pumps, motors, and switches;
- (h) Periodic calibration of sampling and measuring devices;
- (i) Replacement or repair of worn or damaged equipment;
- (j) Methods that provide dosing and resting cycles for the drainfield; and
- (k) Other maintenance activities as needed, depending on the type of system.

(6) Trouble-shooting guide listing possible failure and malfunction situations and responses to repair, replace, or modify LOSS components to restore LOSS function;

(7) Abnormal operation procedures including, but not limited to:

(a) Emergency contact information for the owner, management entity, operator, pumper, local health jurisdiction, department, and any contractors or maintenance provider; and

(b) Emergency notification procedures to alert and advise customers, the department, and the local health jurisdiction.

(8) Documentation of repairs;

(9) Ongoing component testing methods and schedules;

(10) Recordkeeping procedures for the following:

- (a) Operator inspections;
- (b) Monitoring and sampling;
- (c) Routine and emergency maintenance;
- (d) Repairs;
- (e) Modifications; and
- (f) Annual reports.

(11) Safety procedures, including where to find a copy of the following department of labor and industries rules:

(a) Chapter 296-809 WAC, Confined spaces;

(b) Chapter 296-62 WAC, General occupational health standards;

(c) Chapter 296-823 WAC, Occupational exposure to bloodborne pathogens; and

(d) Chapter 296-803 WAC, Lockout/tagout (control of hazardous energy).

(12) Electrical component information and wiring diagram for alarms, panels, pumps, dosing controls;

(13) Manufacturer cut sheets for all components requiring routine or periodic maintenance;

(14) Annual operating permit renewal schedule and fee schedule, including where to find the current application form;

(15) Copies of the following LOSS documents:

(a) Department approval letter of the engineering report, plans and specifications, and final O&M manual;

(b) Current operating permit;

(c) Construction completion report submitted with final O&M manual; and

(d) LOSS record drawings submitted with final O&M manual showing the locations of all easements.

(16) Initial component testing information submitted with the final O&M manual, including:

(a) Tank water tightness testing results;

(b) Pipe pressure testing results;

(c) Pump chamber drawdown information; and

(d) Drainfield squirt heights.

(17) The final monitoring and reporting plan in its own section of the O&M manual that meets the requirements in WAC 246-272B-04300 submitted with the final O&M manual; and

(18) Any other information required by the department.

NEW SECTION

WAC 246-272B-04300 Monitoring and reporting plan. At a minimum, the monitoring and reporting plan must include:

(1) Constituents of the sewage or effluent that must be tested to assure that treatment components are meeting treatment level requirements, and to monitor groundwater or surface water:

(a) As required by the department; and

(b) For process control.

(2) Values or ranges of values that must be met for the constituents listed in subsection (1) of this section;

(3) Sampling frequency, including time and day samples will be taken. Samples must be taken when maximum concentrations of contaminants are expected;

(4) Procedures for decontaminating sampling equipment and sample ports;

(5) Field test methods;

(6) Sampling methods;

(7) Well purging methods, if applicable;

(8) Handling and labeling of containers;

(9) Holding times;

(10) Quality assurance and quality control procedures;

(11) Transport of samples;

(12) List of equipment that will be used for sampling and field testing;

(13) Test method for each constituent;

(14) Monitoring that will be performed by a proprietary treatment manufacturer or their agent as described in WAC 246-272B-04100 (1)(g)(v);

(15) Map or schematics showing any monitoring wells and all sample points;

(16) Plans and construction specifications for monitoring wells, monitoring points, and piezometers;

- (17) Response plan for abnormal or elevated sampling results which may include additional sampling, notification to the department, treatment, or other appropriate action;
- (18) Any report forms;
- (19) Procedures for submitting required monitoring results to the department; and
- (20) Procedures and schedules for recordkeeping.

NEW SECTION

WAC 246-272B-04400 Plans and specifications. (1) Construction plans and specifications must be clear and detailed documents. Hard copies must use a common engineering drawing size of 22 x 34 inches, 24 x 36 inches, or 11 x 17 inches.

- (2) Plans must include the following:
 - (a) Design flow, treatment level, drainfield and tank sizing, and hydraulic loading rate;
 - (b) LOSS schematic or flow diagram;
 - (c) Hydraulic profile of the LOSS; and
 - (d) Plan and profile views as applicable of all LOSS components.
- (3) Plan sets must be scaled to clearly show all necessary information and include the following:
 - (a) A title sheet, plan and profile sheets, and other information that outlines and details the LOSS facilities design:
 - (i) Title block indicating the project title, owner's name, date, seal and signature of the design engineer;
 - (ii) Index to individual sheets;
 - (iii) Vicinity map with project site location;
 - (iv) Master site plan showing facilities served and general system layout; and
 - (v) List of abbreviations, definitions, and symbols used within the plans.
 - (b) A general statement that all work must be in conformance with the requirements of this chapter and other design and technical standards specified by the design engineer.
- (4) Plan sheets must be consecutively numbered and include, as appropriate:
 - (a) A north arrow;
 - (b) Description of scale in text and with a graphical bar;
 - (c) A descriptive title and date;
 - (d) Plan views;
 - (e) Section views;
 - (f) Profile views;
 - (g) Elevations;
 - (h) Easement and franchise locations and boundaries;
 - (i) Component details;
 - (j) General layout; and
 - (k) Supplemental views.
- (5) Sewage tanks and other treatment component plans and specifications must:
 - (a) Show location, dimensions, and elevations of all treatment and pumping units;
 - (b) Include detailed plan and cross-section views with dimensions;
 - (c) Include installation details including placement depth and bedding materials, and connections to the tank to minimize settling impacts;

- (d) Include a detailed standard plan, including any related electrical components, and installation requirements for tanks designed for individual lots;
- (e) Specify tank capacity, baffling, filters, risers and other appurtenances, liquid volume, emergency, scum and sludge volumes, float switch or other control component settings;
- (f) Identify manufacturer and model for prefabricated tanks; and
- (g) Include a statement that:
 - (i) Any substitutions must be approved by the design engineer; and
 - (ii) All prefabricated tanks must meet the requirements of chapter 246-272C WAC, On-site sewage system tanks.
- (6) Plans and specifications must include design and structural calculations and all necessary construction information for tanks constructed on-site.
- (7) Plans and specifications for collection and transmission piping must specify:
 - (a) Pipe type, material and size;
 - (b) Pipe elevations;
 - (c) Depth from grade and slope if applicable;
 - (d) Installation details including placement depth and bedding materials;
 - (e) Location and detail for all cleanouts and other appurtenances;
 - (f) Horizontal setbacks from all other utility piping; and
 - (g) All water-sewer crossing detail and instructions.
- (8) Plans for the drainfield component must:
 - (a) Use an appropriate scale of 1:50 or less;
 - (b) Show plan view of trenches or beds in relation to site topography, showing contours on maximum two-foot intervals;
 - (c) Show trench or bed:
 - (i) Length;
 - (ii) Separations;
 - (iii) Pipe size, materials, and configuration; and
 - (iv) Detail of orifice size, spacing and orientation.
 - (d) Show locations of numbered test pits and test wells, if any, in relation to primary and reserve drainfields; and
 - (e) Show trench or bed profile with width, depth, piping, cover and any features such as sand, gravel, geotextile, chambers.
- (9) Plans for alarm systems must:
 - (a) Show location of panels and alarms; and
 - (b) Identify manufacturer and model number of panel.
- (10) Plans for flow metering must show:
 - (a) Valve locations;
 - (b) Access boxes to grade; and
 - (c) Any special installation instructions.
- (11) Plans must show all electrical components and include a statement that all components meet applicable state or federal codes.
- (12) Plan notes must include quality assurance, inspection, and testing:
 - (a) Where appropriate, the installer shall provide documentation to the design engineer that sand or other media meets specifications;
 - (b) The design engineer or authorized representative shall inspect the work during construction;

(c) The design engineer shall schedule a final inspection and drainfield pressure test witnessed by the department prior to cover; and

(d) The installer shall call for a special inspection for the following type of work:

- (i) Poured-in-place septic tanks and pump chambers and other special containment vessels;
- (ii) Proprietary treatment or distribution components;
- (iii) Any special excavation requirements;
- (iv) Placement of select fill material or final elevation of fill;
- (v) Testing of the pressure distribution network prior to final inspection;
- (vi) Pressure testing of all piping; and
- (vii) Water tightness testing of all tanks.

(13) All LOSS construction specifications must be in conformance with state or nationally recognized standards. Examples include, American Public Works Association standards, Ten States Standards, Department of Ecology's Criteria for Sewage Works Design, Department of Transportation's Standard Specifications for Road, Bridge, and Municipal Construction, and the department's recommended standards and guidance.

(14) Specifications must include all construction information not shown on the plans and necessary to inform the installer of the design requirements including, but not limited to:

- (a) The quality of materials;
- (b) Workmanship and fabrication of the project;
- (c) Type, size, strength, operating characteristics, and rating of equipment;
- (d) Allowable leakage for testing gravity sewer pipe;
- (e) Electrical apparatus and wiring components;
- (f) Meters;
- (g) Operating tools;
- (h) Construction materials;
- (i) Special filter or drainfield media other than native soil;
- (j) Other appurtenances;
- (k) Instructions for testing materials and equipment as needed to meet design standards; and
- (l) LOSS component and process testing to confirm functionality prior to department final inspection.

PART 5: CONSTRUCTION REQUIREMENTS

NEW SECTION

WAC 246-272B-05000 Installer qualifications and responsibilities. The installer shall:

- (1) Be currently approved by the local health jurisdiction in the county where the LOSS is to be constructed.
- (2) Have the following experience:
 - (a) Three or more years experience installing OSS; or
 - (b) A record of successful completion of at least one similar installation, including a pressure distribution drainfield.
- (3) Maintain a copy of approved plans and specifications on-site during construction;

(4) Follow the approved plans and specifications or obtain approval from the design engineer prior to making field changes;

(5) Install sewage tanks approved by the department according to the provisions of chapter 246-272C WAC, On-site sewage system tanks;

(6) Be on the site at all times during the excavation and construction of the LOSS;

(7) Backfill and grade the site after construction to prevent surface water from accumulating over any LOSS component; and

(8) Leave the drainfield lines uncovered until the drainfield passes the department's final inspection. Driplines may be covered prior to inspection.

NEW SECTION

WAC 246-272B-05100 Construction oversight and testing. The design engineer or the engineer's authorized representative shall:

- (1) Conduct inspections to:
 - (a) Verify LOSS construction and materials conform with approved plans and specifications; and
 - (b) Collect data for the record drawings.
- (2) Inspect the following:
 - (a) Poured-in-place sewage tanks construction;
 - (b) Installation of proprietary and public domain treatment and dispersal components;
 - (c) Installation of LOSS components in difficult conditions including, but not limited to, steep slopes and shallow soils; and
 - (d) Placement of sand or other fill material.
- (3) Conduct or witness LOSS component testing to verify that all results fall within acceptable limits:
 - (a) Water tightness testing of all tanks under WAC 246-272B-05200; and
 - (b) Pressure testing of all new collection and conveyance piping according to an acceptable industry standard; and either
 - (c) Pressure and flow testing of the subsurface drip system to verify it functions properly prior to scheduling a LOSS final inspection by the department; or
 - (d) Pressure testing of the drainfield to verify it functions properly prior to scheduling a LOSS final inspection by the department.
 - (4) Record baseline pressure and flow information and provide passing results to the department during the final inspection.

NEW SECTION

WAC 246-272B-05200 Water tightness testing of sewage tanks. The design engineer shall verify that all sewage tanks used in the LOSS are tested for water tightness by either vacuum testing or water-pressure testing.

- (1) Vacuum testing steps:
 - (a) Seal the empty tank;
 - (b) Temporarily seal access openings, risers, and inlet and outlet pipes; and
 - (c) Introduce negative pressure into the tank and apply a vacuum to four inches (one hundred millimeters) of mercury.

(d) The tank passes if ninety percent of vacuum is held for two minutes.

(2) Water-pressure testing steps:

(a) Seal the empty tank;

(b) Seal access openings, risers, and inlet and outlet pipes;

(c) Fill the tank with water two inches into the riser and let stand for twenty-four hours; and

(d) Add water to the tank, if necessary, to the original level.

(e) The tank passes if the water level is unchanged after one hour.

(3) The design engineer shall reject tanks that do not meet the water tightness standard.

(4) If the tank fails, the owner may try to repair and retest the tank.

(a) The test must be completed according to the requirements of subsection (2) or (3) of this section.

(b) If the water-pressure test method is used, the twenty-four hour standing time is not required.

NEW SECTION

WAC 246-272B-05300 Department final inspection.

(1) The department shall conduct a final inspection for all LOSS and witness a pressure test of the drainfield prior to cover except for LOSS with subsurface drip systems.

(2) The department may accept baseline pressure and flow information from the design engineer in lieu of witnessing a pressure test of subsurface drip systems.

(3) The department may allow the drainfield to be partially covered prior to the final inspection if:

(a) The design engineer verifies the LOSS has been pre-tested and functions according to the approved design; and

(b) The department is able to witness a pressure test of at least the distal orifice in every lateral during the final inspection.

NEW SECTION

WAC 246-272B-05400 Post-construction documentation. Post-construction documents must include the following:

(1) A LOSS construction completion report prepared by the design engineer that:

(a) Is on a form provided by the department;

(b) States the LOSS was constructed in substantial accordance with the approved plans and specifications; and

(c) Notes changes from the approved plans and specifications, if any.

(2) LOSS record drawings that:

(a) Include one hard copy in a common engineering drawing size of 22 x 34 inches, 24 x 36 inches, or 11 x 17 inches, and one copy in electronic format; and

(b) Are scaled to clearly show all necessary information.

(3) The final management plan that meets the requirements of WAC 246-272B-04100.

(4) A final O&M manual for the installed LOSS that meets the requirements of WAC 246-272B-04200.

PART 6: DESIGN AND TECHNICAL STANDARDS

Subpart A - General Requirements

NEW SECTION

WAC 246-272B-06000 General design requirements.

(1) Design engineers shall use design criteria detailed in this chapter and from generally accepted guidance and standards when designing LOSS.

(2) All sewage from a building served must be directed to the LOSS, unless the LOSS permit allows another option.

(3) LOSS must be designed to produce effluent prior to dispersal that is equal to or higher quality than STE.

(4) LOSS owners and operators are responsible for ensuring that certain substances do not enter a LOSS collection system. These include:

(a) Strong bases, acids, chlorinated solvents, or other toxic or hazardous substances;

(b) Fire or explosion hazards;

(c) Solid or viscous wastes that could plug sewer lines;

(d) Drainage from surface runoff, footing drains, roof drains, subsurface storm water infiltration systems, swimming pools, hot tubs, and other nonsewage drains; and

(e) Industrial wastewater.

(5) Chemicals in common household products used in moderate amounts are exempt from the provisions of subsection (4) of this section.

(6) Drainage identified in subsection (4) of this section must also be prevented from entering any areas where LOSS components are located, including primary and reserve drainfield areas.

NEW SECTION

WAC 246-272B-06050 Horizontal setbacks. (1) The design engineer shall design the LOSS and verify it is installed in compliance with the minimum horizontal setbacks shown in Table 3 of this section.

(2) The design engineer shall increase the separation distance between the LOSS and a public drinking water well, spring, or surface water supply if required by the water purveyor's source water protection program, prepared under chapter 246-290 WAC, Group A public water supplies.

(3) The department may require greater horizontal setbacks than the minimum values shown in Table 3 when needed to protect public health and the environment. Such areas include, but are not limited to, those with:

(a) Highly permeable soils;

(b) Unconfined aquifers;

(c) Locally identified and state-identified areas of concern such as critical aquifer recharge areas or shorelines;

(d) Shallow soils;

(e) Saturated soils; and

(f) Hand-dug or improperly abandoned wells.

(4) The department may approve a sewer line placed less than ten feet from a water line only:

(a) With the written approval of the owner of the water line; and

(b) When the water line is protected from leakage and contamination consistent with the department of ecology "Criteria for Sewage Works Design," August 2008, or the

department of ecology and department of health publication "Pipeline Separation Design and Installation Reference Guide," July 2006.

Table 3: Minimum Horizontal Setbacks

Items requiring setback	From edge of drainfield and reserve area	From sewage tank and distribution box	From building sewer, and nonperforated distribution pipe
Well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Spring used as a drinking water source	200 ft.	200 ft.	100 ft.
Surface water (measured from ordinary high water mark)	100 ft.	50 ft.	10 ft.
Pressurized water supply line	10 ft.	10 ft.	10 ft.
Decommissioned well: Decommissioned according to chapter 173-160 WAC	10 ft.	N/A	N/A
Lined storm water pond located:			
• Down-gradient from LOSS component:	75 ft.	10 ft.	10 ft.
• Up-gradient from LOSS component	30 ft.	10 ft.	10 ft.
Unlined storm water pond (up or down-gradient from the LOSS component)	100 ft.	50 ft.	10 ft.
Building foundation and in-ground swimming pool located:			
• Down-gradient from LOSS component	30 ft.	5 ft.	2 ft.
• Up-gradient from LOSS component	10 ft.	5 ft.	2 ft.
Property or easement line	5 ft.	5 ft.	N/A
Interceptor, curtain drains, foundation drains, lined drainage ditches located:			
• Down-gradient from LOSS component	30 ft.	5 ft.	N/A
• Up-gradient from LOSS component	10 ft.	N/A	N/A
Other site features that may allow effluent to surface located:			
• Down-gradient from LOSS component	30 ft.	5 ft.	N/A
• Up-gradient from LOSS component	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed, soil above a restrictive layer	50 ft.	N/A	N/A
Down-gradient subsurface storm water infiltration or dispersion component	30 ft.	N/A	N/A
Up-gradient subsurface storm water infiltration or dispersion component	100 ft.	N/A	N/A
Other adjacent drainfields, including individual OSS beds or dispersal sectors	10 ft.	N/A	N/A

NEW SECTION

WAC 246-272B-06100 Vertical separation. (1) A vertical separation of at least three feet is required between the infiltrative surface of the drainfield bed or trench and:

- (a) The highest seasonal water table;
- (b) A restrictive layer; or

(c) Soil types 6 or 7.

(2) The department may allow a reduction of vertical separation to a minimum of two feet when all of the following criteria are met:

- (a) Soil types 2-5;
- (b) Treatment is provided prior to dispersal as follows:

(i) For LOSS with design flows up to and including 14,500 gpd, Treatment Level C or better;

(ii) For LOSS with design flows greater than 14,500 gpd, Treatment Level HQE.

(c) Information collected during the site review process clearly demonstrates minimum vertical separation can be maintained across the primary and reserve drainfield areas;

(d) An HGR is submitted that demonstrates that the site can safely and adequately disperse the effluent; and

(e) The monitoring and reporting plan includes a sampling program and schedule that demonstrates that required performance standards are consistently met.

(3) The department may impose additional requirements when necessary to protect public health and the environment including, but not limited to:

(a) Higher level of treatment;

(b) Monitoring and evaluation of the seasonal high water table;

(c) Additional tank capacity to handle flow surges and allow flow attenuation; and

(d) Increased horizontal setbacks.

NEW SECTION

WAC 246-272B-06150 Design flows. (1) The design engineer shall use the following minimum design flows, which include the appropriate peaking factors, for developments or portions of developments serving residential facilities such as single-family residences, multi-family dwellings, and mobile home parks with total LOSS design flows of 14,500 gpd or less:

(a) Modifications of existing developments:

(i) 120 gpd per bedroom; or

(ii) 240 gpd per existing dwelling unit, residence or mobile home lot or space, whichever is greater.

(b) New residential developments and new mobile home parks:

(i) 120 gpd per bedroom; or

(ii) 360 gpd per lot or space, whichever is greater.

(2) The design engineer shall use 270 gpd minimum design flow per dwelling unit, residence or mobile home lot or space for residential developments or portions of developments serving residential facilities, with total LOSS design flow greater than 14,500 gpd.

(3) For commercial and nonresidential developments or portions of developments that serve commercial and nonresidential facilities, the department may accept the following:

(a) Design flows listed in Table 4 in this section; or

(b) Design flows from other generally recognized sources, on a case-by-case basis.

Table 4: Typical Design Flows for Nonresidential Facilities

Type of Facility	Design Unit ¹	Design Flow (gpd)
Schools with showers and cafeteria ²	per student	16
Schools without showers and with cafeteria ²	per person	12.6

Type of Facility	Design Unit ¹	Design Flow (gpd)
Schools without showers and without cafeteria	per person	10
Boarding schools ²	per person	75
Temporary farm worker housing ²	per person	50
Hotels, motels, and B&Bs	per room	130
Restaurants ²	per seat	50
Truck stops and Interstate restaurants ²	per seat	180
Offices, with showers	per person, per 8-hr shift	25
Offices, without showers	per person, per 8-hr shift	15
Nursing homes ²	per bed	200
Elder care facilities, retirement homes ²	per bed	100
Laundromats ²	per machine	500
Churches, without kitchen	per seat	3
Churches, with kitchen ²	per seat	5
Day care centers	per person	20
Picnic areas	per person	5
Campgrounds, RV parks with flush toilets only, no laundry or wet sewer hookup	per camp site	50
Campgrounds, RV parks with flush toilets, showers, laundry, no wet sewer hookup	per camp site	75
Campgrounds, RV parks with flush toilets, showers, and wet sewer hookup, with or without laundry ²	per RV space	120
Trailer dump stations ²	per dump	40
Resort cabin	per person	40
Bar, cocktail lounge ²	per seat	20

1. Does not include employees and staff, unless indicated.
2. Indicates potential for waste strength to exceed that of residential strength sewage, requiring Treatment Level E or higher.

(4) For the department to evaluate alternate design flows, a written request and the following information must be submitted:

(a) The preceding year's actual metered flow data read at intervals acceptable to the department to capture seasonal and peak usage; or

- (b) Comparable flow data from similar existing facilities, including:
 - (i) From a minimum of three similar developments; and
 - (ii) Using a peaking factor if average flows are recorded.

NEW SECTION

WAC 246-272B-06200 Sewage characterization. (1)

The design engineer shall identify sewage characteristics in terms of the following:

- (a) CBOD₅, TSS, O&G, BOD₅, and fecal coliform bacteria;
 - (b) Other parameters that can impact treatment anywhere in the treatment sequence including, but not limited to, pH, temperature and dissolved oxygen; and
 - (c) Nitrogen and phosphorus, where either parameter is identified as a contaminant of concern.
- (2) For LOSS treating sewage from nonresidential or commercial sources, the design engineer shall submit:
- (a) Discharger information to show the sewage is not from an industrial facility;
 - (b) Sewage characterization that identifies any parameters not typically found in residential strength sewage; and
 - (c) Data that demonstrates that effluent quality is or will be equivalent to or better than effluent from a properly sized septic tank treating residential strength sewage.

NEW SECTION

WAC 246-272B-06250 Treatment. (1) Treatment to produce effluent of a higher quality than STE is required when:

- (a) LOSS conditions match those in Table 6 of this section that require minimum Treatment Levels E, C, B, HQE, N₁₀, N₂₀, or P;
 - (b) Sewage characteristics exceed typical values expected from residential strength sewage; or
 - (c) The department determines it is needed based on results of the site and environmental review process.
- (2) Treatment level parameters are shown in Table 5 of this section. The values represent maximum annual average effluent requirements.
- (3) Treatment technology requirements are in WAC 246-272B-06550.
- (4) Table 6 shows minimum required treatment levels for various conditions.
- (5) To determine the minimum treatment level for a proposed LOSS, the design engineer shall:
- (a) Identify the coarsest textured soil within the vertical separation shown in the soil logs;

- (b) Use Table 6 in this section with the coarsest textured soil type, and proposed design flow and sewage characteristics to identify a minimum treatment level; and

(c) Increase the treatment level, if the drainfield is near areas where pathogens or other effluent parameters are a public health or environmental concern including, but not limited to:

- (i) Shellfish growing areas;
 - (ii) Designated swimming areas; and
 - (iii) Well head protection areas.
- (6) The design engineer shall propose, at a minimum, specific values for Treatment Level HQE parameters and performance levels based on project-specific site and soil conditions. The department shall review and, if appropriate, confirm parameter values and performance levels.
- (7) For LOSS with design flow of 14,500 gpd or less, the design engineer shall not use disinfection treatment to meet the fecal coliform standard in:
- (a) Treatment Level B for drainfields in Type 1 soils; or
 - (b) Treatment Level C.
- (8) For LOSS with design flow above 14,500 gpd, the department may allow disinfection treatment to meet the fecal coliform standard if all of the following conditions are met:
- (a) The owner shall employ a qualified operator for the lifetime of the LOSS;
 - (b) The monitoring and reporting plan described in WAC 246-272B-04300 must demonstrate performance standards are consistently met; and
 - (c) The management plan described in WAC 246-272B-04100 must verify that the ownership, management, and financial resources are adequate to meet subsection (7)(a) and (b) of this section for the lifetime of the LOSS.
 - (9) The department may:
 - (a) Impose more stringent treatment and design requirements if necessary to protect public health or the environment;
 - (b) Require, as a condition of the operating permit, ongoing influent, effluent, and groundwater monitoring, to assure performance requirements are met;
 - (c) Require the owner to have a service contract with the proprietary treatment manufacturer or a qualified operator according to WAC 246-272B-07200(3) when the department determines the proposed treatment requires frequent operator attention to meet performance requirements; or
 - (d) Deny approval for LOSS designs that propose using specific technologies or treatment processes that have monitoring and sampling histories indicating inadequate or unreliable performance.

Table 5: Treatment Levels

Effluent Parameters *						
Treatment Level	CBOD ₅ (mg/L)	TSS (mg/L)	O&G (mg/L)	FC (#/100 ml)	TN (mg/L)	P (mg/L)
HQE	**	**	**	**	**	**
B	15	15		1,000		
C	25	30		50,000		

Effluent Parameters *						
Treatment Level	CBOD ₅ (mg/L)	TSS (mg/L)	O&G (mg/L)	FC (#/100 ml)	TN (mg/L)	P (mg/L)
E	125	80	20			
N ₁₀					10	
N ₂₀					20	
P						**

* The values represent effluent maximum annual averages.
 ** Site specific; see WAC 246-272B-06250(7).

Table 6: Requirement Minimum Treatment Levels for Various Conditions

Conditions	Minimum Required Treatment Level
Project Specific ¹	HQE ²
Vertical Separation of 2 to < 3 feet, design flow higher than 14,500 gpd	HQE
Soil Type 1	B
Vertical Separation of 2 to < 3 feet, design flow 14,500 gpd or less	C
Sewage that is not residential strength	E
All sites not requiring B, C, E or HQE	STE
Sites where nitrogen or phosphorus is identified as a contaminant of concern	N ₁₀ , N ₂₀ , or P ³

Table 6 notes:
 1. As identified during the site review process.
 2. HQE: High quality effluent; project specific standards are set case-by-case. Treatment Level HQE is required where Treatment Level B is inadequate, or may be chosen by the LOSS owner.
 3. As required by the department, based on the environmental review. Nitrogen treatment higher than N₁₀ may be required for some sites. Phosphorus or other treatment value will be project specific, determined in the environmental review or by local or state regulation.

NEW SECTION

WAC 246-272B-06350 Drainfields. (1) Pressure distribution with timed dosing to the drainfield is required for all LOSS projects. A typical drainfield profile is shown in Figure 2 in this section.

(2) The drainfield area must be sufficient to allow installation of the required capacity and for a reserve area calculated using requirements in this section.

(3) The drainfield for a new LOSS must be located on the property served or within one-half mile or less from the new drainfield site property line to the closest point of the development property line.

(4) Any easements and right of way franchises must be obtained, recorded on the property title, and copies submitted to the department according to WAC 246-272B-04100 (1)(f).

(5) The design engineer shall not design or approve the installation of a drainfield as part of a LOSS where:

(a) The slope is greater than thirty percent or seventeen degrees;

(b) The area is subject to:

(i) Encroachment by buildings or other construction including, but not limited to, placement of power poles and underground utilities;

(ii) Cover by impervious material; or

(iii) Vehicular traffic.

(c) The reserve area is insufficient to treat and dispose of all of the design flow;

(d) The land is unstable;

(e) Surface drainage is directed toward the drainfield site; or

(f) Other activities or conditions identified by the department could adversely affect the soil or the performance of the LOSS.

(6) Except with the use of subsurface driplines or when treatment is provided consistent with subsection (16) or (17) of this section, drainfield components must be sized as follows:

(a) Hydraulic loading rates must not exceed the rates listed in WAC 246-272B-03400, Table 1;

(b) Calculation of the absorption area must be based on the design flow determined following requirements of WAC 246-272B-06150; and

(c) One hundred fifty percent of the required drainfield capacity must be constructed and sufficient area held in reserve to construct another fifty percent.

(7) Drainfield sizing when subsurface dripline is used must meet the requirements of WAC 246-272B-06650 (20) and (22).

(8) Drainfield pipe materials must meet the following minimum specifications:

(a) ASTM D2241-05 Class 200 or equivalent; or

(b) For schedule 40 and schedule 80 PVC, the material must meet ASTM D1785-06.

(9) A minimum of three equal-sized distribution sectors must be provided to allow for resting, emergency capacity, and repair capability.

(10) Dosing must automatically rotate among the active distribution sectors.

(11) The infiltrative surface must not be deeper than three feet below finished grade.

(12) The infiltrative surface must be constructed level.

(13) On sloping sites, the trenches and beds must run parallel to the natural ground contours.

(14) For drainfields using drain rock and distribution pipe, the following are required:

- (a) A minimum of six inches of drain rock below the distribution pipe;
- (b) A minimum of two inches of drain rock above the distribution pipe;
- (c) A minimum of six inches of sidewall must be located in original undisturbed soil; and
- (d) Six to twenty-four inches of cover material.

(15) For drainfields using trenches, the following minimum separations are required:

- (a) Four and one-half feet between adjacent trench sidewalls; and
- (b) Ten feet from the edge of one drainfield sector to the edge of an adjacent drainfield sector.

(16) For drainfields using beds, the following are required:

- (a) Installation only in soil types 1 or 2, or in medium sands;
- (b) Maximum bed width of ten feet; and
- (c) Minimum separation between adjacent bed walls of ten feet.

(17) With documentation and justification from the design engineer, the department may authorize one of the following design changes for a LOSS that meets Treatment Level C or better and has a design flow of 14,500 gpd or less:

- (a) The hydraulic loading rate in Table 1, WAC 246-272B-03400, may be increased:

- (i) Up to a factor of two for soil types 2-4; or
- (ii) Up to a factor of one and one-half for soil type 5;
- (b) Vertical separation may be reduced as described in WAC 246-272B-06100; or

(c) The constructed drainfield capacity may be reduced from one hundred fifty percent to one hundred percent if the reserve area has the capacity to receive one hundred percent of the design flow.

(18) With documentation and justification from the design engineer, the department may authorize one of the following design changes for a LOSS that meets Treatment Level C or better and has a design flow greater than 14,500 gpd.

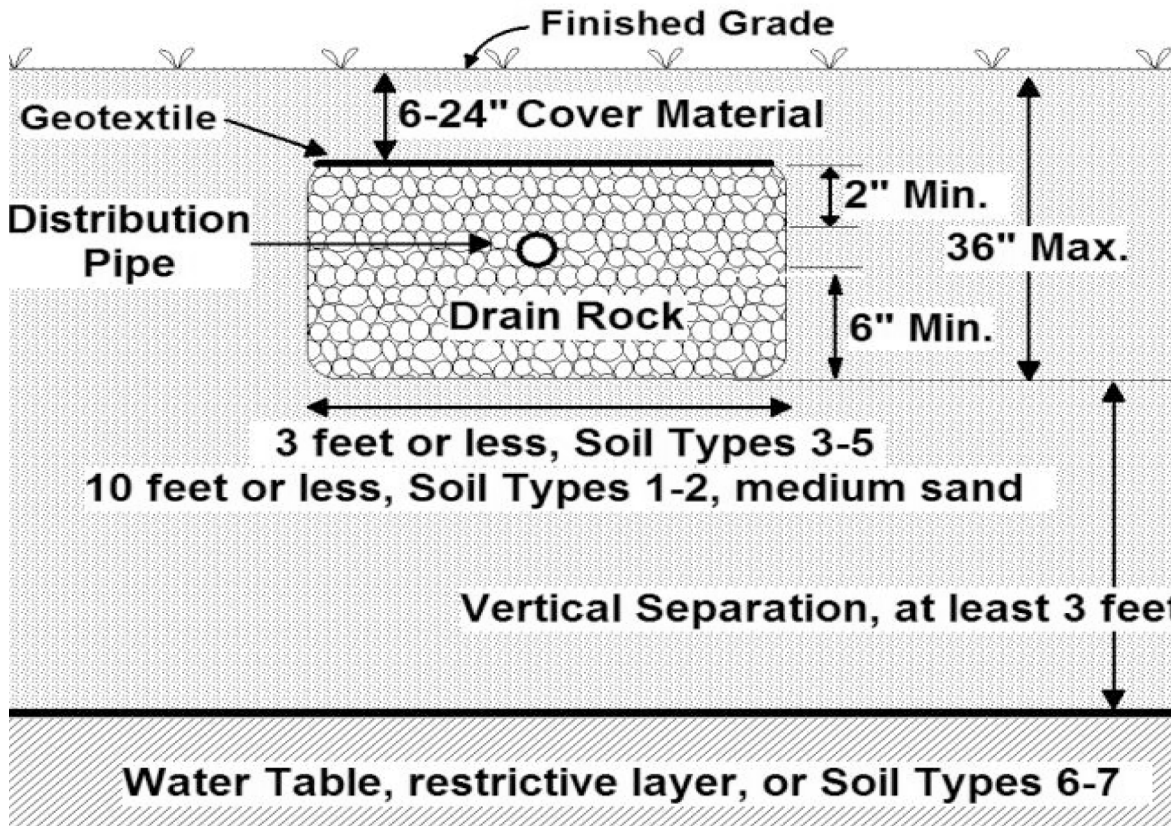
- (a) The Table 1 hydraulic loading rate may be increased up to a factor of one and one-half for soil types 2-4;
- (b) Vertical separation may be reduced as described in WAC 246-272B-06100; or

(c) The constructed drainfield capacity may be reduced from one hundred fifty percent to one hundred percent if the reserve area has the capacity to receive one hundred percent of the design flow.

(19) The department shall only approve one design change listed in subsections (17) or (18) of this section for any proposed LOSS.

(20) The reserve area for the drainfield must be calculated based on maximum hydraulic loading rates in Table 1 in WAC 246-272B-03400 and may not be reduced by the provisions listed in subsection (17) or (18) of this section.

Figure 2: Typical Pressure Distribution Drainfield Profile



NEW SECTION

WAC 246-272B-06400 Design requirements to allow monitoring and maintenance. (1) The design engineer shall design LOSS to facilitate operation, monitoring and maintenance. The design of cleanouts and monitoring ports must be consistent with good engineering practice and the department's recommended standards and guidance for pressure distribution systems.

(2) All accesses to LOSS components must be designed to:

- (a) Allow for monitoring and maintenance activities;
- (b) Prevent unauthorized access; and
- (c) Minimize confined space entry. Confined space entry is regulated by department of labor and industries under chapter 296-809 WAC, Confined spaces.

(3) The design engineer shall design and verify that the LOSS meets the following minimum requirements:

- (a) Service access ports must be installed at finished grade for all LOSS components;
- (b) Monitoring ports must:
 - (i) Be a minimum of four inches in diameter;
 - (ii) Extend from the infiltrative surface of the drainfield to final grade;
 - (iii) Have a cap or cover to stop precipitation from entering them; and
 - (iv) Be anchored so they remain in place.
- (c) Mechanical and electric distributing valves, if used, must be accessible to allow verification that they are working properly;
- (d) Controls and warning devices must be clearly accessible and visible including, but not limited to:
 - (i) Process controls, such as measuring devices, float and pressure activated pump on-off switches, pump-run timers, and process flow controls;
 - (ii) Diagnostic tools, such as dose cycle counters and flow meters on either the water supply or sewage stream or hour meters on the sewage stream; and
 - (iii) Alarms.
- (e) Audible and visual alarms must be placed on a circuit independent of the pump circuit.

NEW SECTION

WAC 246-272B-06450 Sewage tanks. (1) The design engineer shall specify and the installer shall install only sewage tanks that comply with the requirements of chapter 246-272C WAC, On-site sewage system tanks, and this section.

(2) Sewage tanks must be tested for water tightness after installation at the project site, per requirements of WAC 246-272B-05200. The department shall not issue final approval for a LOSS with a sewage tank that does not pass the water tightness test.

(3) Sewage tanks used in proprietary treatment systems must be sized according to the manufacturer's specifications.

- (4) Septic tanks must have:
 - (a) An effluent screen with a maximum mesh size of one-eighth inch for all applications;
 - (b) The following minimum liquid volumes:

(i) One thousand gallons per residence for LOSS treating sewage from a residential development where individual lots each have a tank;

(ii) Three times the daily design flow for all other LOSS.

(5) Where proprietary treatment is used, the department may approve other septic tank sizes if justified by the manufacturer.

(6) Sizing of a sewage tank used for hydraulic surge control or where batch treatment occurs must be justified and any effect on treatment must be addressed.

(7) The design engineer shall size the pump chamber so there is sufficient volume, at a minimum, for:

- (a) Routine dosing;
- (b) Pump submergence;
- (c) Scum and sludge storage; and
- (d) Emergency storage.

(8) Emergency storage must be provided in the pump chamber or in the LOSS at or before the point at which pumping will stop during a power outage, as follows:

- (a) Twenty-four hours of reserve capacity for LOSS with design flow from 3,500 up to and including 14,500 gpd; and
- (b) Twelve hours reserve capacity for LOSS with design flow above 14,500 gpd.

(9) No reduction in pump tank reserve volume is allowed with a back-up power generator.

(10) Grease interceptors must have:

- (a) A minimum volume of one thousand gallons; or
- (b) Two times the daily greywater design flow of the facility served, whichever is greater.

NEW SECTION

WAC 246-272B-06500 Collection, conveyance, and other piping appurtenances. (1) Collection and conveyance systems and their sewer pipes, manholes, air release valves, lift stations, and other appurtenances must be designed and constructed to prevent contamination of drinking water, and protect ground and surface water, public health, and the environment from contamination with untreated or partially treated sewage.

(2) The design and construction of LOSS piping must be consistent with good engineering practice, the department of ecology's publication "*Criteria for Sewage Works Design*," August 2008, and the department of ecology and department of health publication "*Pipeline Separation Design and Installation Reference Guide*," July 2006.

(3) LOSS piping systems must be designed to prevent infiltration and inflow of groundwater, surface water and storm water.

(4) The department may require owners of existing LOSS to conduct infiltration and inflow analysis and may require repair and replacement of piping and appurtenances to reduce infiltration and inflow.

Subpart B - Specific TechnologiesNEW SECTION

WAC 246-272B-06550 Public domain and proprietary technologies. (1) The department shall only approve

treatment technologies and distribution technologies that comply with this section.

(2) For public domain treatment technologies with department published recommended standards and guidance and approved specific treatment levels, the design engineer shall submit stamped, signed, and dated design calculations and reference the applicable standards and guidance documents used for the calculations.

(3) For public domain treatment technologies with no department published recommended guidelines and standards, the design engineer shall submit a stamped, signed, and dated engineering report that:

(a) Demonstrates the treatment technology can consistently meet the required treatment level;

(b) Contains supporting information, including flow data, and influent and effluent quality sampling results from a minimum of three LOSS installations with similar design loading to support the performance claim; and

(c) Includes design calculations citing the industry recognized source.

(4) For proprietary treatment technologies registered with the department according to chapter 246-272A WAC, On-site sewage systems, with flows less than 3,500 gpd to the treatment component, the design engineer shall submit stamped, signed, and dated design calculations or references manufacturer sizing guidelines.

(5) For proprietary treatment technologies registered with the department according to chapter 246-272A WAC, On-site sewage systems, and unregistered proprietary treatment technologies with flows 3,500 gpd or greater to the treatment component, the design engineer shall submit a stamped, signed, and dated engineering report that includes:

(a) Dated written confirmation from the proprietary product design engineer stating the technology is suitable for the proposed LOSS and can consistently meet the required treatment level;

(b) Design calculations or references to manufacturer sizing guidelines; and

(c) Supporting information, including flow data, and influent and effluent quality sampling results from a minimum of three LOSS installations with similar design loading to support the performance claim.

(6) For all public domain distribution technologies that the department has developed recommended standards and guidance, the design engineer shall submit stamped, signed, and dated design calculations and reference the applicable standard, guidance, or rule used.

(7) For proprietary distribution technologies that are registered with the department according to chapter 246-272A WAC, On-site sewage systems, the design engineer shall submit stamped, signed, and dated design calculations and reference the applicable standard, guidance, or rule used.

NEW SECTION

WAC 246-272B-06600 Pressure distribution. (1) Pressure distribution with timed dosing of LOSS effluent to the drainfield is required.

(2) The maximum spacing between the outside laterals and the edge of the trench or bed must be one-half of the

selected orifice spacing, with a variance of one-half foot or less.

(3) All pressure distribution laterals must be equipped with cleanouts and monitoring ports at the distal ends and accessible at finished grade.

(4) Required distribution system minimum residual pressure head:

(a) Is two feet or 0.87 psi for distribution systems with three-sixteenth inch diameter orifices and larger; and

(b) Is five feet or 2.18 psi for distribution systems with orifices smaller than three-sixteenth inch diameter.

(5) If any portion of the pump fittings or effluent transport line is at a higher elevation than the drainfield, the distribution system must be equipped with an air vacuum release valve or other device to prevent siphoning.

(6) Duplex alternating pumps that provide timed dosing to the drainfield are required.

(7) Quick disconnect couplers or an equivalent quick disconnect system for all sewage pumps are required.

(8) If float switches are used, they must be mounted independent of the pump discharge and transport line.

(9) All mechanical and electrical components must be rated for wastewater applications.

(10) The control panel for the pressure distribution pumps must:

(a) Contain an elapsed time meter and a dose counter;

(b) Be in an enclosure that is secure from tampering and, if outside, resistant to weather; and

(c) Be equipped with both audible and visual alarms.

(11) The drainfield dose frequency must be a minimum of six doses per day.

(12) Except where subsurface drip distribution is used, the volume of each dose must be at least five times the internal volume of the pipe dosing network to be pressurized.

(13) The variation in orifice discharge rates within any one lateral must not be more than ten percent.

(14) The variation in orifice discharge rates over the entire distribution system must not be more than fifteen percent.

(15) Orifices must be no smaller than one-eighth inch in diameter.

(16) Orifices must be evenly distributed along the laterals and spaced as follows:

(a) In soil types 1, 2, and 3, and in sand filters, sand-lined trenches and beds, recirculating gravel filters and mounds, the maximum orifice spacing must be:

(i) One orifice per six square feet of infiltrative surface when not using gravelless chambers; or

(ii) One orifice per nine square feet of infiltrative surface when using gravelless chambers.

(b) In soil types 4 and 5, the maximum orifice spacing must be one orifice every six feet on center along the lateral.

(17) When using gravelless chambers with pressure distribution, the orifices must be oriented in the twelve o'clock position.

(18) Pressure distribution systems with design flows greater than 14,500 gpd must include:

(a) The capacity for remote or off-site operation and alarm notification; and

(b) A means to connect to an emergency power generator.

(19) Electrical components and wiring must comply with WAC 296-46B-501, Special occupancies NEC Class I locations.

(20) Electrical control and other electrical components must be approved by Underwriters Laboratories (UL) or an equivalent rating agency.

NEW SECTION

WAC 246-272B-06650 Subsurface drip systems. (1) Subsurface drip systems must have a:

- (a) Supply line to deliver effluent to the dripline; and
- (b) Return line to route filter and line flushing waste back to the primary treatment unit.

(2) Where Treatment Level C or better is provided, the return line may be double-plumbed to the primary treatment tank and pump chamber to return flush water to the pump chamber under normal operation, and to the primary tank during chemical cleaning flushes.

(3) The dripline must be installed to a minimum depth of eight inches into original, undisturbed soil. Where frost is a concern, the design engineer should consider deeper placement.

(4) Maximum dripline installation depth is three feet below finished grade.

(5) For determining vertical separation, the infiltrative surface for a drip system may be assumed to be the same as installed dripline depth.

(6) Air and vacuum relief valves must be installed:

- (a) At the high point of each distribution sector on both the supply and return sides; and
- (b) In a valve box with access to finished grade, including a gravel sump.

(7) All mechanical and electrical components must be rated for wastewater applications.

(8) Electrical components and wiring used in drip system design must comply with requirements of WAC 296-46B-501, Special occupancies NEC Class I locations.

(9) Electrical control and other electrical components must be approved by Underwriters Laboratories (UL) or an equivalent rating agency.

(10) Duplex alternating pumps that provide timed dosing to the drainfield are required.

(11) Quick disconnect couplers or an equivalent quick disconnect system for all sewage pumps are required.

(12) If float switches are used, they must be mounted independently of the pump discharge and transport line.

(13) The control panel for the pumps must:

(a) Include read-outs for a flow meter and a pressure gauge, calibrated for the system design flow and pressure range;

(b) Include a means to track and verify dosing;

(c) Be in an enclosure that is secure from tampering and, if outside, resistant to weather;

(d) Be equipped with both audible and visual alarms;

(e) Include the capacity for remote or off-site operation and alarm notification; and

(f) Provide a means to connect to an emergency power generator.

(14) Automatic flushing of the filters, manifolds, and dripline is required.

(15) A chemical injector port must be installed at an appropriate location in the drip system to allow future injection of chemicals when needed for cleaning.

(16) Any additional filtration recommended by the dripline manufacturer must be provided.

(17) A flow meter with totalizer feature and a pressure gauge, both with remote read-out capability, are required for all drip systems.

(18) All components requiring regular service or used to monitor system performance, such as filters, actuated valves, flow meters, and pressure gauges, must be installed in a valve box with locking lid and access at finished grade.

(19) A minimum of twelve equally spaced timed doses per day per distribution zone is required.

(20) Calculation of the absorption area must be based on:

(a) The design flow that meets the requirements of WAC 246-272B-06150; and

(b) The requirements in this section, including Table 7.

(21) Maximum nominal emitter discharge rates are:

(a) One and three-tenths gallons per hour in soil types 1, 2, and 3; and

(b) Six-tenths gallons per hour in soil types 4 and 5.

(22) The values in Table 7 must be used to determine the minimum number of emitters and minimum dripfield area required for a subsurface drip system.

(a) Select the desired emitter and dripline spacing.

(b) Determine the minimum number of emitters required by dividing the design flow of the LOSS by the maximum daily emitter discharge that corresponds to the soil type and selected emitter and dripline spacing.

(c) Calculate the minimum dripfield area by multiplying the minimum number of emitters by the area per emitter value that corresponds to the chosen emitter and dripline spacing.

Table 7: Maximum Daily Emitter Discharge Rates

			Maximum Daily Emitter Discharge (gpd/Emitter)*				
			Soil Types				
Emitter Spacing (inches)	Dripline Spacing (inches)	Area per Emitter (ft ²)	1**	2	3	4	5
6	12	0.5	0.5	0.5	0.25	0.2	0.125
12	12	1.0	1	1	0.5	0.4	0.25

12	18	1.5	1	1	0.8	0.6	0.4
12	24	2.0	1	1	0.8	0.8	0.4
24	24	4.0	1	1	1	1	0.4

* Table values apply regardless of additional treatment.
 ** Requires treatment to Treatment Level B or better.

NEW SECTION

WAC 246-272B-06700 Sand-lined trenches and beds.

(1) Sand-lined trenches or beds may be used to meet Treatment Level B.

(2) The minimum dosing frequency is:

(a) Twelve equally spaced timed doses per day for coarse sand; or

(b) Six equally spaced timed doses per day for ASTM C-33 sand.

(3) The maximum allowable hydraulic loading rate is one gallon per square foot per day.

(4) The design engineer shall:

(a) Use coarse sand that meets the following specifications:

- (i) Particle size distribution per Table 8 of this section;
- (ii) Effective particle size from 0.3 to 0.5 mm; and
- (iii) Uniformity coefficient less than four; or

(b) Use sand that meets the ASTM-33 specification, Table 9 of this section and:

(i) Has no more than forty-five percent passing any one sieve and retained on the next consecutive sieve, of those listed in Table 9 of this section; and

(ii) Has a fineness modulus of not less than 2.3 or more than 3.1. The fineness modulus is calculated by adding the cumulative percents of samples retained on the sieves listed in Table 9 and dividing the sum by 100; or

(c) Verify that the sand material meets the desired specification and provide to the department a particle size analysis of the sand material.

(5) The minimum depth of sand media is twenty-four inches.

(6) The design engineer shall:

(a) Design the LOSS to meet the drainfield requirements in Table 3 in WAC 246-272B-06050 for the minimum horizontal setback from the edge of the sand-lined trench or bed;

(b) Specify that for installations in type 1 soil, trench and bed widths be increased by one foot from the calculated minimum absorption area based on design flow; the additional volume must be filled with sand media in order to prevent effluent from bypassing filter media by flowing out the side-walls; and

(c) Specify monitoring ports as required in WAC 246-272B-06400.

Table 8: Coarse Sand—Required Particle Size Distribution

Sieve	Particle Diameter, mm	Percent Passing by Weight
3/8 inch	9.50	100
No. 4	4.75	95 to 100
No. 8	2.36	80 to 100

Sieve	Particle Diameter, mm	Percent Passing by Weight
No. 16	1.18	45 to 85
No. 30	0.6	15 to 60
No. 50	0.3	3 to 15
No. 100	0.15	0 to 4

Table 9: Fine Aggregate—ASTM C-33 Sand—Particle Size Distribution

Sieve	Particle Diameter, mm	Percent Passing by Weight
3/8 inch	9.50	100
No. 4	4.75	95 to 100
No. 8	2.36	80 to 100
No. 16	1.18	50 to 85
No. 30	0.6	25 to 60
No. 50	0.3	5 to 30
No. 100	0.15	0 to 10; prefer < 4
No. 200	0.075	0 - 3; prefer 0

NEW SECTION

WAC 246-272B-06750 Intermittent sand filters. (1)

Intermittent sand filters may be used to meet Treatment Level B.

(2) Pressure distribution to the filter media is required.

(3) The minimum dosing frequency is:

(a) Twelve equally spaced timed doses per day for coarse sand; or

(b) Six equally spaced timed doses per day for ASTM C-33 sand.

(4) The maximum hydraulic loading rate for the sand filter is one gallon per day per square foot.

(5) The minimum depth of sand media is twenty-four inches.

(6) The influent wastewater quality distributed to the filter media must meet or exceed effluent characteristics from a properly sized septic tank treating residential strength sewage.

(7) The minimum horizontal setback from the sand filter must meet the sewage tank requirements in Table 3 in WAC 246-272B-06050.

(8) The maximum depth of cover material over the distribution technology is twelve inches.

(9) The design engineer shall meet the sand specification requirements in WAC 246-272B-06700(4).

(10) The filter bed must be contained in:

(a) A flexible membrane-lined pit where the membrane has a minimum thickness of thirty mm and there is a three-inch layer of sand beneath the membrane; or

(b) A concrete vessel that is water tight, durable, and structurally sound.

(11) The underdrain must be designed with sufficient void storage volume for a single dose to the filter and maintain unsaturated filter material above the underdrain component.

(12) Filtrate may be collected and discharged from the bottom of the filter by either gravity flow or a pumpwell system.

(13) When filtrate is discharged by gravity, a boot and exit pipe must exit the side of the liner and be installed:

(a) By the manufacturer or the manufacturer's representative;

(b) So the boot outlet is bedded in sand;

(c) With the boot properly secured to the outlet pipe, such as with stainless steel bands, screws, and sealant strips, or as recommended by the manufacturer; and

(d) Watertight. If the boot will be submerged in a seasonal high water table, the installer shall test and verify it is watertight.

(14) Monitoring ports for intermittent sand filters must meet the requirements in WAC 246-272B-06400 (3)(b).

(15) Two monitoring ports must be installed every one thousand square feet in the sand filter and distributed uniformly throughout the filter area.

(a) One monitoring port must be installed to the top of the filter media; and

(b) One monitoring port must be installed to the bottom of the underdrain.

NEW SECTION

WAC 246-272B-06800 Recirculating gravel filters.

(1) A recirculating gravel filter may be used to meet Treatment Level C.

(2) Pressure distribution of the effluent to the filter media is required.

(3) Filter media must meet the following specifications:

(a) Effective particle size between three mm and five mm; and

(b) Uniformity coefficient less than or equal to two.

(4) Filter media depth must be at least thirty-six inches.

(5) The recirculating pump must be controlled by a timer.

(6) The dosing schedule must provide for at least forty-eight doses per day, equally spaced throughout the day.

(7) Doses must be uniform in volume.

(8) The influent or filtrate mixture must cycle through the filter five times before dispersal.

(9) The maximum hydraulic loading rate for the gravel filter is five gallons per day per square foot, if influent BOD₅ is no greater than 230 mg/L.

(10) The hydraulic loading rate must be calculated on the basis of the incoming BOD as follows:

$$\text{Loading Rate (expressed as gpd/ft}^2\text{)} = \frac{1150}{\text{BOD}_5 \text{ of septic tank effluent}}$$

(11) The maximum influent values are:

(a) BOD₅ - 575 mg/L; and

(b) O&G - 30 mg/L.

(12) The minimum horizontal setback from the recirculating gravel filter must meet the sewage tank requirements in Table 3 in WAC 246-272B-06050.

(13) The filter bed must be contained in:

(a) A flexible membrane-lined pit where the membrane has a minimum thickness of thirty mm and there is a three-inch layer of sand beneath the membrane; or

(b) A concrete vessel that is water tight, durable, and structurally sound.

(14) Monitoring ports for recirculating gravel filters must meet the requirements in WAC 246-272B-06400 (3)(b).

(15) Two monitoring ports must be installed every one thousand square feet in the recirculating gravel filter and distributed uniformly throughout the filter area.

(a) One monitoring port must be installed to the top of the media interface; and

(b) One monitoring port must be installed to the bottom of the underdrain.

(16) The minimum volume of a recirculating mixing tank is:

(a) One hundred fifty percent of the daily design flow for residential applications; or

(b) One hundred percent of the daily design flow for nonresidential applications.

(17) Underdrain and filtrate handling must be designed as required in WAC 246-272B-06750 (11), (12), and (13).

(18) The return flow from the recirculating gravel filter must be split to direct:

(a) A minimum of eighty percent of the effluent back to the recirculating or mixing tank; and

(b) The remainder to the drainfield or next downstream LOSS component.

NEW SECTION

WAC 246-272B-06850 Cesspools and seepage pits.

The department shall not approve a LOSS design that includes a cesspool, a drywell, or a seepage pit.

NEW SECTION

WAC 246-272B-06900 Holding tank sewage systems.

(1) An owner shall not install or use a holding tank sewage system for any new residential development or expansion of residential development, except as set forth in this section.

(2) The department may approve installation of holding tank sewage systems only for:

(a) Permanent uses limited to controlled, part-time, commercial usage, such as recreational vehicle parks and trailer dump stations;

(b) Short term use in case of an emergency situation as allowed in WAC 246-272B-07450(4); or

(c) Repairs as allowed in WAC 246-272B-07400(11).

(3) An owner proposing to use a holding tank sewage system shall:

(a) Hire a design engineer who follows good engineering practice and prepares a design consistent with the depart-

ment's recommended standards and guidance on holding tank sewage systems;

(b) Submit and receive department approval of an O&M manual that meets the requirements of WAC 246-272B-04200; and

(c) Use a holding tank registered by the department according to chapter 246-272C, On-site sewage system tanks, and tested for water tightness under WAC 246-272B-05200.

PART 7: LOSS OPERATIONS REQUIREMENTS

Subpart A - Routine Operations

NEW SECTION

WAC 246-272B-07000 Management requirements.

(1) A single owner development must be managed by a public entity, a wastewater company regulated by the Washington utilities and transportation commission, or a private management entity.

(2) A development where lots or units served by the LOSS are individually owned must be managed by:

(a) A public entity; or

(b) A private management entity with a public entity or a wastewater company regulated by the Washington utilities and transportation commission contracted as a third-party guarantor.

NEW SECTION

WAC 246-272B-07050 Operations and maintenance requirements. (1) The owner shall operate and maintain the LOSS according to:

(a) The requirements in this chapter;

(b) The current operating permit issued by the department, including all conditions and requirements of the operating permit; and

(c) LOSS operating procedures such as those described in department guidance, texts, handbooks, and manuals.

(2) The owner shall maintain financial resources sufficient for O&M of the LOSS including, but not limited to:

(a) Creating and continuously funding operating and reserve accounts;

(b) Setting and adjusting fees and rates for connections, monthly service charges, charges for routine and emergency repairs; and

(c) Establishing a process to collect on delinquent accounts or disconnect customers.

(3) The owner shall respond to customer concerns and service complaints in a timely manner.

(4) The owner shall not install or maintain a bypass to divert sewage or partially treated sewage around any feature of the treatment process, unless approved in writing by the department.

(5) The owner shall not allow substances listed in WAC 246-272B-06000 to enter into the LOSS collection system or any other LOSS component.

(6) The owner shall conduct reliable and representative monitoring following operating permit conditions and requirements, and provide results to the department.

(7) As required in the operating permit, samples must be analyzed by an accredited laboratory, according to chapter 173-50 WAC, Accreditation of environmental laboratories.

(8) O&M data must be available to the department and a third-party guarantor, if any.

(9) The owner shall use reasonable security measures to protect the LOSS treatment processes and components, including the soil profile, from possible damage or harm by unauthorized persons, vehicles, animals, vegetation, or other sources.

NEW SECTION

WAC 246-272B-07100 Department inspections. (1)

The department may enter and inspect any LOSS site or LOSS facility to determine compliance with chapter 70.118B RCW, Large on-site sewage disposal systems or this chapter:

(a) On any weekday that is not a legal holiday between the hours of 8:00 a.m. and 5:00 p.m.; and

(b) At any time with the consent of the owner or owner's agent.

(2) The department may inspect:

(a) All records, including records of O&M;

(b) All data submitted;

(c) All permits; and

(d) The LOSS, all LOSS components, and all LOSS performance equipment.

(3) During an inspection, the department shall have free and unimpeded access to all:

(a) Buildings, warehouses, storage facilities, and other places reasonably considered to be or to have been part of the LOSS;

(b) Ledgers, books, accounts, memorandums, or records required to be compiled or maintained in this chapter; and

(c) Products, components, maintenance supplies, or other material used in connection with the LOSS.

(4) During the inspection, the department may take such samples as may be reasonably necessary to verify compliance.

(5) The owner shall take preventative or corrective action as directed by the department when results of an inspection indicate conditions which may harm or are harming LOSS operation or which are in violation of any requirements of this chapter.

NEW SECTION

WAC 246-272B-07150 Reliability and emergency response. (1) All LOSS must provide adequate treatment in quantity and quality to sewage in a reliable manner at all times.

(2) The owner shall create and implement operating procedures for normal operating conditions.

(3) The owner shall create and implement operating procedures for abnormal operating conditions, such as those associated with floods, unscheduled power outages, facility failures, and LOSS maintenance, including procedures to notify the department.

(4) The owner shall document procedures for LOSS operation during normal and abnormal operating conditions in the O&M manual as required in WAC 246-272B-04200.

(5) The department may require the owner to prepare an engineering report according to WAC 246-272B-04000 that evaluates any problem with normal or abnormal operations, recommends and designs solutions to correct the problem. The department may require corrective actions to be implemented.

NEW SECTION

WAC 246-272B-07200 Operator qualifications and responsibilities. (1) Owners of LOSS using mechanical treatment or lagoons with design flow greater than 14,500 gpd shall employ one or more operators certified according to chapter 173-230 WAC, Certification of operators of wastewater treatment plants.

(2) Owners of LOSS with design flow greater than 14,500 gpd not using mechanical treatment or lagoons shall employ one or more operators approved by a local health jurisdiction in Washington state.

(3) The operator of a LOSS using proprietary treatment shall be qualified to monitor and maintain that LOSS. Examples of a qualified operator include someone who:

(a) Has experience successfully operating a LOSS with similar technology;

(b) Is an employee or authorized agent of the treatment component manufacturer;

(c) Is trained, authorized in writing by, and in good standing with the manufacturer of the proprietary treatment;

(d) Has education or certification in operating similar technology; or

(e) Has other qualifications acceptable to the department.

(4) Owners of LOSS with design flows of 14,500 gpd or less shall employ one or more operators approved by a local health jurisdiction in Washington state.

(5) If an operator described in WAC 246-272B-07200 (2) or (4) is unavailable, the owner of a LOSS shall propose and the department may accept a person with OSS or LOSS experience.

(6) The operator shall prepare and sign monitoring reports, certifying that the results are correct and the report is complete, whether results are from process gauges or from an accredited laboratory.

NEW SECTION

WAC 246-272B-07250 Metering. (1) The LOSS owner shall install and maintain one or more flow monitoring devices to measure flow.

(2) The LOSS owner or operator shall record and report flow data in gpd as directed in the operating permit.

NEW SECTION

WAC 246-272B-07300 Sewage tank management. (1) The owner, management entity, or operator shall create and follow a routine schedule as required in WAC 246-272B-04200(5) for:

(a) Sewage tank inspection for septage, grease, and scum; and

(b) Sewage tank pumping.

(2) When removing septage, grease, scum, or sewage from a LOSS, the owner shall: Employ only persons approved by the local health jurisdiction to pump and transport septage, grease, scum, or sewage and that:

(a) Transport septage, grease, scum, or sewage only in vehicles clearly identified with the name of the business;

(b) Record and report septage removal to the owner as required by the approved O&M manual and the LOSS operating permit; and

(c) Dispose of septage, grease, scum, or sewage, or apply septage biosolids to land consistent with local health jurisdiction regulations and chapter 173-308 WAC, Biosolids management.

Subpart B - LOSS Changes

NEW SECTION

WAC 246-272B-07400 Modifications. (1) When an owner modifies a LOSS, the component or components being modified must meet the requirements of this chapter.

(2) If the LOSS cannot meet the requirements of subsection (1) of this section, the department may consider repair or replacement of a LOSS component that is located and designed to meet new construction and treatment standards to the maximum extent allowed by the site and:

(a) Protects drinking water sources and distribution systems, and shellfish growing areas;

(b) Minimizes nitrogen discharge in areas where nitrogen is identified as a contaminant of concern;

(c) Prevents the direct discharge of sewage or partially treated sewage to groundwater, surface water, or upon the surface of the ground;

(d) Meets the horizontal setbacks described in WAC 246-272B-06050 to public drinking water sources and distribution pipes;

(e) Maximizes vertical separation, and distance to any well, spring, suction line and surface water; and

(f) Meets other requirements, as directed by the department to protect public health and the environment.

(3) Component modifications that require department approval must follow the procedures outlined in WAC 246-272B-02550. Examples of modifications requiring department approval include drainfield repair or replacement; repairs or replacement that also include improvements expanding the LOSS capacity or service area; and treatment process changes.

(4) Routine LOSS repair and equipment replacement activities that do not affect capacity or treatment performance do not require department review. Examples include pump replacement or repair, with equivalent size; minor collection pipe repair or replacement; and replacement of most valves and switches.

(5) In any submittal documents, the design engineer shall identify all the contributing factors of the failure or need for repair or replacement and design the repair or replacement to mitigate those identified possible causes or contributing factors.

(6) Drainfield reserve area is not required for repairs.

(7) All LOSS component repairs or replacements, including those to drainfields, must be located on:

(a) The property served; or

(b) A repair or replacement site where the distance between the property served and the repair or replacement site has been approved by the department based on site conditions and risk to public health and the environment.

(8) If needed, the owner shall obtain easements and right of way franchises, record them on the property title, and submit copies of the recorded documents to the department.

(9) A drainfield that cannot be repaired or replaced constitutes a failure of the LOSS and the owner shall comply with WAC 246-272B-07450.

(10) If a repair or replacement is not possible or feasible, the LOSS owner shall consult the department.

NEW SECTION

WAC 246-272B-07450 Failures. (1) LOSS or LOSS component failures include, but are not limited to:

(a) Sewage or partially treated sewage on the ground;

(b) Sewage backing up into a connected residence or structure caused by slow soil absorption of the treated effluent or other failure;

(c) Sewage or partially treated sewage leaking from a septic tank, pump chamber, holding system or collection system;

(d) Cesspools or seepage pits where evidence of groundwater or surface water quality degradation exists;

(e) Plant growth above the drainfield that indicates the effluent is not filtering down through the soil profile;

(f) Inadequately treated effluent contaminating groundwater or surface water; or

(g) Noncompliance with standards stipulated in the operating permit.

(2) The owner shall address and correct all failures immediately. LOSS component failures that can be corrected by repair or replacement must follow the requirements in WAC 246-272B-07400.

(3) The owner of a LOSS that has a failure shall report the condition to the department by telephone or by e-mail within one business day of discovery.

(4) The department may require:

(a) Modifications, reduction in capacity, changes in operations, additional monitoring, temporary use of a holding tank, or other emergency measures in order to reduce or eliminate the risk to public health and actual or potential environmental contamination;

(b) Residences, structures, lots, and units that are connected to the failing LOSS to connect to another LOSS with sufficient approved capacity or to a sanitary sewer system, if available;

(c) The LOSS owner to apply for a National Pollutant Discharge Elimination System permit or a state waste discharge permit from the department of ecology, if effluent will be discharged to the land surface or into surface water; or

(d) The LOSS to be shut down and abandoned, according to WAC 246-272B-07500.

(5) When the owner is directed by the department to discontinue operation of a LOSS or to cease serving some or all

dwellings, structures, lots, or units, the owner shall give department-approved written notice to all affected customers and property owners within ten business days, return receipt requested.

(6) The department may direct the owner to discontinue use of the LOSS or any portion of the LOSS due to a system or component failure.

NEW SECTION

WAC 246-272B-07500 Abandonment. The LOSS owner who is permanently abandoning any portion of a LOSS, including a septic tank, seepage pit, cesspool, or other sewage container, and all accessible parts of the drainfield that may become a hazard, including distribution boxes and pump chambers, shall provide:

(1) Written notice of the abandonment to the department and local health jurisdiction of the county where the LOSS is located a minimum of one year in advance;

(2) Department-approved, return receipt requested written notice of the abandonment to all affected customers and property owners whose connected dwellings, structures, lots, or units will no longer have sewage service a minimum of one year in advance;

(3) Hire an approved pumper to remove all partially treated sewage;

(4) Remove all mechanical and electrical equipment;

(5) Remove or destroy all lids;

(6) Fill any voids with soil or gravel; and

(7) Meet any other local or state requirements.

NEW SECTION

WAC 246-272B-07550 Connection to a sanitary sewer system. (1) The department may require the LOSS owner to connect some or all residences, structures, lots and units to a sanitary sewer system consistent with WAC 246-272B-07450 (4)(b).

(2) If the local health officer or local regulations require connection to a sanitary sewer system, the owner shall abandon the LOSS according to WAC 246-272B-07500.

(3) The department shall not approve a new LOSS if sanitary sewer service is available within two hundred feet of the property line, or other distance specified in local regulation, and:

(a) The local board of health or county has passed a local regulation requiring connection to a sanitary sewer system to protect public health; or

(b) Connection to a sanitary sewer system is required by the local comprehensive land use plan or local development regulations.

PART 8: WAIVERS, ENFORCEMENT, AND APPEALS

NEW SECTION

WAC 246-272B-08000 Waivers. (1) The LOSS project applicant or LOSS owner may request a waiver from specific requirements of this chapter. The request must:

(a) Be in writing;

- (b) Identify the requirement requested to be waived;
 - (c) State the reason for the waiver; and
 - (d) Provide supporting information.
- (2) The department may grant a waiver request if it:
- (a) Is consistent with the applicable standards and the intent of this chapter; and
 - (b) Provides a comparable level of public health and environmental protection to the requirement being waived.
- (3) If the department approves a waiver request, the department shall notify the requestor of the decision in writing.
- (4) If the department denies a waiver request, the department shall notify the requestor of the decision in writing stating the reasons for the denial.

NEW SECTION

WAC 246-272B-08100 Enforcement. (1) The department shall enforce this chapter and chapter 70.118B RCW, Large on-site sewage disposal systems.

(2) When any person is out of compliance with a law or rule regulating LOSS and administered by the department, the department may take appropriate enforcement actions, regardless of any prior approvals issued.

(3) The department may initiate enforcement action against the owner to bring the system into compliance by using one or more of the following options, which include, but are not limited to:

- (a) A conference between the department and the owner to explore facts and resolve problems;
- (b) A compliance agreement between the department and the owner;
- (c) A notice of correction;
- (d) A notice of violation;
- (e) A state departmental order;
- (f) Civil penalties;
- (g) Operating permit conditions or approval conditions;
- (h) Injunctions; and
- (i) Other authorized proceedings.

(4) The department may issue an emergency stop work order or department order to refrain from using any LOSS or portion of the LOSS or improvements to the LOSS until all permits, certifications, approvals, and determinations to proceed required by rule or statute are obtained.

(5) The department may issue an order to stop work on LOSS construction activities that occur or are scheduled to occur prior to receiving department approval, determination to proceed, or a department operating permit.

(6) The department may impose civil penalties pursuant to RCW 70.118B.050 in an amount of up to ten thousand dollars per day per violation.

(7) The department may deny an application for an operating permit, approval, or determination to proceed, or revoke, suspend or modify a permit, approval, or determination to proceed if:

- (a) The permit was obtained by fraud;
- (b) An owner violates or fails to comply with any term or condition of the permit;

(c) A LOSS failure or the need for a repair or replacement of a LOSS component has resulted from neglect or poor management practices;

(d) A person fails, refuses, or is unable to comply with chapter 70.118B RCW, Large on-site sewage disposal systems or this chapter;

(e) There is a change in any condition that requires the LOSS to temporarily or permanently limit or stop operating; or

(f) It is necessary to comply with applicable water quality provisions in chapter 90.48 RCW, Water Pollution Control Act.

(8) The department may enjoin a violation or threatened violation of this chapter or chapter 70.118B RCW, Large on-site sewage disposal systems, in the superior court in the county in which the system is located or in Thurston County.

NEW SECTION

WAC 246-272B-08200 Notice of decision, appeals, and adjudicative proceedings. (1) The department's notice of a denial, suspension, modification, or revocation of a permit; approval; or determination to proceed must be consistent with RCW 43.70.115. An applicant or permit holder has the right to an adjudicative proceeding to contest the decision.

(2) The department's notice of imposition of a civil penalty must be consistent with RCW 43.70.095 and 70.118B.-050. A person upon whom the department imposes a civil penalty has the right to an adjudicative proceeding.

(3) A person upon whom the department imposes a civil penalty or issues a notice of denial, suspension, modification or revocation of a permit; approval; or determination to proceed may contest a department decision within twenty-eight days of receipt of the decision by filing a written application for an adjudicative proceeding by a method showing proof of receipt with the administrative hearings unit, department of health. The person must include the following in or with the application:

- (a) A specific statement of the issue or issues and law involved;
- (b) The grounds for contesting the department decision; and
- (c) A copy of the contested department decision.

(4) An adjudicative proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-10 WAC, Administrative procedure—Adjudicative proceedings.

NEW SECTION

WAC 246-272B-08300 Third-party appeals to department permit decisions for LOSS over 14,500 gpd and adjudicative proceedings. (1) A person aggrieved by the issuance of an initial permit, or by the issuance of a subsequent permit to increase the volume of waste disposal or to change effluent characteristics, for systems with design flows of more than 14,500 gpd, has the right to an adjudicative proceeding.

(2) The application for an adjudicative proceeding must be in writing and must state the basis for contesting the action, include a copy of the decision and be served on and

received by the department within twenty-eight days of receipt of notice of final decision and be served in a manner that shows proof of receipt.

(3) An adjudicative proceeding conducted under this section is governed by chapter 34.05 RCW, Administrative Procedure Act.

PART 9: SEVERABILITY

NEW SECTION

WAC 246-272B-0900 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances is not affected.

WSR 11-12-036

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed May 25, 2011, 12:05 p.m., effective June 25, 2011]

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

Purpose: The rule amends WAC 246-870-060(6) What are the board requirements for electronic prescription transmission system? The rule requires that a prescription printed from an electronic prescription transmission system for delivery to a pharmacy must be printed on tamper resistant prescription paper compliant with RCW 18.64.500 and must be manually signed by the prescriber.

Citation of Existing Rules Affected by this Order: Amending WAC 246-870-060.

Statutory Authority for Adoption: RCW 18.64.500.

Other Authority: RCW 18.64.005.

Adopted under notice filed as WSR 11-05-094 on February 16, 2011.

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 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: April 7, 2011.

A. J. Linggi, Chair
Board of Pharmacy

AMENDATORY SECTION (Amending WSR 03-24-070, filed 12/1/03, effective 1/1/04)

WAC 246-870-060 What are the board requirements for electronic prescription transmission systems? (1) Systems for the electronic transmission of prescription information must be approved by the board. Board approval of systems will be for a period of three years. The board will maintain a list of approved systems.

(2) Systems in which prescriptions are transmitted from the prescriber's facsimile machine to the pharmacy facsimile machine do not require board approval.

(3) Each system shall have policies and procedures on the electronic transmission of prescription information available that address the following:

(a) Patient access. The system may not restrict the patient's access to the pharmacy of their choice.

(b) Security. The system shall have security and system safeguard designed to prevent and detect unauthorized access, modification, or manipulation of prescription information. Accordingly, the system should include:

(i) Documented formal procedures for selecting and executing security measures;

(ii) Physical safeguards to protect computer systems and other pertinent equipment from intrusion;

(iii) Processes to protect, control and audit access to confidential patient information; and

(iv) Processes to prevent unauthorized access to the data when transmitted over communication networks or when data physically moves from one location to another using media such as magnetic tape, removable drives or CD media.

(c) Systems that utilize intermediaries in the electronic communication or processing of prescriptions such as third party payers shall be responsible to insure that their contracts with these intermediaries require security measures that are equal to or better than those provided by this rule and prohibit the modification of any prescription record after it has been transmitted by the practitioner to the pharmacist.

(d) Confidentiality of patient records. The system shall maintain the confidentiality of patient information in accordance with the requirements of chapters 18.64, 69.50, and 70.02 RCW Health Care Information Act and any applicable federal law.

(e) Authentication. To be valid prescriptions transmitted by an authorized prescriber from computer to fax machine or from computer to computer must use an electronic signature or digital signature.

(4) The system shall provide for the transmission and retention of the information by the sender and the receiver of the prescription as required in WAC 246-870-030.

(5) The system must authenticate the sender's authority and credentials to transmit a prescription.

(a) The system shall provide an audit trail of all prescriptions electronically transmitted that documents for retrieval all actions and persons who have acted on a prescription, including authorized delegation of transmission;

(b) The right of the Washington state board of pharmacy to access electronically submitted prescriptions for purposes of investigations in disciplinary proceedings.

(6) If a hard copy of an electronic prescription (~~generated from the electronic prescription system, is printed on~~

~~security paper that insures it is not subject to copying or alteration, an electronic signature may be substituted for a manual signature)) is given directly to the patient, the prescription must be printed on approved tamper-resistant paper and must be manually signed by the prescriber as required in RCW 18.64.500.~~

WSR 11-12-044
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 26, 2011, 9:48 a.m., effective June 8, 2011]

Effective Date of Rule: June 8, 2011.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule becomes permanent effective June 8, 2011, which is less than thirty-one days after filing. RCW 34.05.380 (3)(c) states that a rule may become effective on a subsequent earlier date if the action is necessary because of imminent peril to the public health, safety, or welfare. The current emergency rule (WSR 11-05-027) that allows the department to permit disability lifeline (DL) benefits for persons who are pregnant and in need expires June 7, 2011. Without this rule, the department will not be able to issue DL cash assistance to women who are pregnant and in need as required by RCW 74.04.005. This would result in the department being out of compliance with state law.

In addition, RCW 34.05.380 (3)(a) states that a rule may become effective immediately upon its filing or on any subsequent date earlier than thirty days after the date of filing, if the action is required by the state or federal constitution, a statute [statute], or a court order. This rule is essential in order to comply with the requirements of RCW 74.04.005 which directs the department to provide DL benefits to persons who are pregnant and in need, who are not eligible to receive federal aid assistance other than basic food and medical assistance.

Purpose: The department is amending WAC 388-400-0025 to permit DL benefits for persons who are pregnant and in need, as required by RCW 74.04.005.

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0025.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 11-08-072 on April 6, 2011.

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: May 23, 2011.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-16-096, filed 7/30/10, effective 9/1/10)

WAC 388-400-0025 Who is eligible for disability lifeline benefits? (1) Effective March 29, 2010, the "general assistance" program was replaced by "disability lifeline." Any reference in Washington Administrative Code (WAC) to general assistance also applies to disability lifeline.

(2) You are eligible for disability lifeline (DL) benefits if you:

(a) Are pregnant as verified by a medical statement or incapacitated as required under WAC 388-448-0001 through 388-448-0120;

(b) Are at least eighteen years old or, if under eighteen, a member of a married couple;

(c) Are in financial need according to DL income and resource rules in chapters 388-450, 388-470 and 388-488 WAC. We determine who is in your assistance unit according to WAC 388-408-0010;

(d) Meet the disability lifeline citizenship/alien status requirements under WAC 388-424-0015(2);

(e) Provide a Social Security number as required under WAC 388-476-0005;

(f) Reside in the state of Washington as required under WAC 388-468-0005;

(g) Undergo referrals for assessment, treatment, or to other agencies as provided under WAC 388-448-0130 through 388-448-0150;

(h) Sign an interim assistance reimbursement authorization to agree to repay the monetary value of general assistance or disability lifeline benefits subsequently duplicated by Supplemental Security Income benefits as described under WAC 388-448-0200, 388-448-0210 and 388-474-0020;

(i) Report changes of circumstances as required under WAC 388-418-0005; and

(j) Complete a mid-certification review and provide proof of any changes as required under WAC 388-418-0011.

(3) You aren't eligible for disability lifeline benefits if you:

(a) Have received general assistance or disability lifeline benefits for more than the maximum number of months as defined in WAC 388-448-0250.

(b) Are eligible for temporary assistance for needy families (TANF) benefits.

(c) Are eligible for state family assistance (SFA) benefits.

(d) Refuse or fail to meet a TANF or SFA eligibility rule.

(e) Refuse or fail to participate in drug or alcohol treatment as required in WAC 388-448-0220.

(f) Are eligible for Supplemental Security Income (SSI) benefits.

(g) Are an ineligible spouse of an SSI recipient.

(h) Failed to follow a Social Security Administration (SSA) program rule or application requirement and SSA denied or terminated your benefits.

(4) If you reside in a public institution and meet all other requirements, your eligibility for DL depends on the type of institution. A "public institution" is an institution that is supported by public funds, and a governmental unit either is responsible for it or exercises administrative control over it.

(a) You may be eligible for disability lifeline if you are:

(i) A patient in a public medical institution; or

(ii) A patient in a public mental institution and:

(A) Sixty-five years of age or older; or

(B) Twenty years of age or younger.

(b) You aren't eligible for DL when you are in the custody of or confined in a public institution such as a state penitentiary or county jail including placement:

(i) In a work release program; or

(ii) Outside of the institution including home detention.

Date Adopted: May 26, 2011.

Gregg L. Grunenfelder
Deputy Secretary
for Mary C. Selecky
Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-272B-00101	Purpose, objectives, and authority.
WAC 246-272B-00501	Administration.
WAC 246-272B-01001	Definitions.
WAC 246-272B-03001	Applicability.
WAC 246-272B-07001	Connection to public sewer system.
WAC 246-272B-08001	Application and approval process.
WAC 246-272B-09501	Location.
WAC 246-272B-11001	Soil and site evaluation.
WAC 246-272B-11501	Design.
WAC 246-272B-12501	Holding tank sewage systems.
WAC 246-272B-13501	Installation.
WAC 246-272B-15501	Operation and maintenance.
WAC 246-272B-16501	Repair of failures.
WAC 246-272B-17501	Expansions.
WAC 246-272B-18501	Abandonment.
WAC 246-272B-19501	Septage management.
WAC 246-272B-20501	Developments, subdivisions, and minimum land area requirements.
WAC 246-272B-21501	Areas of special concern.
WAC 246-272B-24001	State advisory committee.
WAC 246-272B-25001	Waiver of state regulations.
WAC 246-272B-26001	Enforcement.
WAC 246-272B-27001	Notice of decision—Adjudicative proceeding.
WAC 246-272B-28001	Severability.

WSR 11-12-050

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 26, 2011, 2:11 p.m., effective July 1, 2011]

Effective Date of Rule: July 1, 2011.

Purpose: The purpose of the rule revision is to coordinate the repeal of existing large on-site sewage system (LOSS) regulations with the effective date of the newly revised LOSS regulations. The proposal clarifies the requirements for LOSS by repealing outdated regulations that duplicate the recently revised regulations.

Citation of Existing Rules Affected by this Order: Repealing 23.

Statutory Authority for Adoption: RCW 70.118B.020.

Other Authority: Chapter 70.118B RCW.

Adopted under notice filed as WSR 11-07-072 on March 22, 2011.

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 23.

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 23.

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.

WSR 11-12-059
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed May 27, 2011, 12:46 p.m., effective July 1, 2011]

Effective Date of Rule: July 1, 2011.

Purpose: To adjust the asbestos notification fees to reflect the costs of implementing the asbestos program.

Citation of Existing Rules Affected by this Order: Amending Regulation III, Section 4.03.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 11-09-069 on April 19, 2011.

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: May 26, 2011.

Craig Kenworthy
Executive Director

AMENDATORY SECTION

REGULATION III SECTION 4.03 ASBESTOS NOTIFICATION REQUIREMENTS

(a) General Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the appropriate nonrefundable fee and any additional information requested by the Control Officer, has been submitted to the Agency in accordance with the waiting period and fee requirements in Section 4.03(d) of this regulation. Except for the annual notification requirements in Section 4.03 (a)(7) of this regulation, the notification must be submitted on approved forms through the Agency website.

(1) The duration of an asbestos project shall be commensurate with the amount of work involved.

(2) Notification is not required for asbestos projects involving less than 10 linear feet of friable, asbestos-containing material on pipes and/or 48 square feet of friable, asbestos-containing material on other components (per structure, building, or vessel, per calendar year).

(3) Notification is not required for removal and disposal of nonfriable, asbestos-containing material.

(4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.

(5) All demolitions require a 10-day waiting period unless waived under Section 4.03 (c)(1) of this regulation.

(6) A printout of the notification, all amendments to the notification, and the asbestos survey shall be available for inspection at all times at the asbestos project or demolition site.

(7) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

(A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;

(B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes and/or less than 160 square feet on other components; and

(C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) An amendment shall be submitted to the Control Officer in a notification through the Agency website for the following changes and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this regulation:

(A) Changes between asbestos and demolition project types;

(B) Increases in the job size category that increase the fee;

(C) Changes in the start date; or

(D) Changes in the completion date.

(2) Amendments may not be used to add or change project site addresses listed on a previously submitted notification.

(c) Emergencies

(1) The waiting period may be waived if an asbestos project or demolition must be conducted immediately because of any of the following:

(A) There was a sudden, unexpected event that resulted in a public health or safety hazard;

(B) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;

(C) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or

(D) The project must proceed to avoid imposing an unreasonable burden.

(2) The waiting period and fees may be waived for disposal of abandoned, (without the knowledge or consent of the property owner) friable, asbestos-containing material by written approval of the Control Officer.

(d) Waiting Period and Fees

Project	Waiting Period	Asbestos Fee	Demolition Fee
Single-Family Residence:			
• Asbestos Project	prior written notification	(\$30) <u>\$25</u>	
• Demolition (with or without asbestos project)	10 days	\$0	(\$75) <u>\$65</u>
Other than Single-Family Residence:			
• less than 10 linear ft and/or • less than 48 square ft	10 days for demolition	\$0	(\$75) <u>\$65</u>
• 10 - 259 linear ft and/or 48 - 159 square ft	prior written notification for asbestos	(\$75) <u>\$65</u>	
	10 days for demolition		(\$75) <u>\$65</u>
• 260 - 999 linear ft and/or 160 - 4,999 square ft	10 days	(\$250) <u>\$210</u>	(\$75) <u>\$65</u>
• 1,000+ linear ft and/or 5,000+ square ft	10 days	(\$750) <u>\$640</u>	(\$100) <u>\$85</u>
Emergency - 4.03(c)*	prior written notification	applicable fees + (\$50) <u>\$40</u>	
Amendment - 4.03(b)	prior written notification	applicable fees + (\$25) <u>\$20</u>	
Annual Notice of Intent - 4.03 (a)(7)	prior written notification	\$1,000	

*Single-family residences are exempt from the emergency fee.

**WSR 11-12-060
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed May 27, 2011, 12:48 p.m., effective July 1, 2011]

Effective Date of Rule: July 1, 2011.

Purpose: To increase the additional registration fee for large composting facilities.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Section 5.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 11-09-070 on April 19, 2011.

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.

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 26, 2011.

Craig Kenworthy
Executive Director

AMENDATORY SECTION

REGULATION I SECTION 5.07 ANNUAL REGISTRATION FEES

(a) The Agency shall assess annual fees as set forth in Section 5.07(c) of this regulation for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program, which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and

administrative support provided in directly carrying out the registration program. Payment of these fees by the owner or operator of a source shall maintain its active registration status (even if it is not actively operating).

(b) Upon assessment by the Agency, registration fees are due and payable within 45 days of the date of the invoice. They shall be deemed delinquent if not fully paid within 45 days of the date of the invoice and shall be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$1,000. Persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70.94 RCW).

(c) Except as specified in Section 5.07 (d) and (e) of this regulation, registered sources shall be assessed a fee of \$1,000, plus the following fees:

(1) Sources subject to a federal emission standard as specified in Section 5.03 (a)(1) of this regulation shall be assessed \$1,750 per subpart of 40 CFR Parts 60-63;

(2) Sources subject to a federally enforceable emission limitation as specified in Section 5.03 (a)(2) or meeting the emission thresholds specified in Section 5.03 (a)(3) of this regulation shall be assessed \$2,000;

(3) Sources subject to the emission reporting requirements under Section 5.05(b) of this regulation shall be assessed \$25 for each ton of CO and \$50 for each ton of NOx, PM10, SOx, HAP, and VOC, based on the emissions reported during the previous calendar year;

(4) Sources with more than one coffee roaster installed on-site that are approved under a Notice of Construction Order of Approval shall be assessed \$2,000;

(5) Sources of commercial composting with raw materials from off-site and with an installed processing capacity of <100,000 tons per year shall be assessed \$5,000; and

(6) Sources of commercial composting with raw materials from off-site and with an installed processing capacity of ≥100,000 tons per year shall be assessed (~~(\$10,000)~~) \$20,000.

(d) Gasoline dispensing facilities shall be assessed the following fees based on their gasoline throughput during the previous calendar year (as certified at the time of payment):

- (1) More than 6,000,000 gallons \$3,550;
- (2) 3,600,001 to 6,000,000 gallons \$1,765;
- (3) 1,200,001 to 3,600,000 gallons \$1,175;
- (4) 840,001 to 1,200,000 gallons \$590;
- (5) 200,001 to 840,000 gallons \$295.

(e) The following registered sources shall be assessed an annual registration fee of \$120, provided that they meet no other criteria listed in Section 5.03(a) of this regulation:

(1) Sources with spray-coating operations subject to Section 9.16 of this regulation that use no more than 4,000 gallons per year of total coatings and solvents;

(2) Gasoline dispensing facilities subject to Section 2.07 of Regulation II with gasoline annual throughput during the previous calendar year (as certified at the time of payment) of no more than 200,000 gallons;

(3) Motor vehicle and mobile equipment coating operations subject to Section 3.04 of Regulation II;

- (4) Unvented dry cleaners using perchloroethylene; and
- (5) Batch coffee roasters subject to notification under Section 6.03 (b)(11) of this regulation.

WSR 11-12-066
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-05—Filed May 31, 2011, 7:29 a.m., effective July 1, 2011]

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

Purpose: The rule amends WAC 284-24B-040 to permit the commissioner to waive the requirement that data be reported to the commissioner in specified lines of insurance.

Citation of Existing Rules Affected by this Order: Amending WAC 284-24B-040.

Statutory Authority for Adoption: RCW 48.02.060 and 48.19.370.

Other Authority: RCW 48.19.370.

Adopted under notice filed as WSR 11-09-047 on April 18, 2011.

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 27, 2011.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2005-02, filed 6/15/06, effective 7/16/06)

WAC 284-24B-040 Insurers must report statistical experience. (1) Under RCW 48.19.370(4), the commissioner may designate certain rating organizations or other entities as statistical agents to gather, compile, and report insurance statistical data.

(2) RCW 48.19.370 says each insurer must report loss and expense experience to the commissioner. As a condition of transacting the business of insurance under RCW 48.05.040, each insurer must:

- (a) Report its insurance statistical data to a statistical agent designated by the commissioner in accordance with the statistical plans filed with the commissioner by the statistical agent under WAC 284-24B-060;

(b) Comply with the reporting requirements and data quality procedures in the *NAIC Statistical Handbook*; and

(c) Adopt edit and audit procedures to screen and check data for reasonableness and accuracy.

(3) So the commissioner may assure compliance with this chapter, each insurer filing rates under chapter 48.19 RCW must include the name of its statistical agent for that line of insurance.

(4) If the commissioner determines that loss and expense data do not need to be collected for a particular line of insurance, the commissioner may waive the requirements of subsections (2) and (3) of this section.

WSR 11-12-067

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-04—Filed May 31, 2011, 7:31 a.m., effective July 1, 2011]

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

Purpose: The rule amends WAC 284-87-050 to reduce the number of members of the board of directors of the Joint Underwriting Association for Midwifery and Birthing Centers Malpractice Insurance from seven members to five members.

Citation of Existing Rules Affected by this Order: Amending WAC 284-87-050.

Statutory Authority for Adoption: RCW 48.02.060 and 48.87.100.

Other Authority: Chapter 48.87 RCW.

Adopted under notice filed as WSR 11-09-048 on April 18, 2011.

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 27, 2011.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2010-02, filed 7/8/10, effective 8/8/10)

WAC 284-87-050 Administration. (1) The association must be administered by a governing board, subject to the

supervision of the commissioner, and operated by a service company or companies appointed by the board.

(2) The board must consist of ~~((seven))~~ five members. ~~((Five))~~ Three board members must be member insurers appointed by the commissioner. The other two board members must be licensees who are appointed by the commissioner to so serve, neither of whom shall have an interest, directly or indirectly, in any insurer except as a policyholder. ~~((Three))~~ Two of the original board members must be appointed to serve an initial term of three years, two must be appointed to serve an initial term of two years, and the remaining must be appointed to serve a one-year initial term. All other terms must be for three years or until a successor has been appointed. Not more than one member insurer in a group under the same management or ownership shall serve on the board at the same time. At least one of the ~~((five))~~ three insurers on the board must be a domestic insurer. Members of the board may be removed by the commissioner for cause.

(3) The association must indemnify each person serving on the board or any subcommittee thereof, each member insurer of the association, and each officer and employee of the association all costs and expenses actually and necessarily incurred by him, her, or it in connection with the defense of any action, suit, or proceeding in which he, she, or it is made a party by reason of his, her, or its being or having been a member of the board, or a member or officer or employee of the association, except in relation to matters as to which he, she, or it has been judged in such action, suit, or proceeding to be liable by reason of willful misconduct in the performance of his, her, or its duties as a member of such board, or member, officer, or employee of the association. This indemnification shall not be exclusive of other rights as to which such member, or officer, or employee may be entitled as a matter of law.

(4) The association at the discretion of the board may agree to indemnify its appointed service company or companies and its staff from all costs and expenses actually and necessarily incurred by them in defense of any action, suit, or proceeding in which they are made a party by reason of their being or having been a service company of the association, except in relation to matters as to which they have been judged by a court of competent jurisdiction, to have engaged in willful misconduct in the performance of their duties as a service company on its behalf by staff.

WSR 11-12-077

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 10-04—Filed May 31, 2011, 2:01 p.m., effective July 1, 2011]

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: RCW 41.135.055 requires a majority vote of the legislature to raise or add fees. On February 18, 2011, the legislature authorized ecology to increase fees in ESB [ESHB] 1086.

Purpose: Ecology is adopting amendments to chapter 173-455 WAC, Air quality fee regulation. These amendments revise air quality permitting fees to cover the cost of

processing preconstruction permits and other actions under the federal and state new source review program. The amendments also provide incentives to streamline permitting. Additionally, housekeeping revisions to the solid fuel retail sales fee change the title reseller "certificate" to reseller "permit" based on a change made by the department of revenue. Other changes provide consistency with recent amendments to chapter 173-400 WAC. This action is revenue neutral because a general fund reduction in our budget offsets the anticipated increase from fees.

Citation of Existing Rules Affected by this Order: Amending chapter 173-455 WAC.

Statutory Authority for Adoption: RCW 70.94.152.

Other Authority: Section 301(28), chapter 5, Laws of 2011, partial veto (ESHB 1086).

Adopted under notice filed as WSR 11-06-057 on March 1, 2011.

Changes Other than Editing from Proposed to Adopted Version: We made a number of changes to ensure clarity and consistency in the rule. "Minimal" engineering evaluation or review was changed to "one hour or less" of engineering evaluation or review. "Make a final determination" was changed to "issue a final decision." The nonroad engine permit fee language was aligned with rule language in WAC 173-400-035.

RCW 34.05.325 (6)(b)(ii) requires ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are some differences between the proposed rule filed on March 1, 2011, and the adopted rule filed on May 31, 2011.

Ecology made these changes for all or some of the following reasons:

- In response to comments we received.
- To ensure clarity and consistency.
- To meet the intent of the authorizing statute.

The following content shows the changes and describes ecology's reasons for making them. Changes to the proposed rule language are underlined and struck out. WAC 173-455-140 and the following subsections of WAC 173-455-120 contain changes: (1)(d) and (f); (2)(a) and (b); (3)(b) and (c); (7); (9); (10)(a) and (b); (11)(a) and (b); (13)(a) and (b); (15)(a); and (16)(a).

WAC 173-455-120(1).

(d) An applicant must submit initial fees with an application, notice or request. An application, notice or request is incomplete until ~~any permit application~~ initial fees have ~~has~~ been paid.

(f) Ecology cannot finalize an action covered ~~approve an order of approval or make a final determination~~ under this chapter section until all fees are paid.

WAC 173-455-120(2) Review of new source or modification of an existing source with an emissions increase.

(b) Complex project ...

(iii) Ecology may determine that a project is complex based on consideration of a number of factors, that include, but are not limited to:

(A) Number and complexity of emission units;

(B) Volume of emissions, including toxicity of emissions;

(C) Amount and complexity of modeling; or

(D) Number and kind of applicable state and federal requirements.

WAC 173-455-120 (3)(c) ~~All other~~ Complex changes: Eight hundred seventy-five dollars plus an hourly rate of ninety-five dollars after ten hours.

(i) This fee covers up to ten hours of staff time to review the request and make a final ~~determination~~ decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above ten hours.

(ii) This fee excludes an administrative or simple change and changes to an existing permit that result in an emissions increase.

(iii) Examples of ~~all other complex~~ changes include, but are not limited to:

(A) Changes requiring more than ~~minimal~~ one hour of engineering review;

(B) Consolidation of permits not allowed under simple change;

(C) Request for review of a permit action that is exempt under WAC 173-400-110(5) (Table 110(5) emission-based exemption levels); or

(D) Changes requiring mandatory public comment under WAC 173-400-171.

Reason for Changes: We clarified the intent of the language.

WAC 173-455-120(3), change to an existing order of approval.

(a) Ecology will not charge a fee for correcting a mistake by ecology in a permit.

(b) Administrative or ~~S~~simple change: Two hundred dollars plus an hourly rate of ninety-five dollars after three hours.

WAC 173-455-120 (3)(c)(ii), this fee excludes an administrative or simple change and changes to an existing permit that result in an emissions increase.

WAC 173-455-120 (3)(b)(ii), Administrative or simple change means:

(A) An action not subject to a mandatory public comment period in WAC 173-400-171; and

(B) The reissued approval order requires ~~minimal one hour or less of~~ engineering evaluation and no physical modification of equipment; and

(C) Changes in permit conditions are based on actual operating conditions and the operating conditions require ~~minimal one hour or less of~~ engineering evaluation and the change does not cause a change in allowable emissions.

Reason for Changes: We clarified the intent of the language. Users of our rule may be more familiar with the term administrative rather than simple. Changing "minimal" engineering review to "one hour or less" was in response to a specific comment.

"Make a final determination" phrase was changed in the following locations in WAC 173-455-120.

WAC 173-455-120(1), general requirements.

(f) Ecology cannot ~~approve an order of approval or make a final determination~~ finalize an action covered under this chapter section until all fees are paid.

WAC 173-455-120(2), review of new source or modification of an existing source with an emissions increase.

(a) Basic project: This fee covers up to sixteen hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above sixteen hours.

(b) Complex project: Ten thousand dollars plus an hourly rate of ninety-five dollars after one hundred six hours.

(i) This fee covers up to one hundred six hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred six hours.

WAC 173-455-120(3), change to an existing order of approval.

(b)(i) This fee covers up to three hours of staff time to review the request and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above three hours.

(c)(i) This fee covers up to ten hours of staff time to review the request and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above ten hours.

WAC 173-455-120(7), request to establish a voluntary emissions limit. Five hundred dollars plus an hourly rate of ninety-five dollars after six hours.

(a) This fee covers up to six hours of staff time to review the request and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above six hours.

WAC 173-455-120(9), request for a written prevention of significant deterioration applicability determination: Five hundred dollars plus an hourly rate of ninety-five dollars after six hours. This fee covers up to six hours of staff time to review the request and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above six hours.

WAC 173-455-120(10), prevention of significant deterioration (PSD).

(a) PSD permit application: Fifteen thousand dollars plus an hourly rate of ninety-five dollars after one hundred fifty-eight hours. This fee covers one hundred fifty-eight hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred fifty-eight hours.

(b) PSD permit application where greenhouse gases are the sole PSD pollutant being reviewed: Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours. This fee covers seventy-nine hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant

ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

WAC 173-455-120(11), revision to a prevention of significant deterioration permit.

(a) Administrative revision as defined in WAC 173-400-750(3): One thousand nine hundred dollars plus an hourly rate of ninety-five dollars after twenty hours. This fee covers twenty hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above twenty hours.

(b) All other revisions (except major modification): Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours. This fee covers seventy-nine hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

WAC 173-455-120(13), nonattainment area major new source review.

(a) A notice of construction application subject to ~~major source nonattainment area permitting requirements in WAC 173-400-830~~: Fifteen thousand dollars plus an hourly rate of ninety-five dollars after one hundred fifty-eight hours. This fee covers one hundred fifty-eight hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred fifty-eight hours.

(b) Change to an approval order issued under ~~WAC 173-400-830 major source nonattainment area major permitting requirements (WAC 173-400-111 (3)(e) and 173-400-830)~~:

(i) Request to change permit conditions under WAC 173-400-111(8) that is not subject to mandatory public comment in WAC 173-400-171: One thousand nine hundred dollars plus an hourly rate of ninety-five dollars after twenty hours. This fee covers twenty hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above twenty hours.

(ii) All other permit changes (except major modification): Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours. This fee covers seventy-nine hours of staff time to review the application and ~~make issue a final determination decision~~ make issue a final determination decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

Reason for Changes: The changes clarify the intent of the language. Changing to "issue a final decision" was in response to a specific comment.

WAC 173-455-120(15), second tier review.

(15)(a) This fee covers up to one hundred six hours of staff time to evaluate the health impact assessment protocol and second tier petition, and make a ~~final~~ recommendation. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the second tier petition above one hundred six hours.

WAC 173-455-120(16), third tier review.

(16)(a) This fee covers up to one hundred six hours of staff time to evaluate the health impact assessment protocol and second tier petition, and make a ~~final~~ recommendation. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the second tier petition above one hundred six hours.

Reason for Changes: This change ensures clarity and consistency with the language in WAC 173-460-090(10).

WAC 173-455-140 (~~Portable and temporary source~~) Nonroad engine permit fee. The department shall charge a fee of (~~sixty-five~~) ninety-five dollars per hour to process ~~a and notification of intent to operate write (a portable or temporary source permit)) an approval to operate for a nonroad engine~~ under WAC 173-400-035.

Reason for Changes: This change ensures clarity and consistency with the language in WAC 173-400-035.

A final cost-benefit analysis is available by contacting Elena Guilfoil, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6855, fax (360) 407-7534, e-mail Elena.Guilfoil@ecy.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

Date Adopted: May 31, 2011.

Ted Sturdevant
Director

AMENDATORY SECTION (Amending Order 06-14, filed 5/3/07, effective 6/3/07)

WAC 173-455-060 Solid fuel retail sales fee. (1) A person selling a solid fuel burning device at retail shall collect a fee from the buyer, pursuant to RCW 70.94.483.

(2) The fee shall be:

(a) Set at a minimum of thirty dollars on January 1, 1992. Thereafter, ecology may annually adjust the fee to account for inflation as determined by the office of the state economic and revenue forecast council. Adjustments in the fee should be rounded down to the nearest dollar.

(b) Applicable to all new and used solid fuel burning devices.

(c) Procedures for masonry fireplaces. Generally, contractors will collect, pay, and report the fee to the department of revenue on the combined excise tax return for the tax reporting period during which the retail sales tax is billed to the customer for the construction of the masonry fireplace. (See WAC 458-20-170 for a detailed explanation.) Collec-

tion and payment of the fee by contractors shall be in accordance with the following:

(i) A masonry contractor or other subcontractor who builds a masonry fireplace. The retail sale occurs at the time the general or prime contractor or customer is billed for the work. The masonry contractor or other subcontractor must collect the fee and pay it to the department of revenue, unless the masonry contractor or other subcontractor has received a (~~resale certificate~~) reseller permit from the general or prime contractor. The fee shall be reported on the combined excise tax return.

(ii) A general or prime contractor building a custom building. The retail sale occurs at the time the customer is billed for the construction. The fee is charged and reported with the first progress payment after the masonry fireplace has been substantially completed. If a general or prime contractor subcontracts the work on a custom building to a masonry or other contractor, the general or prime contractor may give the masonry or other subcontractor a (~~resale certificate~~) reseller permit. The general or prime contractor is responsible to collect the fee and pay it to the department of revenue. The fee is reported on the combined excise tax return.

(iii) A general or prime contractor building a speculation building. The fee is required to be paid at the time the fireplace is complete. The fee must be reported to the department of revenue on a combined excise tax return and paid to the department of revenue. If the prime or general contractor subcontracts the building of the masonry fireplace to a masonry contractor or other subcontractor, the general or prime contractor may not give a (~~resale certificate~~) reseller permit to the masonry or other subcontractor. The masonry or other subcontractor must collect and pay the fee to the department of revenue as provided in (c)(i) of this subsection.

(d) Procedures for all other solid fuel burning devices. Collected by the retailer at the time of sale and remitted to the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW.

(3) If the retailer or contractor fails to collect and remit the fee to the department of revenue as prescribed in chapter 82.08 RCW, the retailer or contractor shall be personally liable to the state for the amount of the fee, with subsequent actions taken in accordance with the collection provisions of chapter 82.32 RCW.

(4) Beginning July 1, 1990, and each calendar quarter thereafter, the funds collected under RCW 70.94.483 shall be used solely for the purposes of public education and enforcement of the solid fuel burning device program. The department shall distribute the funds from the woodstove education and enforcement account as follows:

(a) Sixty-six percent of the funds shall be distributed to those local air authorities with enforcement programs, based upon the fraction of the total state population residing in the counties within their respective jurisdictions. Population figures used to establish this fraction shall be determined by the office of financial management. Where an activated local air authority does not exist or does not implement an enforcement program, or elects not to receive the funds, ecology shall retain the funds that would otherwise be distributed under this subsection; and

(b) Thirty-four percent of the funds shall be distributed to ecology for the purposes of enforcement and educating the public about:

(i) The effects of solid fuel burning device emissions upon health and air quality; and

(ii) Methods of achieving better efficiency and emission performance from solid fuel burning devices.

AMENDATORY SECTION (Amending Order 06-14, filed 5/3/07, effective 6/3/07)

WAC 173-455-120 New source review fees. ~~((1) Applicability. Every person required to submit a notice of construction application to the department of ecology as authorized in RCW 70.94.152 for establishment of any proposed new source or emissions unit(s) shall pay fees as set forth in subsections (2) and (3) of this section. Persons required to submit a notice of construction application to a local air authority may be required to pay a fee as required by the local permitting authority. Persons required to submit a notice of construction application to a local air authority may be required to pay a fee to ecology to cover the costs of review pursuant to WAC 173-400-720, second tier analysis pursuant to WAC 173-460-090, and risk management decisions pursuant to WAC 173-460-100 as set forth in subsection (3) of this section. Fees assessed under this section shall apply without regard to whether an order of approval is issued or denied.~~

~~(2) Basic review fees. All owners or operators of proposed new sources are required to pay a basic review fee. The basic review fee covers the costs associated with preapplication assistance, completeness determination, BACT determination, technical review, public involvement and approval/denial orders. Complexity determination shall be based on the project described in the notice of construction application. The basic review fees are either (a) or (b) of this subsection:~~

~~(a) Basic new source review fees.~~

Source type	Clarifying criteria	Fee
Basic Review Fees		
Low complexity source	Emissions increase of individual pollutants are all less than one-half of the levels established in the definition of "emission threshold" in WAC 173-400-030, or emissions increase of individual toxic air pollutants are all less than 2.0 tons/year	\$1250
Moderate complexity	Emissions increase of one or more individual pollutants are greater than one-half of, and less than, the levels established in the definition of "emission threshold" in WAC 173-400-030, or	\$8000

Source type	Clarifying criteria	Fee
	emissions increase of one or more toxic air pollutants are greater than 2.0 tons/year and less than 10.0 tons/year	
High complexity	Emissions increase of one or more pollutants are greater than the levels established in the definition of "emission threshold" in WAC 173-400-030, or emissions increase of one or more toxic air pollutants are greater than 10.0 tons/year	\$18,000

~~(b) New source review fees for specific source categories.~~

Source type	Clarifying criteria	Fee
Dry cleaners		\$250
Gasoline stations		\$250
Storage tanks		
	< 20,000 gallons	\$250
	20,000—100,000 gallons	\$650
	> 100,000 gallons	\$900
Chromic acid plating and anodizing identified in WAC 173-460-060		\$250
Solvent metal cleaners identified in WAC 173-460-060		\$250
Abrasive blasting identified in WAC 173-460-060		\$250
New emission units or activities that qualify as insignificant emission units under WAC 173-401-530 whether located at a chapter 173-401 WAC source or nonchapter 173-401 WAC source		\$250
Application for coverage under a general order of approval	WAC 173-400-560 and criteria included in a specific general order of approval	\$500
Nonroad engines		

Source type	Clarifying criteria	Fee
Less than a total of 500 installed horsepower		\$500
More than 500 horsepower and less than a total of 2000 installed horsepower		\$900
More than 2000 horsepower and less than a total of 5000 installed horsepower		\$2000
More than 5000 horsepower and less than a total of 10,000 installed horsepower		\$4000
More than a total of 10,000 installed horsepower		\$7500

(e) Additional units. An owner or operator proposing to build more than one identical emission unit shall be charged a fee for the additional units equal to one-third the basic review fee of the first unit.

(3) Additional charges. In addition to those fees required under subsection (2)(a) through (e) of this section, the following fees will be required as applicable:

(a) Major NSR actions under WAC 173-400-720 and 173-400-112.

Activity	Clarifying criteria	Fee
Prevention of significant deterioration review or increase in a PAL limitation	WAC 173-400-720	\$15,000
Establishing LAER and offset requirements	WAC 173-400-112	\$10,000
Establishing or renewal of clean unit status	Per 40 CFR 52.21(y)	\$1500
Pollution control project approval	Per 40 CFR 52.21(z)	\$1500
Establishment of a PAL	Per 40 CFR 52.21(aa)	\$4000
Renewal of a PAL	Per 40 CFR 52.21(aa)	\$4000
Expiration of a PAL	Per 40 CFR 52.21(aa)	\$12,000
PSD permit revisions		
All except administrative	WAC 173-400-750	\$10,000
Administrative revisions	WAC 173-400-750	\$1500

(b) Other actions:

Activity	Clarifying criteria	Fee
Tier II toxic air pollutant impact review		\$10,000
Tier III toxic air pollutant impact review		\$10,000
Case by case MACT determinations		\$12,500
Fossil-fueled electric generating unit	Applicability criteria found in chapter 80.70-RCW	Fees listed in rule implementing RCW 70.94.892 and chapter 80.70-RCW
Changes to existing orders of approval, Tier I review, Tier II review, or other action identified above:		
Activity		Fee
Modification to order of approval		50% of the fee charged in WAC 173-455-120 (2)(a)
Modification of Tier II approval		50% of the fee charged in WAC 173-455-120 (2)(b)

(4)) (1) General requirements.

(a) The fees in this section apply to:

(i) Permit applications received on or after July 1, 2011.

(ii) Requests for ecology review of other actions covered by this section received by ecology on or after July 1, 2011.

(b) Components of permitting fees. Permit fees include initial fees and may include an hourly fee. The initial fee covers up to the number of review hours specified in each fee in this section.

(c) A project may be subject to multiple fees. For example, a project may be subject to both minor and major new source review permit fees and second or third tier review.

(d) An applicant must submit initial fees with an application, notice, or request. An application, notice or request is incomplete until initial fees have been paid.

(i) For purposes of WAC 173-400-111(1), initial fees are considered application fees.

(ii) If ecology determines a project is complex after an applicant submitted the basic project initial fee, then the application is incomplete until the applicant pays the initial complex project fee.

(iii) If ecology determines that a higher initial fee is due after an applicant submitted an application or request, the application or request is considered incomplete until the applicant pays the new initial fee.

(e) If the initial fee paid by an applicant does not cover the cost of processing the application, notice or request, then ecology shall assess a fee based on the actual costs for review in excess of the hours specified in each fee. The assessed fee must be a rate of ninety-five dollars per hour of ecology staff time expended.

(f) Ecology cannot finalize an action covered under this section until all fees are paid. (WAC 173-400-111(3).)

(g) An applicant must pay fees that are due by invoice from ecology within thirty days from the date of the invoice. Ecology will cease processing all applications for which the required fees have not been received within thirty days of an invoice.

(h) At the time of filing, an applicant must pay all delinquent air quality fees associated with the facility. This is in addition to the fees required by this section. Delinquent fees may include, but are not limited to, registration fees, civil penalties awarded to ecology, or other outstanding fees due under this section.

(i) All fees collected under this rule must be made payable to the department of ecology.

(j) Fees assessed under this section apply without regard to whether ecology approves or denies a request.

Permit fees.

Minor new source review.

(2) Review of new source or modification of an existing source with an emissions increase. (WAC 173-400-110 and 173-400-110(3).)

(a) Basic project: One thousand five hundred dollars plus an hourly rate of ninety-five dollars after sixteen hours.

This fee covers up to sixteen hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above sixteen hours.

(b) Complex project: Ten thousand dollars plus an hourly rate of ninety-five dollars after one hundred six hours.

(i) This fee covers up to one hundred six hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred six hours.

(ii) An application is considered complex if the emissions associated with the application include at least one pollutant for which emissions increases are greater than the levels in the following table:

Emission threshold table (WAC 173-400-030).

Air Contaminant	Annual Emission Rate
Carbon monoxide	100 tons per year
Nitrogen oxides	40 tons per year
Sulfur dioxide	40 tons per year
Particulate matter (PM)	25 tons per year of PM emissions
	15 tons per year of PM ₁₀ emissions
	10 tons per year of PM _{2.5} emissions
Volatile organic compounds	40 tons per year
Fluorides	3 tons per year
Lead	0.6 tons per year
Sulfuric acid mist	7 tons per year
Hydrogen sulfide (H ₂ S)	10 tons per year

Air Contaminant	Annual Emission Rate
Total reduced sulfur (including H ₂ S)	10 tons per year
Reduced sulfur compounds (including H ₂ S)	10 tons per year

(ii) Ecology may determine that a project is complex based on consideration of factors that include, but are not limited to:

(A) Number and complexity of emission units;

(B) Volume of emissions, including toxicity of emissions;

(C) Amount and complexity of modeling; or

(D) Number and kind of applicable state and federal requirements.

(3) Change to an existing order of approval. (WAC 173-400-111(8).)

(a) Ecology will not charge a fee for correcting a mistake by ecology in a permit.

(b) Administrative or simple change: Two hundred dollars plus an hourly rate of ninety-five dollars after three hours.

(i) This fee covers up to three hours of staff time to review the request and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above three hours.

(ii) An administrative or simple change means:

(A) An action not subject to a mandatory public comment period in WAC 173-400-171; and

(B) The reissued approval order requires one hour or less of engineering evaluation and no physical modification of equipment; and

(C) Changes in permit conditions are based on actual operating conditions and the operating conditions require one hour or less of engineering evaluation and the change does not cause a change in allowable emissions.

(c) Complex changes: Eight hundred seventy-five dollars plus an hourly rate of ninety-five dollars after ten hours.

(i) This fee covers up to ten hours of staff time to review the request and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above ten hours.

(ii) This fee excludes an administrative or simple change and changes to an existing permit that result in an emissions increase.

(iii) Examples of complex changes include, but are not limited to:

(A) Changes requiring more than one hour of engineering review;

(B) Consolidation of permits not allowed under simple change;

(C) Request for review of a permit action that is exempt under WAC 173-400-110(5) (Table 110(5) emission-based exemption levels); or

(D) Changes requiring mandatory public comment under WAC 173-400-171.

(d) The fee for a permit modification (as defined in WAC 173-400-030) is located in subsection (2)(a) or (b) of this section.

(4) Request to extend approval to construct or modify a stationary source issued under minor new source review that is set to expire (WAC 173-400-111(7)): One hundred dollars.

An applicant may request an eighteen-month extension of an approval to construct.

(5) Review of general order of approval (WAC 173-400-560).

(a) Category A general order.

(i) SEPA review complete: Five hundred dollars.

(ii) SEPA review required: Seven hundred eighty-five dollars.

(iii) Category A consists of the following general order of approval, including any subsequent updating or replacement:

(A) Concrete batch plants (No. 08-AQG-002);

(B) Diesel-powered emergency electrical generators (No. 06-AQG-006);

(C) Rich burn, spark ignition, gaseous fossil fuel-powered emergency electrical generators (No. 06-AQG-005);

(D) Perchloroethylene dry cleaners using less than 2100 gallons per year (No. 06-AQG-003);

(E) Rock crusher, stationary (06-AQG-004);

(F) Rock crusher, portable (07-AQG-001);

(G) Small water heaters and steam generating boilers (No. 08-AQG-003); and

(H) Automobile body repair and refinishing shops (No. 08-AQG-001).

(b) Category B general order.

(i) SEPA review complete: Eight hundred seventy-five dollars.

(ii) SEPA review required: One thousand one hundred sixty dollars.

(iii) Category B includes a general order of approval developed on or after January 1, 2011. This covers, but is not limited to, portable and stationary asphalt plants (No. 10AQ-G0-01).

(6) Review of relocation of portable source under WAC 173-400-036, 173-400-110 or 173-400-560.

(a) This fee applies to a portable source who intends to relocate in ecology's jurisdiction with an approval order from another permitting authority.

(i) SEPA review complete: One hundred fifty dollars.

(ii) SEPA review required: Four hundred thirty-five dollars.

(b) This fee applies to a portable source who intends to relocate in ecology's jurisdiction and has operated under an ecology issued approval order or is approved for coverage under an ecology issued general order of approval.

(i) SEPA review complete: No fee.

(ii) SEPA review required: Two hundred eighty-five dollars.

(7) Request to establish a voluntary emission limit (WAC 173-400-091): Five hundred dollars plus an hourly rate of ninety-five dollars after six hours.

(a) This fee covers up to six hours of staff time to review the request and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above six hours.

(b) This fee applies to a regulatory order issued under WAC 173-400-091 that places a limit on emissions.

(i) This fee applies to a request to establish the emission limit in a stand-alone regulatory order.

(ii) This fee does not apply when an emission limit is included as a condition in an approval order for a notice of construction application.

(8) Request to replace or substantially alter control technology: Refer to WAC 173-455-100(4) for fee schedule.

Major new source review preapplication and permit fees.

(9) Request for a written prevention of significant deterioration applicability determination (WAC 173-400-720): Five hundred dollars plus an hourly rate of ninety-five dollars after six hours.

This fee covers up to six hours of staff time to review the request and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above six hours.

(10) Prevention of significant deterioration (PSD) (WAC 173-400-720 and 173-400-730).

(a) PSD permit application: Fifteen thousand dollars plus an hourly rate of ninety-five dollars after one hundred fifty-eight hours.

This fee covers one hundred fifty-eight hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred fifty-eight hours.

(b) PSD permit application where greenhouse gases are the sole PSD pollutant being reviewed: Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours.

This fee covers seventy-nine hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

(11) Revision to a prevention of significant deterioration permit (WAC 173-400-750).

(a) Administrative revision as defined in WAC 173-400-750(3): One thousand nine hundred dollars plus an hourly rate of ninety-five dollars after twenty hours.

This fee covers twenty hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above twenty hours.

(b) All other revisions (except major modification): Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours.

This fee covers seventy-nine hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

(c) The fee for a major modification of a PSD permit (as defined in WAC 173-400-720) is located in subsection (10)(a) of this section.

(12) Request to extend the following major source approvals that are set to expire: Five hundred dollars. This provision applies to each of the following:

- (a) PSD permit, including a major modification;
- (b) PSD permit revision;
- (c) Approval order for major source nonattainment area permitting; and
- (d) A change to an approval order for major source non-attainment area permitting.

(13) Nonattainment area major new source review.

(a) A notice of construction application subject to WAC 173-400-830: Fifteen thousand dollars plus an hourly rate of ninety-five dollars after one hundred fifty-eight hours.

This fee covers one hundred fifty-eight hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred fifty-eight hours.

(b) Change to an approval order issued under WAC 173-400-830:

(i) Request to change permit conditions under WAC 173-400-111(8) that is not subject to mandatory public comment in WAC 173-400-171: One thousand nine hundred dollars plus an hourly rate of ninety-five dollars after twenty hours.

This fee covers twenty hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above twenty hours.

(ii) All other permit changes (except major modification): Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours.

This fee covers seventy-nine hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

(iii) The fee for a major modification (as defined in WAC 173-400-810) of an approval order is located in subsection (13)(a) of this section.

(14) Plant-wide applicability limits (WAC 173-400-720).

(a) Request to establish new plant-wide applicability limits: Fifteen thousand dollars plus an hourly rate of ninety-five dollars after one hundred fifty-eight hours.

This fee covers up to one hundred fifty-eight hours of staff time to review the request and establish a plant-wide applicability limit. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above one hundred fifty-eight hours.

(b) All other requests, such as increase or renew plant-wide applicability limits; or process an expired plant-wide applicability limit: Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours.

This fee covers up to seventy-nine hours of staff time to increase, renew or process a retired plant-wide applicability limit. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above seventy-nine hours.

Other fees.

(15) Second tier review (WAC 173-460-090): Ten thousand dollars plus an hourly rate of ninety-five dollars after one hundred six hours.

(a) This fee covers up to one hundred six hours of staff time to evaluate the health impact assessment protocol and second tier petition, and make a recommendation. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the second tier petition above one hundred six hours.

(b) A second tier petition that becomes subject to third tier review during the course of evaluation continues as a second tier petition for billing purposes. Staff must sum the time spent on this petition and bill the applicant if the total hours exceed one hundred six hours.

(16) Third tier review (WAC 173-460-100): Ten thousand dollars plus an hourly rate of ninety-five dollars after one hundred six hours.

(a) This fee covers up to one hundred six hours of staff time to evaluate the health impact assessment protocol and third tier petition, and make a recommendation. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the second tier petition above one hundred six hours.

(b) This fee does not apply to a second tier petition that becomes a third tier petition.

(17) Ecology may enter into a written cost-reimbursement agreement with an applicant as provided in RCW 70.94.085. Ecology will be reimbursed at a rate of ninety-five dollars per hour.

(18) Small business fee reduction. The new source review fee identified in subsections (2) ~~(and (3))~~ through (7) of this section may be reduced for a small business.

(a) To qualify for the small business new source review fee reduction, a business must meet the requirements of "small business" as defined in RCW 19.85.020. In RCW 19.85.020, "small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(b) To receive a fee reduction, the owner or operator of a small business must include information in the application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:

(i) By an authorized corporate officer in the case of a corporation;

(ii) By an authorized partner in the case of a limited or general partnership; or

(iii) By the proprietor in the case of a sole proprietorship.

(c) Ecology may verify the application information and, if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.

(d) For small businesses determined to be eligible under (a) of this subsection, the new source review fee shall be reduced to the greater of:

(i) Fifty percent of the new source review fee; or

(ii) Two hundred fifty dollars.

(e) If, due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an

extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the new source review fees through to customers; and average annual profits. In no case will a new source review fee be reduced below one hundred dollars.

~~((5))~~ (19) Fee reductions for pollution prevention initiatives. Ecology may reduce the fees defined in subsections (2) ~~(and (3))~~ through (7) of this section where the owner or operator of the proposed source demonstrates that approved pollution prevention measures will be used.

~~((6))~~ Fee payments. Fees specified in subsections (2) through (5) of this section shall be paid at the time a notice of construction application is submitted to the department. A notice of construction application is considered incomplete until ecology has received the appropriate new source review payment. Additional charges assessed pursuant to subsection (3) of this section shall be due thirty days after receipt of an ecology billing statement. All fees collected under this regulation shall be made payable to the Washington department of ecology.

~~(7)~~ Dedicated account. All new source review fees collected by the department shall be deposited in the air pollution control account.

~~(8))~~ (20) Tracking revenues, time, and expenditures. Ecology ~~(shall)~~ must track revenues collected under this subsection on a source-specific basis. ~~(Ecology shall track time and expenditures on the basis of complexity categories.~~

~~(9))~~ (21) Periodic review. To ensure that fees cover the cost of processing the actions in this section, ecology shall review and ~~(, as appropriate,)~~ update this section ~~((at least once every two years))~~ as necessary.

AMENDATORY SECTION (Amending Order 06-14, filed 5/3/07, effective 6/3/07)

WAC 173-455-140 ~~((Portable and temporary source))~~ **Nonroad engine permit fee.** The department shall charge a fee of ~~((sixty-five))~~ ninety-five dollars per hour to process ~~((and write a portable or temporary source permit issued))~~ a notification of intent to operate under WAC 173-400-035.

WSR 11-12-078
PERMANENT RULES
DEPARTMENT OF
EARLY LEARNING

[Filed May 31, 2011, 2:43 p.m., effective July 1, 2011]

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

Purpose: Revising sections of chapter 170-290 WAC for the seasonal child care (SCC) subsidy program.

The department of early learning (DEL) is revising rules in chapter 170-290 WAC regarding implementation of the

SCC subsidy program. Two sections of Part I are amended, and all sections of Part III of this chapter are revised (amended or repealed). The rules:

1. Will allow DEL to limit consumer entry into SCC if needed to keep the program within available funds;

2. Note that responsibility for processing applications for SCC and determining family eligibility for subsidy benefits has been transferred from contracted local agencies to the department of social and health services (DSHS); and

3. Where appropriate, align SCC eligibility standards, eligibility determination, and appeal rights with those for the working connections child care (WCCC) subsidy program to streamline program administration.

SCC helps eligible parents pay for child care while the parents work in season [seasonal] agricultural harvesting or processing. The program was suspended in January 2011, when it ran out of funds for state fiscal year (SFY) 2011. DEL plans to reopen to SCC applications to families in July 2011, with SFY 2012 funding. To avoid running short of SCC funds, DEL or DSHS may limit program enrollment, create priority lists or create waiting lists. Shifting SCC administration to DSHS was done in response to Executive Order 10-04 requiring DEL and other state agencies to reduce state general fund expenditures on an emergency basis to avoid a [an] SFY 2011 budget deficit. This change saved an estimated \$250,000 in SFY 2011 and will save about \$1 million per year in future fiscal years.

Citation of Existing Rules Affected by this Order: Repealing WAC 170-290-3510, 170-290-3670, 170-290-3820 and 170-290-3830; and amending WAC 170-290-0002, 170-290-0003, 170-290-3501, 170-290-3520, 170-290-3530, 170-290-3540, 170-290-3550, 170-290-3555, 170-290-3560, 170-290-3565, 170-290-3570, 170-290-3580, 170-290-3590, 170-290-3610, 170-290-3620, 170-290-3630, 170-290-3640, 170-290-3650, 170-290-3660, 170-290-3665, 170-290-3690, 170-290-3730, 170-290-3750, 170-290-3760, 170-290-3770, 170-290-3790, 170-290-3840, 170-290-3850, 170-290-3855, 170-290-3860, and 170-290-3865.

Statutory Authority for Adoption: RCW 43.215.060, 43.215.070, chapter 43.215 RCW.

Adopted under notice filed as WSR 11-08-009 on March 29, 2011.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

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 31, Repealed 4.

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 31, Repealed 4.

Date Adopted: May 31, 2011.

Elizabeth M. Hyde
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 11-13 issue of the Register.

WSR 11-12-079
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 31, 2011, 2:57 p.m., effective July 1, 2011]

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

Purpose: WAC 181-82A-208 amended to permit a national certification a [and] meeting the requirements for the orientation and mobility endorsement.

Citation of Existing Rules Affected by this Order:
Amending WAC 181-82A-208.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 11-07-053 on March 17, 2011.

Changes Other than Editing from Proposed to Adopted Version: Board eliminated option to obtain endorsement by attending program, accepting only the national certificate.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

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 1, 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 5, 2011.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 10-17-015, filed 8/5/10, effective 9/5/10)

WAC 181-82A-208 Specialty endorsements. The following specialty endorsements may be added to an existing endorsed teaching certificate:

(1) Deaf education (per RCW 28A.410.225).

(a) This specialty endorsement is required for teachers who will be working almost exclusively with students who are deaf or hard of hearing.

(b) Program requirements are waived and this specialty endorsement granted if a candidate possesses a baccalaureate or master's degree in deaf education from a teacher training program approved by the council on education of the deaf.

(2) Environmental and sustainability education.

(3) Teacher of the visually impaired.

(4) Orientation and mobility teacher. Program requirements are waived and this specialty endorsement granted if a teacher possesses an orientation and mobility specialist certificate from the academy for certification of vision rehabilitation and education professionals.

(5) Gifted education.