

Washington State Register

March 19, 2003

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IN THIS ISSUE

Aging and Disability Services Administration
Agriculture, Department of
Asparagus Commission
Attorney General's Office
Bates Technical College
Bellingham Technical College
Children's Administration
Eastern Washington University
Ecology, Department of
Economic Services Administration
Education, State Board of
Employment Security Department
Fish and Wildlife, Department of
Forest Practices Board
Gambling Commission
Health and Rehabilitative Services
Administration
Health Care Authority
Health, Department of
Health, State Board of
Higher Education Coordinating Board

Horse Racing Commission
Interagency Committee, Office of the
Labor and Industries, Department of
Licensing, Department of
Marine Employees' Commission
Medical Assistance Administration
Olympic Region Clean Air Agency
Outdoor Recreation, Interagency Committee for
Pharmacy, Board of
Pilotage Commissioners, Board of
Pollution Control Hearings Board
Public Employees Benefits Board
Puget Sound Clean Air Agency
Retirement Systems, Department of
Revenue, Department of
Seattle Community Colleges
Secretary of State
Skagit Valley College
Social and Health Services, Department of
Transportation, Department of
Washington State Patrol

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of March 2003 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

2002-2003

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

ERRATUM

In the preproposal statement of inquiry filed by the Department of Agriculture as WSR 03-03-121 on January 22, 2003, there was a clerical error. In the paragraph entitled "Subject of Possible Rule Making," the percentage number following "fiscal year 2004" was incorrectly stated as 3.29% instead of 3.2%. The internet copy of this document has been corrected.

WSR 03-06-021**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed February 24, 2003, 9:24 a.m.]

Subject of Possible Rule Making: Promotions for gambling activities and transporting bingo players.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, rules limit bingo licensees in their ability to bus bingo players to their games. Under review is whether restricting transporting of players is still needed. Additionally, a promotions for gambling activities rules package was adopted at the May 2002, commission meeting and this package will streamline any remaining rules that were not adopted last May.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: Best Western Aladdin Motor Inn, 900 South Capitol Way, Olympia, WA 98501, (360) 352-7200, on March 13 and 14, 2003; at the Hampton Inn/Foxhall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on April 10 and 11, 2003; and at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711, on May 8 and 9, 2003.

February 21, 2003

Susan Arland

Rules Coordinator

WSR 03-06-031**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 26, 2003, 12:11 p.m.]

Subject of Possible Rule Making: Disability payments.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Disability payments are authorized under RCW 77.12.264, but no mechanism for establishing eligibility is included in the statute. Rules are necessary for this purpose.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by April 17, 2003, expected proposal filing on or after April 18, 2003.

February 26, 2003

Evan Jacoby

Rules Coordinator

WSR 03-06-032**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 26, 2003, 12:13 p.m.]

Subject of Possible Rule Making: Special hunting permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules allow bonus points for information regarding killing big game and endangered species. This should be expanded to include attempting to kill such species.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by April 17, 2003, expected proposal filing on or after April 18, 2003.

February 26, 2003

Evan Jacoby

Rules Coordinator

WSR 03-06-033**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 26, 2003, 12:14 p.m.]

Subject of Possible Rule Making: Wildlife possession.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Moose, like deer and elk, shed their antlers. The current rule only allows possession of shed deer and elk antlers, and could be modified to include moose.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by April 17, 2003, expected proposal filing on or after April 18, 2003.

February 26, 2003

Evan Jacoby
Rules Coordinator

WSR 03-06-034**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed February 26, 2003, 1:19 p.m.]

The Department of Ecology will be withdrawing a CR-101, WSR 99-19-122, filed September 21, 1999.

The subject of this CR-101 was the development by ecology of new, or enhanced, measures to improve the safety of marine transportation, and response to vessel emergencies and oil spills. These measures would only apply to Washington waters in the Strait of Juan de Fuca and Northern Puget Sound. The department is withdrawing this CR-101 because the subject matter is too broad and rule making by the department concerning oil spill contingency planning more specifically addresses some of the issues identified. The WSR number for this new CR-101 is WSR 00-05-096.

Dale Jensen
Program Manager
Spills Prevention, Preparedness
and Response Program

WSR 03-06-035**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed February 26, 2003, 1:20 p.m.]

The Department of Ecology will be withdrawing a CR-101, WSR 99-21-100, chapter 173-537 WAC, Water resources management program for the Yakima River basin, Water Resource Inventory Areas 37, 38, and 39.

The department is withdrawing this because adoption of the moratorium is no longer timely in the context of the ground water study now underway and is not required to fulfill the substance of the agreement among the Yakama Nation, United States Bureau of Reclamation, and ecology as was contemplated at the time of signing the MOA in 1999. Ecology has discussed this issue with both the Yakama Nation Council and with the area and regional managers in the Bureau of Reclamation.

Linda Hoffman
Deputy Director

WSR 03-06-051**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed February 28, 2003, 11:34 a.m.]

The State Board of Health is withdrawing the CR-101 for chapter 246-100 WAC, which was filed April 26, 2002, and published in WSR 02-10-066. The original proposal was to develop a rule enabling the state health officer to declare a shortage in vaccine so that schools and licensed day care facilities could allow children who are not fully immunized to attend school. Since the filing of WSR 02-10-066, the vaccine shortage has ended. For this reason the CR-101 for chapter 246-100 WAC is no longer needed.

Individuals requiring information on this rule should contact Margaret Hansen, Immunization Program Manager, at (360) 236-3568.

Don Sloma
Executive Director

WSR 03-06-055**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed February 28, 2003, 4:48 p.m.]

Subject of Possible Rule Making: Children's medical eligibility, WAC 388-505-0210.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Add language that was inadvertently deleted.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, e-mail scotsjk@dshs.wa.gov, fax (360) 586-0910, TDD 1-800-848-5429.

February 28, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations. DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

February 28, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-06-056

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 28, 2003, 4:50 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs plans to amend the following rules to update program language and clarify who in a residence must be in a client's assistance unit for Washington basic food program: WAC 388-408-0034 What is an assistance unit for food assistance?, 388-408-0035 Who is in my assistance unit for food assistance?, 388-408-0040 How does living in an institution affect my eligibility for food assistance?, 388-408-0045 Am I eligible for food assistance if I live in a shelter for battered women and children?, and 388-408-0050 Does the department consider me homeless for food assistance benefits?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must adopt rules to be consistent with federal regulations for food stamps. This revision is intended to update the language of department rules to clarify requirements for clients and department staff to assist in consistent statewide application of policy for the Washington basic food program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the federal register. Rules published in the federal register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative

WSR 03-06-057

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 28, 2003, 4:51 p.m.]

Subject of Possible Rule Making: The DSHS Division of Employment and Assistance Programs will amend WAC 388-450-0080 What is self-employment income? and any related rules to clarify which paid work activities meet the definition of self-employment income for TANF/SFA, GA, RCA, basic food, and medical programs for children, pregnant women and families.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must adopt rules to be consistent with federal regulations for food stamps. Questions from department staff have indicated a need to clarify department rules to ensure consistent statewide treatment of income of a client who is self-employed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the federal register. Rules published in the federal register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations. DSHS incorporates these regulations and exercises state

options by adopting administrative rules for food assistance benefits in Washington state.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

February 28, 2003

Bonita H. Jacques
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-06-058

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed February 28, 2003, 4:52 p.m.]

Subject of Possible Rule Making: WAC 388-478-0075 Standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment is necessary to adopt new federal poverty level (FPL) standards effective April 1, 2003.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: These standards comply with those published by the United States Department of Health and Human Services in the federal register on February 7, 2003.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360)

725-1330, e-mail scotsjk@dshs.wa.gov, fax (360) 586-0910, TDD 1-800-848-5429.

February 28, 2003

Bonita H. Jacques
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-06-081

PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD

[Filed March 4, 2003, 2:00 p.m.]

Subject of Possible Rule Making: Amend and repeal rules determining student residency status for tuition purposes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify and strengthen rules regarding the determination of student residency status, including:

- General level of proof required.
- Supporting documentation.
- Proof of financial dependence.
- Proof of financial independence.
- Establishment of domicile.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nina Oman, Associate Director, Policy and Fiscal, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail ninao@hecb.wa.gov, phone (360) 753-7855, fax (360) 704-6255.

March 3, 2003

Nina Oman
Associate Director
Policy and Fiscal

WSR 03-06-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed March 5, 2003, 9:01 a.m.]

Subject of Possible Rule Making: Emergency payments for defined contribution moneys.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.34.070(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 41.34.070(3) allows a member with a terminal illness who terminates from employment to withdraw his or her account balance as a lump sum

payment based on the most recent valuation in order to expedite the distribution. The Department of Retirement Systems (DRS) is considering proposing a new or amended WAC to set forth its interpretation and practice regarding this statute.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the Rules Coordinator, below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

March 4, 2003

Merry A. Kogut
Rules Coordinator



WSR 03-06-002
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed February 19, 2003, 3:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-13-116.

Title of Rule: Suspicious transactions.

Purpose: The purpose of the proposed rule is to set criteria for reporting suspicious transactions involving ephedrine, pseudoephedrine, and phenylpropanolamine. The proposed rule will help eliminate methamphetamine laboratories in Washington state.

Statutory Authority for Adoption: RCW 69.43.035, 18.64.005(7).

Statute Being Implemented: RCW 69.43.035.

Summary: The proposed rule sets criteria for reporting suspicious transactions involving ephedrine, pseudoephedrine, and phenylpropanolamine. These drugs are used to manufacture methamphetamine.

Reasons Supporting Proposal: In 2001, the Washington state legislature enacted legislation mandating that the Board of Pharmacy develop criteria to identify suspicious transactions involving ephedrine, pseudoephedrine, and/or phenylpropanolamine.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald Williams, 1300 Quince Street S.E., P.O. Box 47863, Olympia, WA 98504-7863, (360) 236-4828.

Name of Proponent: Department of Health, Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule sets the criteria for reporting a suspicious transaction of ephedrine, pseudoephedrine, and/or phenylpropanolamine. These drugs are used in the manufacturing of methamphetamine. The purpose of the rule is to identify suspicious transactions. Department of Health staff will investigate violations of the law restricting the sale of these drugs. The Board of Pharmacy will take action against the license of any manufacturer or wholesaler who is found in violation of the rule. The anticipated effect is to protect public health by eliminating methamphetamine labs.

Proposal Changes the Following Existing Rules: The proposed rule establishes a new section that sets the criteria for identifying a suspicious transaction.

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

Revised Small Business Economic Impact Statement

I. What does the rule or rule amendment require?

The proposed rule requires wholesalers to report to the Board of Pharmacy any suspicious sales of precursors. Precursors are substances often used by illegal drug labs to manufacture illicit drugs like methamphetamine. Sales are considered suspicious when they are unusual according to such factors as

the amount involved, method of payment, or the method of delivery. The rule also requires wholesalers to report sales whenever a customer's purchase of precursors are more than 10% of total purchases in any calendar month.

II. What industries (4 digit table here) are affected?

The rule affects businesses in SIC 5122 - Drugs, proprietaries, and sundries. Specifically, it affects the ninety-five over-the-counter (OTC) wholesalers licensed by the Board of Pharmacy.

III. What are the costs (lists and tables)? The Department of Health surveyed all OTC wholesalers (ninety-five) and used the thirty-six responses to estimate the costs of the rule.

The majority of businesses responding to the survey reported they did not sell precursor products or would discontinue such sales. A few shops reported they would change some business practices to avoid having to report under the rule. The average cost of compliance for OTC wholesalers selling precursor products would be \$1,416 per year.

The rule will have no impact on 58% of the businesses surveyed because they do not sell precursor products, will discontinue such sales, or have such stringent controls in place as to eliminate the need for reporting.

The following list of provisions indicates the costs by type for each part of the rule.

- **Reporting:**
 Firms will incur a monthly cost to comply with the rule.
 Firms must calculate the monthly percentage of precursor sales for each customer. The average estimated cost was \$1035 per year.

Firms must prepare and submit a monthly report to the Board of Pharmacy. The average estimated cost was \$381 per year.

- **Computer Equipment and Software:**
 The proposed rule does not require the purchase of equipment. Companies with computerized sales and inventory systems, however, will spend much less than the average time to report suspicious sales.

IV. Is the cost disproportionate? This rule has been reviewed and has been found to have a disproportionate impact on small businesses.

Average employment in SIC 5122 does not reflect the likely pattern of employment among the OTC wholesalers affected by this rule. The firms affected by this rule are typically single proprietors employing one or two family members. Several of the small firms reported that they sold only precursor products. These firms also estimated a much higher than average time needed to report suspicious precursor sales. The large businesses we contacted reported that the rule would not affect them because precursor products made up a small percentage of their sales.

Worst case analysis for SIC Code 5122
 Drugs, proprietaries, and sundries

	Small Business	Large Business
Average Employment	4.9	83.4
Average cost per employee	\$287	\$17

PROPOSED

V. What cost minimizing features were included?

The rule places minimal reporting requirements on businesses. Each business can report the required information in whatever form is least cumbersome, i.e. electronic paper, etc. The criteria for evaluating individual suspicious sales are simple; suspicious sales can be identified at the time of sale. Businesses can take measures to mitigate the impact of the 10% rule, e.g. calculating subtotals for precursors and general products at the time of sale.

VI. Any other mitigation techniques: Any mitigation would represent a danger to public health. The reporting requirements must be uniformly implemented to prevent illicit drug manufacturers from simply limiting their purchases of precursors to wholesalers who report less frequently, report fewer sales, or are simply not required to report.

VII. How will you involve small business in the rule making? Small businesses were invited to participate in stakeholder meetings. Stakeholder meetings were held on July 11 and August 1, 2001, and January 23, 2002.

A copy of the statement may be obtained by writing to Lisa Salmi, Department of Health, Board of Pharmacy, Lisa.Salmi@doh.wa.gov, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4828, fax (360) 586-4359.

RCW 34.05.328 applies to this rule adoption. The rule subjects a violator of the rule to a penalty or sanction.

Hearing Location: WestCoast Hotel at Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, on April 9, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi by April 1, 2003, TDD (800) 833-6388 or (360) 236-4828.

Submit Written Comments to: Lisa Salmi, Department of Health, Board of Pharmacy, Lisa.Salmi@doh.wa.gov, P.O. Box 47863, Olympia, WA 98504-7863, fax (360) 236-4828, by April 1, 2003.

Date of Intended Adoption: April 9, 2003.

January 27, 2003

D. H. Williams

Executive Director

NEW SECTION

WAC 246-889-050 Suspicious transactions. Any manufacturer or wholesaler who sells, transfers, or furnishes any substance specified in RCW 69.43.010(1) or WAC 246-889-020 to any person shall report any suspicious transaction in writing to the state board of pharmacy.

(1) For the purpose of this rule, a "suspicious transaction" is defined as:

(a) Any sale or transfer that would lead a reasonable person to believe that the substance is likely to be used for the purpose of unlawfully manufacturing a controlled substance under chapter 69.50 RCW, based on:

- (i) The amount of the substance involved;
- (ii) The method of payment;
- (iii) The method of delivery; or

(iv) Any past dealings with any participant in the transaction.

(b) The transaction involves payment for any substance specified in RCW 69.43.010(1) or WAC 246-889-020 in cash or money orders in a total amount of more than two hundred dollars.

(c) Any sale or transfer of any substance specified in RCW 69.43.010(1) or WAC 246-889-020 that meets the criteria identifying suspicious orders in Appendix A of the U.S. Department of Justice, Drug Enforcement Administration, Diversion Control Program Report of the Suspicious Orders Task Force. Copies of the publication are available upon request from the state board of pharmacy.

(2) In addition to the above suspicious transaction criteria, the following requirements apply to over-the-counter wholesalers and full-line wholesalers:

(a) An over-the-counter wholesaler shall also use the following formula to identify a suspicious transaction:

(i) Any wholesaler whose individual sale or transfer of any product specified in RCW 69.43.010(1) or WAC 246-889-020 exceeds ten percent of the seller's distribution, during the same calendar month, shall be considered a suspicious transaction (e.g., if a wholesaler sells one thousand dollars' worth of pseudoephedrine tablets during a month in which less than ten thousand dollars of other goods are sold to its customers). In this case, the sales to each of the customers must be reported to the board.

(ii) Any time the value of a sale to a single customer of any product listed in RCW 69.43.010(1) or WAC 246-889-020 exceeds ten percent of the value of the full order shipped to the customer (e.g., if a wholesaler sells an order to a customer which contains one hundred dollars' worth of the pseudoephedrine tablets either alone or along with twenty-five dollars' worth of aspirin tablets).

(b) A full-line wholesaler shall also use the formula listed in Appendix E-3 of the U.S. Department of Justice, Drug Enforcement Administration, Diversion Control Program Report of the Suspicious Orders Task Force to identify a suspicious transaction.

(3) The written report of a suspicious transaction must contain, at a minimum, the following information:

(a) Name, address and phone number of the manufacturer and/or wholesaler making the report;

(b) Name and address of the person or firm receiving the suspicious transaction;

(c) Quantity of substance purchased, transferred, or furnished;

(d) Date of purchase, transfer, or furnish; and

(e) Method of payment of the substance.

WSR 03-06-029

PROPOSED RULES

OLYMPIC REGION

CLEAN AIR AGENCY

[Filed February 25, 2003, 2:32 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amend ORCAA Regulation 1, Article 9
Emission Prohibited, Section 9.01 Open Fires.

Purpose: This change will identify ORCAA as the permitting authority for agricultural burn permits and increase the fee for the permits.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.650.

Summary: This proposal will increase the agricultural burn permit fee for ten acres or less from twenty dollars to twenty-five dollars. Agricultural burns greater than ten acres will be charged \$2.50 per acre.

Reasons Supporting Proposal: WAC 173-430-040 requires the permitting agency to set an appropriate permit fee as part of the public process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Moody, 2940 B Limited Lane N.W., Olympia, WA 98502, (360) 586-1044.

Name of Proponent: Olympic Region Clean Air Agency (ORCAA), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This section of Regulation 1 had not been updated for some time and was no longer in agreement with WAC 173-430-040. This change will clarify that ORCAA is a permitting authority and the permit fee will coincide with the WAC. ORCAA issues few agricultural permits within its jurisdiction. The minimum fee will increase five dollars, which should not be a significant impact to commercial agricultural operations.

Proposal Changes the Following Existing Rules: The regulation will be modified to recognize ORCAA as the permitting authority for agricultural permits within its jurisdiction. It will also increase the fee charged for the permit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the Regulatory Fairness Act, chapter 19.85 RCW, because air pollution control authorities are not deemed state agencies (RCW 70.94.141).

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Olympic Region Clean Air Agency, 2940 B Limited Lane N.W., Olympia, WA 98502, on April 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Craig Weckesser by April 3, 2003, (360) 586-1044 ext. 111.

Submit Written Comments to: Olympic Region Clean Air Agency, 2940 B Limited Lane N.W., Olympia, WA 98502, fax (360) 491-6308, by April 8, 2003.

Date of Intended Adoption: April 9, 2003.

February 19, 2003
Richard Stedman
Executive Director

ARTICLE 9 EMISSION PROHIBITED

AMENDED SECTION

SECTION 9.01 OPEN FIRES

It is the policy of the (~~Olympic Air Pollution Control Authority (OAPCA)~~) Olympic Region Clean Air Agency (ORCAA) to achieve and maintain high levels of air quality, and, to this end, minimize to the greatest extent reasonably possible the burning of open fires. Consistent with this policy, the Board does hereby declare that such fires should be allowed only on a limited basis under strict regulation and close control, such program to be implemented by a one permit system. It is the further policy of the Board to encourage the fostering and development of an alternate technology or method of disposing of wastes which is reasonably economical and less harmful to the environment.

(a) It shall be unlawful for any person to cause or allow any open fire:

(1) Containing prohibited materials which include, but are not limited to, garbage, dead animals, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris, metal or any substance which when burned releases toxic emissions, dense smoke or obnoxious odors.

(2) During an air pollution episode or period of Impaired Air Quality as defined in RCW 70.94.

(3) In a no burn/nonattainment area or in any area which has been designated by the Board or Control Officer as an area exceeding or threatening to exceed State or Federal ambient air quality standards.

(i) It shall be unlawful for any person to cause or allow any open fire described in Section 9.01 (b)(2) and (6) in any area where the Board has prohibited burning.

(ii) Fires described in Section 9.01 are prohibited in the following areas:

All areas within the city limits of Lacey, Olympia, and Tumwater, and unincorporated areas of Thurston county lying within or between the municipal boundaries.

(4) In any area in which the applicable fire district, fire protection agency, city, town, county, or conservation district has determined not to issue burning permits or has determined that selected types of open burning fires are prohibited under a valid burning permit program established pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780.

(5) Within fifty (50) feet of a structure or within five hundred (500) feet of forest slash debris.

(6) In any area within the jurisdiction of this authority all burning requires a permit as covered in WAC 173-425-070.

(7) Urban growth areas and cities with a population of ten thousand or more will ban open burning when alternatives are available, no later than the end of the year 2000.

(8) If open burning creates a nuisance the fire must be extinguished immediately.

(b) Other than the following types:

(1) Recreational fires no larger than four feet in diameter and three feet in height for campfires at designated federal,

PROPOSED

state, county or city parks and recreation areas, provided a written permit has been issued by a fire protection agency, county, or conservation district.

(2) Residential fires set for the disposal of yard and garden refuse (except cut grass) originating on lands immediately adjacent and in close proximity to a human dwelling subject however, to the following restrictions:

(i) There shall be one (1) fire only and it shall not exceed four (4) feet in diameter and three (3) feet in height.

(ii) The material may be burned only if it is of a location, nature and condition to burn without emitting dense smoke or offensive odors or creating a nuisance.

(iii) The fire is to consist only of dry leaves and prunings (except grass cuttings which produce dense smoke), and be burned on such lands by the property owner or their designee under strict conditions such as hours, dates, smoke management, etc., provided a written permit has been issued by a fire protection agency, county, or conservation district (thirty (30) days are the maximum allowed).

(iv) There shall be compliance with all laws and regulations of other governmental agencies regarding such fires.

(v) The fire is not contrary to Section 9.01(a).

(3) Where open burning is allowed a minimum permit (general rule burn) is allowed provided that all restrictions (i through viii) are met.

(i) The fire must be attended at all times by someone with the means and capability of extinguishing the fire.

(ii) Maximum pile size is four (4) feet by four (4) feet by three (3) feet in height.

(iii) Only one pile shall be burned at a time, and each pile must be extinguished before igniting another.

(iv) No material containing garbage, asphalt, dead animals, petroleum products, paints, rubber products, plastic, paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris, metal or any substance which when burned releases toxic emissions, dense smoke or obnoxious odors.

(v) The designated permitting authority must be called to confirm burning conditions for each day or current information on burning conditions must be obtained from another designated source.

(vi) If the fire creates a nuisance, it must be extinguished.

(vii) Permission from a landowner, or owner's designated representative, must be obtained before starting an open fire.

(viii) General rule burn permits under this section may be used for the following number of days per year:

1992-1994	21 days
1995-1998	14 days
1998-1999	7 days
after 2000	7 days

The exact dates to implemented will be determined by the Control Officer.

(4) Burning related to (~~Fire associated with~~) agricultural operations as approved by the agency. (~~for controlling diseases, insects, weed abatement or development of physiological conditions conducive to increased crop yield, pro-~~

~~vided written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is the best management practice, a one-time application fee of twenty dollars is collected, and prior written approval has been issued by the Control Officer.))~~ A permit fee shall accompany the application. For 10 acres (or equivalent) or less the fee is twenty five dollars (\$25.00). For greater than 10 acres (or equivalent) the fee will be two dollars and fifty cents (\$2.50) per acre.

(5) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation area, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources.

(6) Land clearing fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects, (natural vegetation can not be transported from this site to be burned at another location) under strict conditions, such as hours, dates, smoke management, etc., and provided a written permit has been issued by an approved permitting agency (thirty (30) days are the maximum allowed for permit). Land clearing burning permits issued by ~~OAPCA~~ ORCAA will be charged a fee in the amount of one hundred dollars (\$100.00).

(7) Cooking fires consisting solely of charcoal, propane, natural gas or wood (provided that wood is not used in a no burn/nonattainment area) and used solely for the preparation of food.

(8) Fires for Native American ceremonies or for the sending of smoke signals if part of a religious ritual, (provided that proof of tribal affiliation is certified and a permit has been issued by the Control Officer in a no burn area).

(c) Any permit issued may be limited by the imposition of conditions to prevent air pollution as defined in Article 1 of this Regulation. If it becomes apparent at any time to the authorized permitting agent that limitations need to be imposed, the authorized permitting agent shall notify the permittee; and any limitations so imposed shall be treated as conditions under which the permit is issued.

(d) Fires started in violation of this Regulation shall be extinguished by the persons responsible for the same upon notice of the authorized permitting agent.

(e) It shall be prima facie evidence that the person who owns or controls property on which an open fire occurs, has caused or allowed said open fire.

(f) Firemen Training: The Control Officer, or a duly authorized agent may allow, by permit, an open fire necessary for firemen training (other than forest fire training) by a legally authorized fire control agency and may authorize the burning of petroleum products by such permit. Conditions of this permit will agree with guidelines established by the Washington Department of Ecology.

(g) Nothing contained in Article 9 shall be construed to allow open fires in those areas in which open burning is pro-

hibited by laws, ordinances, or regulations of the state or any city, county, or fire district.

(h) Nothing contained in Article 9 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with Section 11.101 of the Uniform Fire Code.

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

WSR 03-06-040
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed February 27, 2003, 8:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-015.

Title of Rule: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Amending WAC 308-56A-065 Vehicles held in trust, 308-56A-075 Multiple legal owners, and 308-56A-455 Assembled and homemade vehicles.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on April 9, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box

2957, Olympia, WA 98507-2957, fax (360) 664-0831, by April 8, 2003.

Date of Intended Adoption: May 6, 2003.

February 26, 2003

Katherine Vasquez

for D. McCurley, Administrator

Title and Registration Services

AMENDATORY SECTION (Amending WSR 01-08-022, filed 3/27/01, effective 4/27/01)

WAC 308-56A-065 Vehicles held in trust. (1) How is a trust shown on a certificate of ownership? (~~Owners who choose to designate the trust on a certificate of ownership may:))~~ A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

(a) (~~Show the registered owner name with))~~ The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee; or

(b) (~~Show the registered owner name with the designation))~~ The trustee(s) name(s) followed by the designation trustee and the name of the trust ((as one owner. If necessary, the name of the trust will be abbreviated to comply with the department's data field size constraints on the automated vehicle field system and space limitations on the certificate of ownership)), i.e., John Doe, trustee John Doe Family Trust; or

(c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

(2) If a vehicle is held in trust, who represents the trust for certificate of ownership transactions? If the vehicle record shows or is to be shown as:

(a) The trustee(s) name(s) only, followed by the designation trustee, i.e., John Doe, trustee, all trustees shown or to be shown on the certificate of ownership must sign.

(b) The trustee(s) name(s) followed by the designation trustee and name of the trust, i.e., John Doe, trustee John Doe Family Trust, all trustees shown or to be shown on the certificate of ownership must sign.

(c) The name of the trust only, i.e., John Doe Family Trust, any or all trustee(s) designated in the trust document must sign.

(3) What trust documents do I need to present to apply for a certificate of ownership in the name of the trust? You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts trusts ((established under)) described in chapter 23.90 RCW must ((also provide notarized/certified documentation from the secretary of state showing the trust is registered with the state of Washington)) provide verification that the trust was filed with the Washington secretary of state.

~~((3) If a vehicle is titled in the name of a trust, who represents the trust for title transactions? Any trustee designated~~

in the trust document represents the trust on all vehicle transactions with the department unless that trustee is replaced or the trust is terminated.)

(4) **What is required when a ((successor)) trustee ((is appointed)) no longer acts on behalf of a trust?** ((If the name of the trustee who has been succeeded, is shown on the certificate of ownership the successor trustee must apply for a new certificate of ownership and provide documentation appointing them as trustee.)) If a trustee no longer acts on behalf of a trust, and the vehicle ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust, application for new certificate of ownership is not required.

You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

Note: New or successor trustees must provide documentation showing they are named as such in the trust.

(5) **What is required when a trust is terminated?** The ((new)) owner of the vehicle must apply for a new certificate of ownership under chapter 46.12 RCW.

If trustee(s) are deceased and no successor trustee(s) is appointed, the process established in WAC 308-56A-335 - Owner deceased, applies.

AMENDATORY SECTION (Amending WSR 99-08-064, filed 4/5/99, effective 5/6/99)

WAC 308-56A-075 Multiple legal owners. (1) ~~((Will))~~ Can more than one legal owner show as security interest on the ((department issue-a)) certificate of ownership ((indicating more than one legal owner))? Yes, ~~((more than one legal owner may be shown on the certificate of ownership))~~ however, this is subject to the limited amount of space available in the department's computer system for legal owner's name information.

(2) **How are additional legal owner's interest shown on the certificate of ownership?** Additional legal owners are shown directly after the first legal owner. Only the address of the first legal owner ~~((shall))~~ will be shown on the certificate of ownership.

(3) **If the ((hen)) security interest has been satisfied with one of the legal owners shown on a certificate of ownership, how is their interest released?** When security interest of one of the legal owners shown on a certificate of ownership has been satisfied that interest ~~((shall))~~ must be released on the certificate of ownership or a department approved release of interest form. The remaining legal

owner(s) ~~((shall))~~ must, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining legal owner's name and address.

AMENDATORY SECTION (Amending WSR 00-04-046, filed 1/27/00, effective 2/27/00)

WAC 308-56A-455 Assembled and homemade vehicles. (1) **What constitutes an assembled vehicle?** An assembled vehicle is a vehicle that has been put together by using major component parts from two or more commercially manufactured vehicles. ~~((Further, major component parts often carry separate identification numbers.))~~ For the purposes of this section major component parts include replacement of those listed in RCW 46.80.010~~((3))~~ (5). Assembled vehicles are not glider kits, custom built, replica, or kit vehicles. An assembled vehicle will be recognized as one produced by a particular manufacturer.

(2) **What constitutes a homemade vehicle?** ~~((A homemade vehicle is a vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer or has been put together from parts and materials other than major component parts.))~~ A vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle is determined by the Washington state patrol at the time of inspection. The make is homemade.

(3) **What is the difference between an assembled vehicle and a homemade vehicle?** The difference between an assembled and a homemade vehicle is that an assembled vehicle will be recognizable as one produced by a particular manufacturer. A homemade vehicle will be a vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle will be the original year of licensing and the make will be homemade.

(4) ~~((How do I apply for a certificate of ownership for my assembled vehicle?))~~ What documents are required to apply for a certificate of ownership for an assembled or homemade vehicle? The application for certificate of ownership must be accompanied by the following documents:

(a) The certificate of ownership or bills of sale for each vehicle or major component part used in the ~~((assembly))~~ construction of the vehicle ~~((or bills of sale for each major component part used in the assembly of the vehicle)).~~ The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes. The bill(s) of sale shall include:

- (i) The names and addresses of the seller and purchaser;
- (ii) A description of the part being sold, including the make, model and identification or serial number;
- (iii) The date of sale;
- (iv) The purchase price of the part; and
- (v) The stock number if from a Washington licensed wrecker.

(b) A ~~((statement of fact from an authorized member of the))~~ Washington state patrol inspection or inspection from

other personnel authorized by the director verifying the vehicle identification number, make, model, and year (~~and roadworthiness~~); and

(c) A completed declaration of value form (~~provided by the department~~).

(5) **What happens if I must remove, destroy or conceal a vehicle identification number during assembly or construction of my vehicle?** (~~Prior to the assembly~~) The assembled parts must be inspected by an authorized member of the Washington state patrol or other personnel authorized by the director who will issue a statement of fact prior to assembly or construction of a vehicle (~~that will involve~~) involving the removal, destruction, or concealment of any vehicle identification number (~~the parts shall be inspected by an authorized member of the Washington state patrol or other personnel authorized by the director who will issue a statement of fact~~). After assembly (~~and~~) of a vehicle where the identification number has been removed, destroyed or concealed, an authorized member of the Washington state patrol or other personnel authorized by the director must determine if a new vehicle identification number will be (~~determined and~~) assigned (~~by an authorized member of the Washington state patrol, or other personnel authorized by the director and a new statement of fact will be issued~~).

~~((6) How do I apply for a certificate of ownership for my homemade vehicle? The application for certificate of ownership must be accompanied by the following documents:~~

~~(a) Bills of sale for each major component part used in the assembly of the vehicle. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes and shall include:~~

~~(i) The names and addresses of the seller and purchaser;~~

~~(ii) A description of the vehicle or part being sold, including the make, model and identification or serial number;~~

~~(iii) The date of sale; and~~

~~(iv) The purchase price of the vehicle or part.~~

~~(b) A statement from an authorized member of the Washington state patrol or other personnel authorized by the director verifying the vehicle identification number, make, model, year and roadworthiness.~~

~~(e) A declaration of value form provided by the department.~~

Other Identifying Information: WAC 363-116-405.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: Chapter 88.16 RCW.

Summary: The proposed rule defines the circumstances under which a ship's master may relieve a Washington state-licensed compulsory pilot from his duties and the responsibility of a ship's master to obtain a substitute pilot.

Reasons Supporting Proposal: Existing regulations do not provide for circumstances under which the master of a ship which is required by Washington state law to take a state-licensed pilot may relieve the pilot of his or her duties.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2911 Second Avenue, Suite 100, Seattle, WA 98121, (206) 515-3904.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed specifically provides that masters of ships may relieve a Washington state-licensed pilot from his or her duties for cause, namely that the pilot demonstrates that he or she is manifestly incompetent or incapacitated or the vessel is endangered or *in extremis* due to the pilot's error, and defines the duties of the ship's master and the pilot subsequent to any such relief. Existing Washington statutes and regulations require that certain ships entering certain waters of the state take state-licensed pilots and define the duties of the pilots, but do not provide under what circumstances the masters of the ships may relieve the pilots of their duties, or define the duties of the masters or pilots in the event of such action.

The anticipated effect of this rule will be to clarify that: (1) Compulsory pilots may not be arbitrarily relieved of their duties; (2) that when a pilot is relieved of his or her duties the ship's master must immediately put the ship to anchor and await a substitute pilot; and (3) to the extent possible a pilot so relieved shall remain available to advise and assist the master, until a substitute pilot is obtained.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Washington State Board of Pilotage Commissioners concludes that implementation of this new rule does not impose a more than minor cost on businesses in the shipping industry and, therefore, a small business economic impact statement is not required according to RCW 19.85.030 (1)(a).

RCW 34.05.328 does not apply to this rule adoption. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: 2911 Second Avenue, Level B Conference Room, Seattle, WA 98121, on April 9, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by April 6, 2003.

Submit Written Comments to: Captain Harry Dudley, Chairman, 2911 Second Avenue, Suite 100, Seattle, WA 98121, fax (206) 515-3969, by April 2, 2003.

WSR 03-06-060

PROPOSED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed March 3, 2003, 8:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-24-069.

Title of Rule: Relieving pilots for cause.

Purpose: To establish circumstances and responsibilities involving the relieving of a pilot from duty.

Date of Intended Adoption: April 9, 2003.

February 27, 2003

Peggy Larson
Administrator

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed specifically provides that Washington state-licensed pilots may consent to the masters of passenger vessels maneuvering their own vessels into and out of their berths, and establishes the circumstances for giving such consent. This rule will make it clear that such consent may be given, which provides for consistency with the pilotage practices of many other states and British Columbia.

The anticipated effects of this rule will be to provide consistency of the practices of pilots in giving such consent and to make it clear that such consent may be given under appropriate circumstances.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Washington State Board of Pilotage Commissioner concludes that implementation of this new rule does not impose a more than minor cost on businesses in the shipping industry and, therefore, a small business economic impact statement is not required according to RCW 19.85.030 (1)(a).

RCW 34.05.328 does not apply to this rule adoption. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: 2911 Second Avenue, Level B Conference Room, Seattle, WA 98121, on April 9, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by April 6, 2003.

Submit Written Comments to: Captain Harry Dudley, Chairman, 2911 Second Avenue, Suite 100, Seattle, WA 98121, fax (206) 515-3969, by April 2, 2003.

Date of Intended Adoption: April 9, 2003.

February 27, 2003

Peggy Larson
Administrator

PROPOSED

NEW SECTION

WAC 363-116-405 Relieving pilots for cause. A pilot serving on a vessel required by chapter 88.16 RCW to employ a state licensed pilot may be relieved from his or her piloting duties by the ship's master only for cause as provided herein. The master may relieve a pilot only if the pilot demonstrates that he or she is manifestly incompetent or incapacitated or if the vessel is endangered or *in extremis* due to the pilot's error. If a pilot is relieved for cause under this section, the U.S. Coast Guard vessel traffic system shall be notified immediately and another pilot shall be requested and dispatched. In such event, the master shall immediately put the ship to anchor, to the extent it can be done safely, and await the substitute pilot. If anchoring is not possible or prudent, the master shall slow the vessel to the slowest prudent speed until another pilot can be put on board. To the extent possible and practical, after being relieved of his or her duties, the pilot shall remain available to advise and assist the master. Any pilot relieved of his piloting duties by the master pursuant to this section shall no longer be considered a servant of the vessel, its owner or operator as described in RCW 88.16.118. In the event a pilot is relieved as provided in this section, the vessel and the pilot promptly shall provide notice to the board of the event and relevant circumstances.

**WSR 03-06-061
PROPOSED RULES
BOARD OF**

PILOTAGE COMMISSIONERS

[Filed March 3, 2003, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-24-069.

Title of Rule: Docking and undocking of certain vessels by the vessels' masters.

Purpose: To establish a clear master/pilot relationship during certain maneuvers aboard certain passenger vessels.

Other Identifying Information: WAC 363-116-365.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: Chapter 88.16 RCW.

Summary: The proposed rule clarifies that Washington state-licensed pilots may consent to the masters of certain passenger vessels maneuvering their own vessels into and out of their berths.

Reasons Supporting Proposal: Existing regulations are not clear whether such consent may be given by Washington state-licensed pilots.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2911 Second Avenue, Suite 100, Seattle, WA 98121, (206) 515-3904.

NEW SECTION

WAC 363-116-365 Docking and undocking of certain vessels by the vessels' masters. On a passenger vessel not requiring a tug for docking or undocking, the master of the vessel may maneuver the vessel into or out of its berth under the following procedures and conditions:

(1) The master may not commence maneuvering the vessel until the express consent of the pilot has been given;

(2) Any such consent shall be on a case-by-case basis and be valid only for that specific berthing or departure;

(3) The master may not delegate maneuvering responsibility for the vessel to an officer other than the vessel's staff captain;

(4) The exact location for the exchange of maneuvering responsibilities between the pilot and the master must be part of the consent and the exchange must always occur in close proximity (within approximately the vessel's length) to the vessel's berth; and

(5) While the master is maneuvering the vessel pursuant to this section, the pilot shall remain available to advise and assist the master and the master shall be responsible for keeping the pilot informed as to all material aspects of the master's maneuvering of the vessel.

WSR 03-06-064
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 3, 2003, 2:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-01-076.

Title of Rule: Commercial fishing rules.

Purpose: Amend commercial squid gear rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Prohibits the use of drag seine to fish for or harvest squid for commercial purposes in Puget Sound.

Reasons Supporting Proposal: Prevent unintentional impact on habitat and other species while targeting squid.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule prohibits the use of drag seine gear to harvest squid. The purpose is to provide habitat protection in the near-shore shallow waters where marine vegetation exists. The anticipated effect is to prevent habitat damage to the shallow water vegetation where many types of fish and shellfish deposit their eggs, such as squid and herring for example.

Proposal Changes the Following Existing Rules: Prohibits the use of drag seine to harvest squid.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No fishery has occurred for this gear since 1978 and therefore no economic impact will occur.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road N.E., Moses Lake, WA 98837, on April 11-12, 2003, begins at 8:00 a.m. on April 11, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 4, 2003, TDD (360) 902-2207 or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155 by April 4, 2003.

Date of Intended Adoption: April 11, 2003.

March 3, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-066 Squid fishery. (1) It is lawful at any time to take or fish for squid for commercial purposes with ~~((drag seine gear not exceeding 350 feet in length and having meshes of not less than 1 1/4 inches stretch measure,))~~ dip bag net, brail, and squid jigging gear. Dip bag net and brail may not exceed 10 feet in diameter nor have a mesh less than one inch stretch measure. Other gear may be used to fish for squid commercially if authorized by a permit issued by the director.

(2) Food fish, other shellfish except octopus, and squid eggs caught while fishing for squid must be returned to the water immediately. It is lawful to retain for commercial purposes squid taken incidental to another commercial fishery.

(3) Each vessel fishing for squid may use a lighting system with a combined power of not more than 10 kilowatts (10,000 watts). Lights of 200 watts or greater must be shielded and may not be directed to any point more than 100 feet from the vessel while fishing for or attracting squid.

(4) It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline of an incorporated city or town.

(5) Licensing: A squid fishery license is the license required to operate the gear provided for in this section.

WSR 03-06-065
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 3, 2003, 2:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-01-053.

Title of Rule: Commercial fishing rules.

Purpose: Amend commercial geoduck harvest rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Allows for retention of geoduck parts taken under terms of a Department of Natural Resources (DNR) harvest agreement and allows for harvest of horse clams.

Reasons Supporting Proposal: Provides better catch accounting of geoduck clams and increased opportunity on horse clams.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: Allows for retention of parts of geoduck clams and retention of horse clams, if such retention is allowed under the terms of the DNR harvest agreement. This will increase catch accountability and provide additional opportunity.

Proposal Changes the Following Existing Rules: Changes geoduck harvest rules.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule: None required.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None required.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No - it can actually increase revenues.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

No costs for compliance anticipated.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: No costs are anticipated to the industry.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department will hold a public hearing under the auspices of the Fish and Wildlife Commission public process.

8. A List of Industries That Will Be Required to Comply with the Rule: Contractors holding harvest agreements with DNR.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road N.E., Moses Lake, WA 98837, on April 11-12, 2003, begins at 8:00 a.m. on April 11, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 4, 2003, TDD (360) 902-2207 or (360) 902-2226.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155 by April 4, 2003.

Date of Intended Adoption: April 11, 2003.

March 3, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-019 Geoduck clams—Gear and unlawful acts. (1) It is unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the beds of navigable waters of the state of Washington except as provided in RCW 75.24.100 and rules of the director.

(2)(a) Only a manually operated water jet, the nozzle of which shall not exceed 5/8 inch inside diameter may be used to commercially harvest geoduck clams. Use of any other gear requires a permit from the director.

(b) It is unlawful in the commercial harvest of geoducks for through-hull fittings for water discharge hoses connected to the harvest gear to be below the surface of the water. Any through-hull fitting connected to the harvest gear which is above the surface of the water must be visible at all times.

(3) It is unlawful to take or fish for geoduck clams taken for commercial purposes between one-half hour before official sunset or 7:00 p.m. whichever is earlier and 7:00 a.m. No geoduck harvest vessel may be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m. It is unlawful to take or fish for geoduck clams on Sundays or on state holidays as defined by the office of financial management. It is unlawful to possess geoduck clams taken in violation of this section.

(4) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(5) It is unlawful to possess only the siphon or neck portion of a geoduck clam aboard a geoduck harvest vessel, except when a geoduck is incidentally damaged during harvest and must be reported under a department of natural resources harvest agreement.

(6) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations, except for horse clams (*Tresus capax* and *Tresus nuttallii*) when horse clam harvest is provided for under a department of natural resources harvest agreement.

(7) It is unlawful for more than two divers from any one geoduck harvest vessel to be in the water at any one time.

(8) The following documents must be on board the geoduck harvesting vessel at all times during geoduck operations:

(a) A copy of the department of natural resources geoduck harvesting agreement for the tract or area where harvesting is occurring;

(b) A map of the geoduck tract or harvest area and complete tract or harvest area boundary identification documents or photographs issued by the department of natural resources for the tract or harvest area;

(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and

(d) A geoduck fishery license as described in WAC 220-52-01901.

(9) It is unlawful to process geoducks on board any harvest vessel.

(10) It is unlawful to take or fish for geoduck clams for commercial purposes outside the tract or harvest area designated in the department of natural resources geoduck harvesting agreement required by subsection (8)(a) of this section. It is unlawful to possess geoduck clams taken in violation of this subsection.

(11) It is unlawful to harvest geoduck clams in areas deeper than seventy feet below the water surface at any tide height.

(12) Holders of geoduck fishery licenses shall comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. Some of those regulations appear at 29 C.F.R. Part 1910, Subpart T.

WSR 03-06-066
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed March 3, 2003, 2:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-01-052.

Title of Rule: Recreational hunting rules.

Purpose: Amend rule regarding landowner damage hunts.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Update and increase number of potential landowner damage permits for elk. Provide for flexibility in issuance of permits.

Reasons Supporting Proposal: The current rule is outdated, and increased flexibility will reduce payment of damage claims.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current permit quota for elk is one hundred. Although this has been a mild winter, the department has issued approximately eighty elk kill permits. Under more sever conditions, it is anticipated that the quota would be met and additional permits would be needed to prevent payment of land owner damage claims. The dates are changed as a housekeeping measure, and the permit will specify what animals can be taken.

Proposal Changes the Following Existing Rules:
Changes landowner damage hunt permits.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects issuance of permits to landowners to control depredation by deer and elk and has no direct effect on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road N.E., Moses Lake, WA 98837, on April 11-12, 2003, begins at 8:00 a.m. on April 11, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 4, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155 by April 4, 2003.

Date of Intended Adoption: April 11, 2003.

March 3, 2003

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

~~WAC 232-28-266 ((2000-2001, 2001-2002, 2002-))~~
2003-2004, 2004-2005, 2005-2006 Landowner damage hunts.

LANDOWNER DAMAGE HUNTS

Deer:

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

Hunting Method: Any legal weapon.

Season Framework:

((2000-2001))	((2001-2002))	((2002-2003))
<u>2003-2004</u>	<u>2004-2005</u>	<u>2005-2006</u>
August 1- March 31	August 1- March 31	August 1- March 31

Location: Statewide

Legal Deer: ~~((Antlerless-Only))~~ Any deer authorized under the permit.

Kill Quota: 600 Statewide

Elk:

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

Hunting Method: Any legal weapon

Season Framework:

((2000-2001))	((2001-2002))	((2002-2003))
<u>2003-2004</u>	<u>2004-2005</u>	<u>2005-2006</u>
August 1- March 31	August 1- March 31	August 1- March 31

Location: Statewide

PROPOSED

Legal Elk: (~~(Antlerless Only)~~) Any elk authorized under the permit.

Kill Quota: (~~(100)~~) 200 Statewide

Special Notes: A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

WSR 03-06-067

PROPOSED RULES

SEATTLE COMMUNITY COLLEGES

[Filed March 3, 2003, 2:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-22-084.

Title of Rule: Appointing authority, board of trustees rules and regulations, rules of procedure for contested case hearing/administrative disputes, and student policies and procedures (chapters 132F-01, 132F-104, 132F-108, and 132F-120 WAC).

Rule chapters being amended or added are (to be) entitled Appointing authority, chapter 132F-01 WAC; Board of trustees, chapter 132F-104 WAC (amended title); Procedures for adjudicative proceedings, chapter 132F-108 WAC (amended title); and Student activities, rights and discipline, new chapter 132F-121 WAC. The subjects and purposes of the rules are as stated in these titles and elsewhere herein. The current chapter 132F-120 WAC, Seattle Community College student policies and procedures, is being replaced.

Statutory Authority for Adoption: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140.

Statute Being Implemented: RCW 28B.50.100 [28B.50].130, and/or [28B.50].140.

Summary: Updates and clarifies administrative rules on appointing authority for employees, board of trustees meetings and procedures, procedures for adjudicative proceedings, and student activities, rights, and discipline.

Reasons Supporting Proposal: Rules need to be updated to meet current circumstances, needs, and legal requirements.

Name of Agency Personnel Responsible for Drafting: Various; primary drafter, Assistant Attorney General, Jim Tuttle, 2000 Bank of California Building, 900 Fourth Avenue, Seattle, (206) 389-2051; Implementation and Enforcement: At the district level, under authority and through appointees of the Chancellor, 1500 Harvard, Seattle, (206) 587-4100; at the college level, under authority and through appointees of each president: Seattle Central Community College, 1701 Broadway, Seattle, (206) 587-3800; North Seattle Community College, 9600 College Way North, Seat-

tle, (206) 527-3600; and South Seattle Community College, 6000 16th Avenue S.W., Seattle, (206) 764-5300.

Name of Proponent: Internal—Seattle Community College District, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments are intended to update existing rules, and "student" chapter is replaced with a new one:

- Appointing authority (chapter 132F-01 WAC): Clarifies delegation of appointing authority for district employees. Repeals unnecessary section on written employment contracts.
- Board of trustees (chapter 132F-104 WAC): Clarifies and revises details related to board meetings, and repeals eleven unnecessary sections.
- Procedures for adjudicative proceedings (chapter 132F-108 WAC): Clarifies and revises hearing procedures.
- Student activities, rights and discipline (new chapter 132F-121 WAC): Clarifies and revises provisions regarding student activities and student rights and discipline (including the processing of complaints by students and disciplinary actions against students). Seeks to ensure consistency with state law, especially the Administrative Procedure Act.

Anticipated effects are more efficient and/or fairer administration in these areas.

Proposal Changes the Following Existing Rules: Changes are numerous. These include, *without limitation*:

Chapter 132F-01 WAC:

- Clarification of appointing authority for employees (WAC 132F-01-010);
- Deletion of unnecessary procedural rule on employee contracts.

Chapter 132F-104 WAC:

- Changes regarding date, etc., of regular board meetings (WAC 132F-104-010);
 - Provision for special meetings (WAC 132F-104-020);
 - Provision for submission of items for board consideration (WAC 132F-104-810);
- Deletion of eleven unnecessary rules regarding internal procedures, including: Meeting locations (WAC 132F-104-030), operational policies (WAC 132F-104-801), review of agenda items (WAC 132F-104-811), deadlines (WAC 132F-104-812), submission routes (WAC 132F-104-813), informational materials (WAC 132F-104-814), distribution list (WAC 132F-104-815), advance mailings (WAC 132F-104-816), old business (WAC 132F-104-817), new business (WAC 132F-104-818), notification to board office (WAC 132F-104-819).

Chapter 132F-108 WAC:

- Clarifying appointment of presiding officers (WAC 132F-108-020);

- Adding more flexibility regarding use of brief adjudicative procedures and removing them as default in student conduct proceedings (WAC 132F-108-050);
- Adding more flexibility regarding when proceeding must be open (WAC 132F-108-070);
- Clarifying procedure for closing hearings (WAC 132F-108-080);
- Clarifying handling of matters in absence of chancellor or president (WAC 132F-108-120);
- Minor editorial changes (WAC 132F-108-100, 132F-108-130, and 132F-108-140).

Chapter 132F-120 WAC:

- Repealing chapter (to be replaced by new chapter 132F-121 WAC, Student activities, rights and discipline).

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required, by RCW 19.85.030 or otherwise.

RCW 34.05.328 does not apply to this rule adoption. These rules are not described in RCW 34.05.328 (5)(a).

Hearing Location: Seattle Community College District, District Office, Board Room, 1st Floor, 1500 Harvard Avenue, Seattle, WA 98122-3803, on April 23, 2003, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Grace Estrella by April 15, 2003, TDD (206) 587-4155 or (206) 587-3877.

Submit Written Comments to: Cynthia Felice, Seattle Community Colleges, 1500 Harvard Avenue, Seattle, WA 98122-3803, fax (206) 587-3894, by April 23, 2003.

Date of Intended Adoption: June 12, 2003.

February 28, 2003

Carin Weiss

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 03-07 issue of the Register.

WSR 03-06-070

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(By the Code Reviser's Office)

[Filed March 4, 2003, 8:38 a.m.]

WAC 388-02-0005, proposed by the Department of Social and Health Services in WSR 02-17-090 appearing in issue 02-17 of the State Register, which was distributed on September 4, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 03-06-071

**WITHDRAWAL OF PROPOSED RULES
WASHINGTON STATE PATROL**

(By the Code Reviser's Office)

[Filed March 4, 2003, 8:43 a.m.]

WAC 212-12-420, proposed by the Washington State Patrol in WSR 02-17-102 appearing in issue 02-17 of the State Register, which was distributed on September 4, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 03-06-072

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING**

(By the Code Reviser's Office)

[Filed March 4, 2003, 8:45 a.m.]

WAC 36-12-170 and 36-14-120, proposed by the Department of Licensing in WSR 02-17-103 appearing in issue 02-17 of the State Register, which was distributed on September 4, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 03-06-074

**PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 4, 2003, 9:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-148.

Title of Rule: Presumptive coverage and tobacco use for fire fighters, WAC 296-14-310, 296-14-315, 296-14-320, 296-14-325, and 296-14-330.

Purpose: This rule will define the extent of tobacco use that shall exclude a fire fighter from receiving presumptive coverage for a heart or lung condition under the Industrial Insurance Act.

Other Identifying Information: As a result of chapter 337, Laws of 2002 (2SHB 2663) from the 2002 legislative session the legislature directed the department to implement this rule.

Statutory Authority for Adoption: RCW 51.04.020, 51.32.185.

Statute Being Implemented: RCW 51.32.185.

Summary: The purpose of adopting this rule is to determine when a fire fighter would be excluded from a presumption on heart and lung conditions due to current or past

tobacco use. For current smokers, the presumption doesn't apply. For former smokers, this rule defines the minimum time period that a fire fighter has to refrain from smoking in order for the presumption to apply to a heart or lung condition.

Name of Agency Personnel Responsible for Drafting: Jami Lifka, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-4941; Implementation: Gary Franklin, MD, Office of the Medical Director, (360) 902-5020; and Enforcement: Robert Malooly, Assistant Director for Insurance Services, (360) 902-4209.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of adopting this rule is to determine when a fire fighter would be excluded from a presumption on heart and lung conditions due to current or past tobacco use. For current smokers, the presumption wouldn't apply. It is anticipated that some former smokers may not get the presumption of an allowable workers' compensation claim due to their history of smoking. Their claims would then be adjudicated through the normal route. In other words, for those fire fighters that don't receive the presumption because of smoking history, they will have the burden of proving their condition is an occupational disease.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The statute implemented by this rule, RCW 51.32.185, says that the presumption applies to fire fighters under RCW 41.26.030(4) (public fire fighters), and fire fighters who work for private companies that employ more than fifty fire fighters. Small businesses (private fire fighting companies employing less than fifty fire fighters) are exempt. As a result, the statute and rule as written have no impact on small businesses.

RCW 34.05.328 applies to this rule adoption. This rule is a significant rule of the Department of Labor and Industries as described in RCW 34.05.328.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98501, on April 15, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact by phone (360) 902-4941, fax (360) 902-6315, TDD 1-800-833-6388.

Submit Written Comments to: Jami Lifka, Department of Labor and Industries, P.O. Box 44321, Olympia, WA 98504-4321, e-mail Lifk235@lni.wa.gov, fax (360) 902-6315, by April 22, 2003, 5:00 p.m. PST.

Date of Intended Adoption: May 28, 2003.

March 4, 2003

Paul Trause

Director

NEW SECTION

WAC 296-14-310 When does a presumption of occupational disease for fire fighters apply? RCW 51.32.185 specifies a presumption that certain medical conditions are occupational diseases for fire fighters. Those conditions are heart problems experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances; respiratory disease; specific cancers as defined by RCW 51.32.185; and infectious diseases as defined by RCW 51.32.185.

For claims filed on or after July 1, 2003, the presumption may not apply to heart or lung conditions if a fire fighter is a user of tobacco products.

When the presumption does not apply, the claim is not automatically denied. However, the burden is on the worker to prove that the condition is an occupational disease.

NEW SECTION

WAC 296-14-315 Definitions. (1) Tobacco products: For purposes of this rule, tobacco products are limited to those that are smoked, including cigarettes, pipes and cigars.

(2) **User of tobacco products:** For the purposes of this rule, a user of tobacco products is a "smoker."

(3) **Current smoker:** A current smoker is a regular user of tobacco products, has smoked tobacco products at least one hundred times in his/her lifetime, and as of the date of manifestation did smoke tobacco products at least some days.

(4) **Former smoker:** A former smoker has a history of tobacco use, has smoked tobacco products at least one hundred times in his/her lifetime, but as of the date of manifestation did not smoke tobacco products.

NEW SECTION

WAC 296-14-320 Does the presumption apply to current smokers with heart or lung conditions? No. The presumption never applies to current smokers with heart or lung conditions.

NEW SECTION

WAC 296-14-325 When does the presumption apply to former smokers with heart or lung conditions? (1) **Heart problems:** The presumption for heart problems will apply if a fire fighter is a former smoker and last smoked two years or more prior to the cardiac event.

(2) **Lung conditions:** The presumption for lung conditions will apply:

(a) For **asthma** if the fire fighter is a former smoker who last smoked five years or more prior to the date of manifestation of the disease; or

(b) For **COPD/emphysema/chronic bronchitis** if the fire fighter is a former smoker who last smoked fifteen years or more prior to the date of manifestation of the disease; or

(c) For **lung cancer** if the fire fighter is a former smoker who last smoked fifteen years or more prior to the date of manifestation of the disease.

NEW SECTION

WAC 296-14-330 What tobacco use shall exclude a fire fighter from a presumption of coverage? The following table summarizes the situations listed in WAC 296-14-310 through 296-14-325 under which a presumption of coverage shall or shall not apply for fire fighters due to tobacco use.

Medical condition	Presumptions shall not apply	Presumption shall apply
Heart problems experienced within seventy-two hours of exposure to smoke, fumes, or toxic substance	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than two years prior to the cardiac event	Former smoker who last smoked two years or more prior to the cardiac event
Asthma	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than five years before date of manifestation of the disease	Former smoker who last smoked five years or more before date of manifestation of the disease
COPD/emphysema/chronic bronchitis	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than fifteen years before date of manifestation of the disease	Former smoker who last smoked fifteen years or more before date of manifestation of the disease
Lung cancer	Current smoker	Fire fighters that never smoked
	Former smoker who last smoked less than fifteen years before date of manifestation of the disease	Former smoker who last smoked fifteen years or more before date of manifestation of the disease

**WSR 03-06-079
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed March 4, 2003, 10:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-045.

Title of Rule: Recreational hunting rules.

Purpose: Amend hunters with disabilities rule, repeal outdated and unnecessary rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Clarifies activities of hunters with disabilities and designated hunter companions. Repeals outdated rules and deletes definition of "blind" as redundant.

Reasons Supporting Proposal: Clarification is needed for the activity of a designated hunter companion.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930;

Implementation and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Requires that a disability be permanent in order to qualify for a designated hunter companion. Clarifies that a companion assisting in hunting be within 1/4 mile of the hunter with a disability. Repeals definition of "blind" as the term is defined within the hunter with disabilities rule. Repeals razor clam disability permits as the activity is covered by a designated harvester permit. Repeals the reduced fee license issuing procedure as the license issuance is through the WILD system, and a disability authorization card is no longer issued. These rules will clarify the hunting activities of hunters with disabilities and will eliminate unneeded rules.

Proposal Changes the Following Existing Rules: Changes rules for hunters with disabilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational activities, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road N.E., Moses Lake, WA 98837, on April 11-12, 2003, begins at 8:00 a.m. on April 11, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 4, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by April 4, 2003.

Date of Intended Adoption: April 11, 2003.

March 3, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-182, filed 8/6/02, effective 9/6/02)

WAC 220-55-001 Definitions. Unless otherwise provided, the following definitions apply to this chapter:

((1)) (~~"Blind" means no vision or vision with corrective lenses so defective as to prevent the performance of ordinary activities for which eyesight is essential.~~

((2)) "License year" is defined as April 1st through the following March 31st.

((3)) (2) "Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.490.

((4)) (3) "Veteran" means a veteran of the United States Armed Forces.

((5)) (4) "Display" of a fish and wildlife lands vehicle use permit means either:

PROPOSED

PROPOSED

(a) Nontransferable: Affixing the permit to the rear window of the vehicle, in which case the vehicle license number need not be entered on the permit; or

(b) Transferable: Writing, in ink, in the provided space on the permit the license number of the two vehicles between which the permit is to be transferred, and placing the permit in either vehicle in such a place that the permit can be observed and the license number read from outside the vehicle. Placing the permit on the dashboard or hanging it from the rear view mirror complies with the display requirement for a transferrable vehicle use permit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-370 Razor clams—Disability permits.

AMENDATORY SECTION (Amending Order 96-07, filed 1/18/96, effective 2/18/96)

WAC 232-12-828 Hunting of game birds and animals by persons ((e)) with a disability. (1) Definitions:

(a) ("~~Designated hunter companion~~" means a licensed hunter who accompanies a disabled hunter and assists the disabled hunter in the taking of game birds and game animals.

(b) ("~~Disabled hunter~~") "Hunter with a disability" means a person ((e)) with a permanent disability who possesses a disabled hunter permit issued by the department. A ((disabled)) hunter with a disability must have all required licenses, tags, permits, and stamps before hunting.

((e)) (b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person ((e)) with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person ((e)) with a qualifying disability. Upon ((issuance of a disabled hunter permit)) approval of the application, the department will ((also)) issue a ((~~designated hunter companion identification card and a disabled hunter~~) vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

((e)) (c) "Designated hunter companion" means a person who assists a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to the hunter with a disability.

(e) "Blind or visually impaired" means a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees.

(f) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed 1/4 mile separation. While stalking or shooting an animal, the hunter with a disability and the

designated hunter companion must have a form of reliable and direct communication.

(g) "Special use permit" means a permit issued by the department to a person with a specific permanent disability as a reasonable accommodation. The special use permit allows for a specific act or acts to include, but not be limited to, use of adaptive mechanical, electrical, or specialty equipment or devices that aid the person in hunting.

(h) "Person ((e)) with a disability" means:

(i) A ((permanently disabled)) person who has a permanent disability and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device((;or)) for mobility, including, but not limited to, a wheelchair, crutch, cane walker, or oxygen bottle.

(ii) A ((permanently disabled)) person who has a permanent disability and is ((unable to hold or shoot)) physically incapable of holding and safely operating a firearm or other legal hunting device((;or

((iii)) A person who is totally blind or visually impaired).

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment((s)) who have lost the use of one or both upper or lower extremities, or who have a ((significant)) severe limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities for holding and safely operating a firearm or other legal hunting device.

((e)) (iii) A person who is blind or visually impaired.

(i) "Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than twenty degrees.

(2) The designated hunter companion((~~when accompanied by the disabled~~) must accompany the hunter((~~may assist the disabled hunter in shooting, tagging and retrieving game birds or game animals, or may shoot, tag and retrieve game birds or game animals on behalf of the disabled hunter~~) with a disability when stalking or shooting game on behalf of the hunter with a disability. The ((disabled)) hunter with a disability or the designated hunter companion must immediately cut, notch, ((and affix the disabled hunter's tag to the carcass of the game bird or game animal)) or date any required tag. The tag must be affixed to the carcass of the game bird or animal as soon as is reasonably possible after killing the game.

(3) ((~~It is unlawful for a~~) The designated hunter companion ((~~to assist a disabled hunter unless the designated hunter companion is accompanied by the disabled hunter, except the designated hunter companion may leave the disabled hunter to retrieve game birds or game animals wounded or killed by either the disabled hunter or the designated hunter companion~~) does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for a designated hunter companion to assist a ((disabled)) hunter with a disability unless the desig-

PROPOSED

nated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a ~~((disabled))~~ hunter with a disability to shoot from a motor vehicle, nonhighway vehicle or snowmobile unless the vehicle is stopped, the motor is turned off and the vehicle is not on or beside the maintained portion of a public highway. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in a moving vehicle or to shoot a firearm or bow and arrow from, across, or along the maintained portion of a public highway.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a ~~((disabled))~~ hunter ~~((become part of the disabled hunter's bag or possession limit, and))~~ with a disability do not count against the designated hunter companion's bag or possession limit.

(8) A designated hunter companion shooting game for or may be shooting game for a hunter with a disability must have a valid hunting license issued by Washington or another state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-55-060 Reduced fee license issuing procedure.

**WSR 03-06-080
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed March 4, 2003, 11:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-076.

Title of Rule: Merging WDFW SEPA rules, chapter 232-19 WAC into chapter 220-100 WAC.

Purpose: The proposed rule making is to merge former Department of Wildlife's SEPA rules (chapter 232-19 WAC) and former Department of Fisheries' SEPA rules (chapter 220-100 WAC) into those for the Washington Department of Fish and Wildlife (chapter 220-100 WAC), and repeals chapter 232-19 WAC.

Other Identifying Information: The two sets of WACs are implementation rules for the WDFW and required under chapter 43.21C RCW, SEPA rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Merging two sets of agency SEPA rules into one set so that proponents both inside and outside the agency need only to refer to one set for determining our SEPA procedures that are required by chapter 43.21C RCW, SEPA rules.

Reasons Supporting Proposal: We have not merged the WACs into one set of rules even though the legislature merged the Department of Fisheries and the Department of Wildlife into the Washington Department of Fish and Wildlife (WDFW) in 1993. WDFW is using two sets of WACs from the former agencies (chapters 232-19 and 220-100 WAC). There are some discrepancies and some omissions between the two sets of WACs. Some information needs clarification.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, (360) 902-2930; Implementation: Cynthia Pratt, Habitat Program, 1111 Washington Street, Olympia, WA (360) 902-2575; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA (360) 902-2373.

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule updates Washington Department of Fish and Wildlife's SEPA rules by combining two separate WACs that were used by the former Department of Fisheries (chapter 220-100 WAC) and the former Department of Wildlife (chapter 232-19 WAC). The benefit of combining these two sets of rules is for clarify and to bring the rules in compliance with our merged agencies. There were some individual sections of the WACs that were in one set and not the other, some language was unclear and needed to be reworded and some sections were not in compliance with the state SEPA rules (chapter 43.21C RCW, chapter 197-11 WAC). Some information is now outdated.

By combining the sets of WACs and clearing up language, proponents both inside and outside the agency will be better served. Agency SEPA rules will be in one spot (chapter 220-100 WAC) for easier access by the public and agency staff. Updating the wording will provide proponents asking for a SEPA determination from our agency a clear idea as to WDFW SEPA procedures.

Proposal Changes the Following Existing Rules: House-keeping changes:

- Merges two sets of rules into one set (chapter 220-100 WAC).
- Clarifies language in rules.
- Updates definitions.
- Removes an appeal conference which was not in compliance with chapter 43.21C RCW but keeps the administrative appeal process.

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

Small Business Economic Impact Statement

The State Environmental Policy Act (SEPA) was first adopted in 1971. It was modeled after the National Environmental Policy Act (1969). SEPA was initiated to try to address the public's concerns that government did not consider the environment, and all its parts, in their decision-making. Local and state government had no context or structure to identify environmental issues. SEPA, through chapter

43.21C RCW, provided government with the apparatus to look at environmental impacts from their actions, and to offset these impacts through mitigation. Because SEPA was broad-based and contained little specific direction, the legislature created the Council for Environmental Policy (CEP), instructing them to create rules that would give direction to the interpretation and implementation of SEPA. The council created what was then called SEPA guidelines. In 1981, the legislature created the Commission on Environmental Policy which suggested a number of amendments to reduce duplication and delay, and to simplify the guidelines. The SEPA rules, chapter 197-11 WAC, replaced the previous SEPA guidelines and the chapter became effective in 1984.

RCW 43.21C.120(2) and WAC 197-11-900 require that each agency adopt its own rules to implement the intent of the Department of Ecology's SEPA rules (chapter 197-11 WAC). Through these "agency procedures," agencies may condition or deny proposals if the appropriate policies have been incorporated into regulations, plans or codes.

PART TEN - AGENCY COMPLIANCE, WAC 197-11-900 (1), (2), (3), purpose of this part states:

The purpose of this part is to:

(1) **Require each agency to adopt its own rules and procedures** [emphasis added] to carry out SEPA and ensure that agency rules and procedures shall have the force and effect of law and shall be consistent with these uniform state-wide rules.

(2) Require agencies to include certain items in their rules.

(3) Ensure the documents prepared under the act are available to the public.

WAC 197-11-902 Agency SEPA policies state:

(1) The act and these rules allow agencies to condition or deny proposals if such action is based upon policies identified by the appropriate governmental authority. These **policies must be incorporated into regulations, plans, or codes** [emphasis added] formally designed by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of substantive authority under SEPA. (RCW 43.21C.060; WAC 197-11-660.) State and local policies so designated are called "agency SEPA policies" in these rules.

(2) ...Agencies may revise or add to their SEPA policies at any time.

(3) An agency's document that includes or references by citation their agency SEPA Policies (WAC 197-11-660(3)) **may be included in agency SEPA procedures** [emphasis added] (WAC 197-11-904)...

(4) Depending on their content, the formal designation of agency SEPA policies will not necessarily require any environmental review and will normally be categorically exempt as a procedural action under WAC 197-11-8800(20)...

WAC 197-11-904 (1)(5) Agency SEPA procedures states:

(1) Each agency is required by the act and this section to adopt its own rules and procedures for implementing SEPA. (RCW 43.21C.120.) Agencies may revise or add to their SEPA procedures at any time. Agencies may adopt these rules (chapter 197-11 WAC) by reference, and shall meet the

requirements of WAC 197-11-906 concerning the content of their procedures. State and local rules for carrying out SEPA procedures are called "**agency SEPA procedures.**" [emphasis added]

(5) The adoption of agency procedures is procedural and shall be categorically exempt under this chapter (WAC 197-11-800(20)).

In 1993, the Washington Department of Wildlife (WDW), formerly the Department of Game (WDG), and the Washington Department of Fisheries (WDF) merged, becoming the Washington Department of Fish and Wildlife (WDFW). Prior to merger, each agency had its own policies and procedures in rule as required by SEPA (WAC 197-11-902, 904).

Presently, WACs from both former agencies are still valid and are in use by WDFW. While similar, the administrative rules for WDF (chapter 220-100 WAC), and WDW (chapter 232-19 WAC), resulted in conflicting directions at merger. This conflicting language within the two specific sets of rules has led to confusion both for the public as well as WDFW.

For instance, in WAC 197-11-660 SEPA rules, agencies may use substantive authority to incorporate additional mitigation on proposals if there is adverse environmental impacts. The WAC also allows agencies to deny or condition a proposal based on these impacts. In order to implement WAC 197-11-660, agency policies must first be in place. Chapter 232-19 WAC does not address substantive authority other than by reference, but chapter 220-100 WAC discusses when substantive authority may be used:

WAC 220-100-045, *Agency policy—Substantive authority and mitigation:*

(2) If an action is subject to SEPA, including an activity or activities requiring a permit from fisheries, and is reasonably likely to have an adverse environmental impact as identified in an environmental document, fisheries will:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of fisheries approval; or

(b) Deny the proposal if significant adverse impacts as identified in a final or supplemental environmental impact statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

It becomes more confusing as to how the public should appeal the WDFW's SEPA decisions. WAC 232-19-130 (informal appeal (WDW)) discusses appeal procedures based on "permits" and allows a discussion with the responsible official's supervisor. This WAC is in direct conflict with chapter 197-11 WAC, SEPA rules, which only allows two avenues of appeal: (1) A formal administrative appeal, and (2) through an appeal to the local legislative body. Chapter 220-100 WAC is silent as to the appeal process. While the assumption might have been that the process would revert to the appeal process in chapter 197-11 WAC, this is not clearly stated.

The proposed merged SEPA procedures rules will:

- Remove references to the former Departments of Fisheries and Wildlife, and replace them with Department of Fish and Wildlife;
- Merge chapters 220-100 and 232-19 WAC into chapter 220-100 WAC;
- Clarify the merged rules where necessary; and
- Replace conflicting rule statements with those that are consistent with agency policies and the Department of Ecology's SEPA rules.

No substantive changes are being proposed since the updates are strictly housekeeping.

The following is an analysis of any small business economic impact that may occur from these nonsubstantive changes.

5. Description of Reporting, Recordkeeping, and Other Compliance Measures Required by Proposal: No additional reporting, record keeping or other compliance measures will be required as a result of the proposed rules.

6. Professional Services Required for Compliance: The merged rules encourage an applicant to provide a location map and plans/drawings for the project. All WDFW permit applications already require this information, e.g., hydraulic project approval (HPA), shellfish import permits, shooting preserve permits, or grass carp permits. It was not made mandatory for a threshold determination, but was encouraged so that a threshold determination may be made in a timely manner and that better environmental review may occur. This enables agencies with jurisdiction to locate and analyze the proposed project so that impacts in reference to their permitting authorities can be identified and conditioned through their permitting requirements. The plans may identify impacts that may not be obvious when reviewing the checklist.

7. Cost of Compliance, Including costs of Equipment, Supplies, Labor and Increased Administrative Costs: Costs should be minimal since complete plans and drawings are already a required component of any application for permits issued by WDFW. Blueprint drawings for SEPA review are not required. Only drawings/plans that are complete enough to render a SEPA determination and for other agencies with jurisdiction to decide whether there will be impacts based on their permitting authority are recommended to be enclosed with the SEPA checklist. The location map can be obtained from a Washington gazetteer. The plans/drawings may be one page to ten pages, depending on the complexity of the project. The number of plans/drawings is left up to the proponent to determine what will be sufficient for achieving a threshold determination.

Assumptions:

Plans/drawings have already been made in order to comply with permitting requirements.

Copying one 8.5 inch by 11 inch (standard size) or an 8.5 inch by 15 inch (legal size) page = \$0.15 per page.

The maximum number of pages copied would be 15 (14 pages of plans and one map) per applicant.

Cost: The additional cost to an applicant may range from \$0.30 to \$2.25 depending on the number of pages.

8. Will Compliance Cause Businesses to Lose Sales or Revenue? No. It is unlikely that the proposed SEPA policies

and procedures would affect sales or revenue positively or negatively. However, any effect is likely to be positive. By providing a complete SEPA checklist, the time to process a determination is reduced. Expediting the process would be a benefit to business revenue or sales.

9. Comparison of Costs for the 10% of Businesses That are the Largest Businesses Required to Comply With the Proposed Rule: WDFW, itself is the biggest business affected by the proposed rule. Of the external applicants, businesses associated [with] dredging or restoration are the largest businesses. Occasionally, restoration projects by proponents other than WDFW require that the department act as lead agency because WDFW is the only agency with a required permit. Recent proponents for restoration projects included tribes and private landowners. Other businesses may include local government's road maintenance or public works divisions, pulp mills, pipeline companies, and local landowners. However, these businesses are more likely to require local permits and as a consequence, the local jurisdiction would be lead agency.

SEPA rules identify lead agency responsibility as the local jurisdiction for private projects when one of the agencies with a permit or license is a city, county or other local agency (WAC 197-11-932 and 197-11-934). Our authority as lead agency is limited since only a few permits are issued solely by WDFW (HPA as triggered by WAC 197-11-835 (3) and (5) and 197-11-340(7), grass carp planting, importation of exotic shellfish, or shooting preserve permits). Sometimes, activities will cross WDFW's lands. In that case, we would be agency lead, as well, or co-lead with another jurisdiction. This limitation most often eliminates WDFW from dealing with large businesses, which, because of multiple permit requirements would go through local government for any SEPA determination.

The following are the ten largest agencies/businesses that have been issued SEPA determinations since 1999. This does not include WDFW, which is also required to produce plans/drawings and a map of proposed projects.

1. Puget Sound Energy (Blake Island Cable) = 8 pages; total cost = \$1.20.
2. US Coast Guard (Maintenance Dredging) = 8 pages; total cost = \$1.20.
3. Consolidated Diking District (Grass Carp) = 2 pages; total cost = \$0.30.
4. Mark Heuett General Contractor for Walla Walla Corps of Engineers (Intake Modification) = 5 pages; total cost = \$0.75.
5. Columbia-Pacific Resource Conservation and Development (Dredging) = 6 pages; total cost = \$0.90.
6. Clallam County Public Works (Dredging) = 3 pages; total cost = \$0.45.
7. Limits Game Farm and Preserve (Shooting Preserve) = 3 pages; total cost = \$0.45.
8. Royal Bluff Ranch (Wetland Enhancement) = 15 pages; total cost = \$2.25.
9. City of Seattle (Grass Carp) = 3 pages; total cost = \$0.45.
10. Salmon Restoration Consulting (Stream Channel Relocation) = 5 pages; total cost = \$0.75.

Costs to individual project proponents would be comparable to costs of a large business/agency. No requirement is being made that the drawings/plans be professionally produced, although application for a permit may require more specific plans and drawings. It is assumed that if an individual project proponent needed professional drawings and plans for a permit, they could also copy those drawings and plans to send in to WDFW for SEPA review. However, applicants could also produce these themselves, provided the reproductions are accurate enough to render a SEPA determination and appropriate review by permitting agencies.

10. Steps Taken By Agency to Reduce the Costs of the Rule on Small Businesses: The rules are primarily a house-keeping action to merge the rules for SEPA policies and procedures from the former Departments of Fisheries and Wildlife into one set of rules for policy and procedures for WDFW. No other costs, except as identified above, will occur with these proposed rules.

11. Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Agency SEPA rules are exempt from SEPA review (WAC 197-11-800(20)). These proposed rule changes are strictly house-keeping and should not significantly impact small businesses.

12. List of Industries Required to Comply With This Rule: All proponents where WDFW is the lead agency will be required to comply with these rules, including the predominant proponent, WDFW.

Other industries that might require WDFW to be lead agency, and need to follow these proposed rules might include:

1. Habitat restoration consultants/companies.
2. Dredging companies.
3. Cable installation companies.
4. Golf courses/country clubs.
5. Irrigation districts.
6. Construction companies that perform construction in or near the water.
7. Private hunting resorts.
8. Importers of exotic shellfish.

A copy of the statement may be obtained by writing to Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2534, fax (360) 902-2946.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These are not hydraulic rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, begins at 8:00 a.m. on April 11, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 28, 2003, TDD (360) 902-2207 or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by April 4, 2003.

Date of Intended Adoption: April 11, 2003.

March 4, 2003
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-010 Definitions. (1) The definitions of the words and terms of WAC 197-11-700 through 197-11-730 and WAC 197-11-734 through 197-11-799 are made a part of this chapter (~~(along with the following addition: Fisheries means Washington department of fisheries)~~).

(2) "Environmental document" means any written public document prepared under chapter 197-11 WAC, including department comment letters addressing a SEPA threshold determination or an environmental impact statement (EIS), or supplemental EIS (SEIS).

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-020 Impact of SEPA on ((fisheries)) the department. ((Fisheries)) The department fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the intent and requirements of SEPA and the SEPA rules. The ~~((capacity of fisheries to provide full service to the public and other agencies is limited by funds and manpower. Fisheries))~~ department will make every effort to implement SEPA in the best manner possible with the resources available.

NEW SECTION

WAC 220-100-027 Critical areas. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give due consideration to a local government's critical area ordinance treatment of categorical exemptions under WAC 197-11-908.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-030 Purpose. (1) The purpose of this chapter is to implement chapter 197-11 WAC, SEPA rules, as applicable to ~~((fisheries))~~ the department.

(2) These policies and procedures are developed to implement SEPA in a manner which reduces duplication, establishes effective and uniform ~~((guidelines))~~ rules, encourages public involvement, and promotes certainty with respect to the requirements of the act.

(3) These policies and procedures are not intended to cover compliance by ~~((fisheries))~~ the department with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations where ~~((fisheries))~~ the department is required by federal law or regulations to perform some element of compliance with NEPA, compliance will be governed by the applicable federal statute and regulations.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-040 Scope and coverage of this chapter. (1) It is the intent of ~~((fisheries))~~ the department that compliance with this chapter shall constitute complete proce-

dural compliance with SEPA for all actions as defined in WAC 197-11-704.

(2) This chapter applies to all department actions as defined in WAC 197-11-704 ~~((and applies to all activities of fisheries. Furthermore, although these guidelines normally do not apply to actions of fisheries exempted under WAC 197-11-800 and 197-11-835, fisheries accepts the responsibility of attempting to follow the intent of SEPA and its decision-making process for exempt actions))~~.

(3) To the fullest extent possible, ~~((fisheries))~~ the department shall integrate procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

(4) To the fullest extent possible, the department shall:

(a) Prepare environmental documents that are concise, clear, and to the point, and that are supported by evidence that the necessary environmental analyses have been made.

(b) Find ways to make the SEPA process more useful to decision-makers and the public.

(c) Reduce paperwork and the accumulation of extraneous background data.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-045 Agency policy—Substantive authority and mitigation. (1) The ~~((overriding))~~ policy of ~~((fisheries))~~ the department is to avoid or mitigate adverse environmental impacts ~~((which))~~ that may result from ~~((its decisions))~~ agency actions. This policy results from:

(a) ~~The legislated ((duty of fisheries to preserve, protect and perpetuate the food fish and shellfish resources of the state in a manner that does not impair the resource (RCW 75-08-012)))~~ duties of the department with respect to fish and wildlife; and

(b) Recognition of the fact that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment (RCW 43.21C.020(31)).

(2) If an action is subject to SEPA, ~~((including an activity or activities requiring))~~ and the proposed activity requires a permit from ((fisheries)) the department, and is reasonably likely to have an adverse environmental impact as identified in an environmental document, ((fisheries will)) the department may:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of ~~((fisheries))~~ the department's approval; or

(b) Deny the proposal if significant adverse impacts as identified in a final or supplemental environmental impact statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-055 Timing of the SEPA process. (1) When another agency is the lead agency, the department's environmental review process will normally begin upon receipt of a determination of nonsignificance (DNS), determination of significance (DS), scoping notice, or draft environmental impact statement (DEIS) ((when another agency is the lead agency)). When ~~((fisheries))~~ the department is the lead agency for nonagency actions, review will normally begin upon receipt of a complete permit application and a complete environmental checklist. The agency will usually request plans and a location map, when applicable, if these documents have not already been submitted. The applicant is advised to submit this information with the checklist so that review may proceed in a timely manner. For ~~((agency))~~ department actions, environmental review will normally begin when the proposed action is sufficiently developed to allow preliminary decisions.

(2) Upon written request of an applicant, preliminary environmental review will be conducted prior to receipt of detailed project plans and specifications. In such instances, the applicant shall submit information judged by ~~((fisheries))~~ the department to be sufficient to make a preliminary review.

(3) The preliminary review will be advisory only and not binding upon ~~((fisheries))~~ the department. Final review and determination will be made only upon receipt of detailed project plans and specifications. The department will make a determination within ninety days after the application is complete pursuant to RCW 43.21C.033.

NEW SECTION

WAC 220-100-057 Threshold levels adopted by local governments. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall respect threshold levels adopted by local governments under WAC 197-11-800.

NEW SECTION

WAC 220-100-058 Notice/statute of limitations. (1) The department, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the department, applicant, or proponent pursuant to RCW 43.21C.080.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-060 Summary of information which may be required of a private applicant. (1) The applicant for each project for which ~~((fisheries))~~ the department is the lead agency shall submit a complete environmental checklist along with a complete application for the required approval.

(2) After review of the environmental checklist, ~~((fisheries))~~ the department may require the applicant to submit addi-

PROPOSED

tional information necessary to properly evaluate the potential environmental impacts of the project. Field investigation or research may be required of the applicant or conducted by ~~((fisheries))~~ the department at the applicant's cost.

(3) ~~((A draft and final))~~ Preparation of EISs is the responsibility of the department's environmental services division. The responsible official shall be satisfied that all EISs issued by the department are in compliance with these rules and chapter 197-11 WAC.

(4) Whenever someone other than the department prepares an EIS the responsible official shall:

(a) Coordinate scoping to insure that the individual preparing the document receives all substantive information submitted by any agency or person.

(b) Direct the areas of research and study to be undertaken and the content and organization of the document.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document.

(5) The responsible official may not require more information of a private applicant than allowed by these rules as supplemented and required by chapter 197-11 WAC.

(6) An EIS is required for each project for which a determination is made that the proposal will have a probable significant adverse impact on the environment. The applicant may prepare the EIS if judged by ~~((fisheries))~~ the department to be qualified, have ~~((fisheries))~~ the department develop the EIS, or hire a consultant to do so. In any case, the EIS shall be prepared under the direction of the responsible official at the expense of the applicant and final approval is that of the responsible official. Cost of preparing the EIS shall be paid by the applicant and shall include fees of the consultant, ~~((fisheries))~~ the department consultation time and cost of any required materials. If the applicant chooses to hire a consultant to prepare the EIS, the consultant ~~((shall))~~ must be ~~((chosen from a list of consultants provided by fisheries))~~ mutually agreed upon by the applicant and the department. A performance bond in an amount specified by ~~((fisheries))~~ the department may be required of the applicant to ensure payment of ~~((fisheries'))~~ the department expenses pursuant to WAC 197-11-914. Private applicants are encouraged to be involved in the EIS preparation process.

~~((4))~~ (7) A supplemental EIS shall be prepared as an addition to ~~((either))~~ the ~~((draft or final))~~ EIS if ~~((fisheries))~~ the department decides that:

(a) There are substantial changes to a proposal which will have a probable significant adverse environmental impact; or

(b) There is significant new information relative to the probable significant environmental impact of a proposal.

(c) ~~((Its))~~ Pursuant to WAC 197-11-600 (3)(c), written comments on the DEIS warrant additional discussion for ~~((the))~~ purposes of ~~((it's))~~ its action than that found in the ~~((lead agency's))~~ FEIS.

~~((The provisions of subsection (3) of this section except for the first sentence, also pertain to a supplemental EIS or addendum.~~

~~((5) Upon the written request of an applicant for a project for which fisheries is the lead agency, fisheries will consider initiating environmental review and preparation of an EIS at~~

~~the conceptual stage as opposed to the final detailed design stage.))~~

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-065 Assumption of lead agency status.

(1) Whenever ~~((fisheries feels))~~ the department is an agency of jurisdiction and determines that a DNS issued by another lead agency is inappropriate and that the proposal in question could cause significant harm to the resources under its jurisdiction, ~~((fisheries will))~~ the department may assume lead agency status per WAC 197-11-948.

(2) Within ten days of assuming lead agency status, ~~((fisheries))~~ the department will notify the proponent of the proposal in writing as to the reasons for its assumption of lead agency status.

(3) Prior to preparation of an EIS for the proposal, ~~((fisheries))~~ the department will consult with the proponent and give the proponent an opportunity to modify or change the proposal in such a way that an EIS may not be necessary as outlined in WAC 197-11-360(4).

NEW SECTION

WAC 220-100-068 Formal administrative appeal of department environmental determinations. (1) A person aggrieved by the department's environmental determination is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(2) To obtain a hearing, a written request must be filed with the department. The mailing address is: Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, WA 98501-1091. Requests must be filed within thirty days of the department's decision.

(3) The request must be plainly labeled, "request for a formal administrative appeal" and must state within the body of the letter:

(a) The name, address, and phone number of the person requesting the appeal;

(b) The specific agency action that the person contests;

(c) Whether the person is the proponent of the proposal or other basis for interest in the agency action in question;

(d) The date of the SEPA determination;

(e) The attorney's name, address, and phone number, if the person is represented by legal counsel.

(4) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order pursuant to RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464. All hearings conducted by the director, the director's designee, or an ALJ pursuant to this subsection shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

(5) For additional information on appeal procedures, reference should be made to WAC 197-11-680 (3)(a).

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-070 Designation of responsible official. Under normal circumstances, the responsible official is the ~~((habitat management division chief))~~ SEPA/NEPA coordinator or the habitat program's designee. The responsible official shall carry out duties and functions for the purpose of assuring ~~((fisheries))~~ the department's compliance with SEPA and SEPA ~~((guidelines))~~ rules. The responsible official may delegate duties and functions assigned under this chapter and chapter 197-11 WAC ~~((; the responsible official alone, however, is wholly responsible for proper accomplishment of such duties and functions))~~. When significant involvements of ~~((fisheries))~~ the department converge at a level higher than the ~~((habitat management division chief))~~ SEPA/NEPA coordinator, the ~~((deputy))~~ director or the director's designee may ~~((assume))~~ be assigned the role of responsible official.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-075 Mitigated DNS. (1) An applicant may ask ~~((fisheries))~~ the department whether issuance of a DS is likely for a proposal. This request for early notice must:

- (a) Be written;
 - (b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which ~~((fisheries))~~ the department is lead agency; and
 - (c) Precede ~~((fisheries))~~ the department's actual threshold determination for the proposal.
- (2) The responsible official shall respond to the request within ~~((ten))~~ twenty working days of receipt of the letter; the response shall:
- (a) Be written;
 - (b) State whether ~~((fisheries))~~ the department is considering issuance of a DS;
 - (c) Indicate the general or specific area(s) of concern that led ~~((fisheries))~~ the department to consider a DS; and
 - (d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) ~~((Fisheries))~~ The department shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, ~~((fisheries))~~ the department will make its threshold determination based on the changed or clarified proposal. The application is not complete until the applicant responds to subsection (3) of this section.

(a) If ~~((fisheries))~~ the department response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, ~~((fisheries))~~

the department shall issue a DNS and circulate the DNS for comments as in WAC 197-11-340(2).

(b) If ~~((fisheries))~~ the department indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, ~~((fisheries))~~ the department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) ~~((Fisheries))~~ The department may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, ~~((fisheries))~~ the department shall issue a DNS and circulate it for review under WAC 197-11-340(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s) ~~((fisheries))~~, the department may require the applicant to submit a new checklist.

(7) ~~((Fisheries))~~ The department may change or clarify features of its own proposals before making the threshold determination.

(8) ~~((Fisheries?))~~ The department's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind ~~((fisheries))~~ the department to consider the clarification or changes in the threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes. Unless ~~((fisheries?))~~ the department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-080 SEPA public information center. ~~((Fisheries))~~ The department designates the ~~((habitat management division office))~~ environmental services division of the habitat program as its SEPA public information center. The mailing address is ~~((Room 115, General Administration Building))~~ SEPA Coordinator, 600 Capitol Way North, Olympia, Washington ((98504; telephone: (360) 753-6650)) 98501-1091.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-095 Public notice. (1) When required under chapter 197-11 WAC, ~~((fisheries))~~ the department will give public notice by one or more of the following methods as appropriate for the specific circumstances:

PROPOSED

(a) Notifying public and private groups and agencies with known interest in a certain proposal or in the type of proposals being considered;

(b) Notifying individuals with known interest in a certain proposal or in the type of proposal being considered;

(c) Publication in a newspaper of general circulation in the city, county or general area (~~in which~~) where the proposal will be implemented; (~~and/or~~)

(d) Posting the property for site specific proposals;

(e) Notifying the news media; and/or

(f) Publishing notice on the department's internet site.

(2) (~~Fisheries~~) Whenever possible, the department shall integrate these public notice requirements with existing notice procedures, including publication in the SEPA Register, for any department or commission permits or approvals required for the proposal.

(3) The department may require an applicant to (~~perform~~) complete the public notice requirements for the applicant's proposal at the applicant's expense.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 232-19-010 Authority.
- WAC 232-19-015 Policy.
- WAC 232-19-020 Adoption by reference.
- WAC 232-19-030 Purpose.
- WAC 232-19-040 Additional definitions.
- WAC 232-19-050 Designation of responsible official.
- WAC 232-19-055 SEPA public information center.
- WAC 232-19-060 EIS preparation.
- WAC 232-19-070 Environmentally sensitive areas.
- WAC 232-19-080 Threshold levels adopted by local governments.
- WAC 232-19-090 Coordination of combined state-federal action.
- WAC 232-19-100 Public notice requirements.
- WAC 232-19-110 Notice/statute of limitations.
- WAC 232-19-120 Policies and procedures for conditioning or denying permits or other approvals.
- WAC 232-19-130 Informal appeal.
- WAC 232-19-140 Formal administrative appeal.
- WAC 232-19-180 Severability.

WSR 03-06-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 4, 2003, 3:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-24-065.

Title of Rule: Family child care homes, minimum licensing requirements, WAC 388-155-070 and 388-155-090.

Purpose: WAC 388-155-070 and 388-155-090 are being revised to require family home providers to submit to the department picture identification issued by a government entity and a valid Social Security card or employer identification number card in order to be licensed to provide child care.

Statutory Authority for Adoption: Chapters 74.12 and 74.15 RCW.

Statute Being Implemented: Chapters 74.12 and 74.15 RCW.

Summary: The rules are being revised to require family child care home providers to submit both a picture identification issued by a government entity and either a Social Security card or an employer identification card.

Reasons Supporting Proposal: The department is required to make accurate wage and tax reports to the Internal Revenue Service. Provider identification and tax numbers are required for this.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Policy Unit Lead, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3268.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 26 U.S.C. 6109.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule revision requires family child care home providers to submit both picture identification issued by a government entity and either a Social Security number or an employer identification number to the department in order to be licensed to provide child care.

The purpose is to allow the department to make a correct reporting of wages paid, to the Internal Revenue Service.

Proposal Changes the Following Existing Rules: The revision of WAC 388-155-070 contains the requirement of providing the picture identification and the SSN or employer identification number when the individual applies for a license to be a family child care home provider. WAC 388-155-090 states that the department can deny, suspend or revoke a license if the person fails to provide those two items to the department.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an economic impact on small businesses. This rule revision does not contain any requirements that would result in an increase in costs to the licensed child care providers that are not already in the rules that are currently in effect.

RCW 34.05.328 does not apply to this rule adoption. These rules incorporate requirements in 26 U.S.C. 6109. RCW 34.05.328 does not apply to "rules adopting or incorporating by reference without material change federal statutes or regulations..."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 8, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 4, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., April 8, 2003.

Date of Intended Adoption: Not earlier than April 9, 2003.

February 25, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-06-040, filed 2/28/00, effective 3/30/00)

~~WAC 388-155-070 ((Application and reapplication for licensure—Orientation, training and investigation.))~~

~~How do I apply for a license and what is required? (1) ((The person, organization, or legal entity applying for a license or relicensure under this chapter and responsible for operating the home must:~~

~~(a) Attend orientation and training programs provided, arranged, or approved by the department;~~

~~(b) Comply with application procedures the department prescribes; and~~

~~(c) Submit to the department:~~

~~(i) A completed department-supplied application for family child care home license, including required attachments, ninety or more days before the:~~

~~(A) Beginning of licensed care;~~

~~(B) Expiration of a current license;~~

~~(C) Relocation of a home; or~~

~~(D) Change of licensed capacity category.~~

~~(ii) A completed criminal history and background inquiry form for each applicant, assistant, volunteer, or member of the household sixteen years of age or older having unsupervised or regular access to the child in care;~~

~~(iii) Fingerprint cards if residing in Washington state for less than three years; and~~

~~(iv) The annual licensing fee.~~

~~(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure must submit to the department:~~

~~(a) A department-supplied employment and education resume of the applicant and assistant including a transcript or its equivalent documenting early childhood education class completion, where appropriate; and~~

~~(b) Three references for the applicant.~~

~~(3) The applicant for a license under this chapter shall be eighteen years of age or older.~~

~~(4) The department may, at any time, require additional information from the applicant, licensee, assistant, volunteer, member of their household and other person having access to the child in care as the department deems necessary, including, but not limited to:~~

~~(a) Sexual deviancy evaluations;~~

~~(b) Substance and alcohol abuse evaluations;~~

~~(c) Psychiatric evaluations;~~

~~(d) Psychological evaluations; and~~

~~(e) Medical evaluations.~~

~~(5) The department may perform investigations of the applicant, licensee, assistant, volunteer, member of their household, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files)) To apply for a license to provide family home child care you must:~~

~~(a) Be eighteen years of age or older;~~

~~(b) Attend an orientation provided by the department;~~

~~(c) Submit to the department a completed and signed family child care home license application form, including the following attachments:~~

~~(i) The twenty-four dollars per year license fee. The license fee may be paid for one, two or three years;~~

~~(ii) A completed criminal history and background inquiry form for each person sixteen years of age or older who will have unsupervised or regular access to the children in care. This includes you, any other applicants, assistants, volunteers and members of your household;~~

~~(iii) A copy of your picture identification issued by a government entity (could include but is not limited to: driver's license, passport, state identification); and~~

~~(iv) A copy of your social security card or your employer identification number (EIN) card.~~

~~(d) Submit to the department these additional documents either with your application or within the ninety-day licensing period:~~

~~(i) An employment and education resume for you and any assistants along with your school transcript, if you request:~~

~~(A) A waiver of the STARS training requirement; or~~

~~(B) A capacity higher than six children.~~

~~(ii) Three references for you;~~

~~(iii) Documentation of current TB exam by the Mantoux method for you, any assistants, volunteers and adult members of the household;~~

~~(iv) Documentation of current, standard first aid and infant/child CPR training for you and any assistant who will be left alone to care for the children;~~

~~(v) Documentation of your HIV/AIDS training;~~

~~(vi) Documentation of the local health jurisdiction approval of your private water supply and independent sewage system, if applicable;~~

~~(vii) A copy of your policies and procedures that you give to parents.~~

~~(e) Provide to the department any additional reports or information regarding you, any assistants, volunteers, members of your household or any other person having access to~~

the child in care if any of those individuals may be unable to meet the requirements in chapter 388-155 WAC. This could include:

- (i) Sexual deviancy evaluations;
- (ii) Substance abuse evaluations;
- (iii) Psychiatric evaluations; and
- (iv) Medical evaluations.

(2) If we decide it is necessary, we will investigate you, other applicants, assistants, volunteers, members of your household, and other persons having access to the children in care. This investigation could include, but is not limited to, accessing criminal histories and law enforcement files and records.

AMENDATORY SECTION (Amending WSR 02-24-022, filed 11/26/02, effective 12/27/02)

WAC 388-155-090 When can my license application be denied and when can my license be suspended or revoked? (1) We must deny your license application, or suspend or revoke your license if you do not meet the requirements (~~outlined~~) in this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we (~~with~~) consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, (~~or~~) sexually exploited, or abandoned a child as defined in chapter 26.44 RCW and chapter 388-15 WAC ((388-15-130));

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the home according to the rules of this chapter, we may issue you a license;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; (~~or~~)

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the home's operation or to interview staff or a child in care; or

(i) Refuse to provide to us a copy of your:

(A) Picture identification issued by a government entity; and

(B) Social Security care or your employer identification number (EIN) card.

(4) We may deny, suspend, or revoke your license if you:
(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the home;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

WSR 03-06-093

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed March 4, 2003, 3:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-009.

Title of Rule: Repeal of WAC 388-71-0475 What is the maximum amount that the department pays per month for your COPES care?

Purpose: Repeal of WAC 388-71-0475 will clarify that home and community residential care rates are codified at chapter 388-105 WAC or published in accordance with WAC 388-71-0460.

Statutory Authority for Adoption: Chapter 74.39 RCW.

Statute Being Implemented: Chapter 74.39 RCW.

Summary: By repealing WAC 388-71-0475 the department clarifies that its home and community residential care rates are codified at chapter 388-105 WAC or published in accordance with WAC 388-71-0460. Further, the codified rates in chapter 388-105 WAC and the published rates are the maximum amount that the department pays per month for an individual Medicaid resident's care.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia Hague, 640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2447.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: By repealing WAC 388-71-0475 the department

clarifies that its home and community residential care rates are codified at chapter 388-105 WAC or published in accordance with WAC 388-71-0460. Further, the codified rates in chapter 388-105 WAC and the published rates are the maximum amount that the department pays per month for an individual Medicaid resident's care.

Proposal Changes the Following Existing Rules:
Repeals an existing rule, WAC 388-71-0475.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for "rules relating to internal governmental operations that are not subject to violation by a nongovernmental party," per RCW 19.85.025 and 34.05.310(4).

RCW 34.05.328 does not apply to this rule adoption. The rule being repealed is not a significant legislative rule. The rule is interpretative according to RCW 34.05.328 (5)(c)(ii).

The rule is an interpretative statement pertaining to the COPEs waiver agreement between the federal government and the agency on the payment of federal financial participation. The rule is "interpretive" because violation of the rule does not subject a person to a penalty or sanction.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503, on April 8, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by 5:00 p.m., April 4, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Rules Coordinator, Department of Social and Health Services, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail FernaAX@dshs.wa.gov by 5:00 p.m., April 8, 2003.

Date of Intended Adoption: Not earlier than April 9, 2003.

February 25, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-71-0475	What is the maximum amount that the department pays per month for your COPEs care?
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WSR 03-06-094
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed March 4, 2003, 3:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-043.

Title of Rule: Amendments to WAC 388-79-010, 388-79-020, 388-79-030 and 388-79-040, guardianship fees for clients of the department. New WAC 388-79-050 has been added.

Purpose: (1) Increase advance notice period from ten to twenty days; (2) prohibit deductions from participation for fees and costs occurred prior to Medicaid eligibility, during any subsequent period of ineligibility, or after the client has died; (3) fees in excess of the amounts currently allowed will be taken from current participation; and (4) language that establishes a process for the department to use in making a determination of whether fees that exceed amounts should be granted.

Statutory Authority for Adoption: RCW 11.92.180, 43.20B.460.

Statute Being Implemented: RCW 11.92.180 and 43.20B.460.

Summary: The rules are proposed to: (1) Increase advance notice period from ten to twenty days; (2) prohibit deductions from participation for fees and costs occurred prior to Medicaid eligibility, during any subsequent period of ineligibility, or after the client has died; (3) fees in excess of the amounts currently allowed will be taken from current participation; and (4) language that establishes a process for the department to use in making a determination of whether fees that exceed amounts should be granted.

A CR-102 proposed rule-making notice was previously filed as WSR 02-11-067 and a hearing was held on June 25, 2002. Based on comments from the hearing, Aging and Disability Services Administration (ADSA) decided to withdraw the previous notice and complete an analysis of the costs associated with these rules and how they affect small businesses as well as clients and facilities. See Small Business Economic Impact Statement below.

Reasons Supporting Proposal: The department is barred from paying guardianship fees directly per RCW 11.92.180 and 43.20B.020. The department's proposed WAC language establishes a way to measure and determine if the fees awarded are "reasonable." This language is necessary based on federal compliance requirements and is needed to cap escalating expenditures. These amendments will increase budget controls and help our administration estimate and possibly close the accounting period once a regular payment on an account can be established and once deductions for participation during periods of ineligibility are eliminated resulting in less administrative burden for both the department and the professional guardians. Eliminating deductions during periods of ineligibility will save department money. This rule will also help our regional administrators prepare by adding ten days making notice of proceedings a total of twenty days.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kristi Knudsen, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2537, knudskl@dshs.wa.gov.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Increase advance notice period from ten to twenty days; (2) prohibit deductions from participation for fees and costs occurred prior to Medicaid eligibility, during any subsequent period of ineligibility, or after the client has died; (3) fees in excess of the amounts currently allowed will be taken from current participation; and (4) language that establishes a process for the department to use in making a determination of whether fees that exceed amounts should be granted.

The department expects the loss of revenue to the small businesses affected will be minor.

Proposal Changes the Following Existing Rules: WAC 388-79-010, rewriting the rule to be more understandable and to clarify that a federal mandate requires DSHS to establish maximum fees.

WAC 388-79-020, adding "guardianship fees" and "participation" to definitions and changing the definition of "client" from any department client to those who receive Medicaid funded long-term care.

WAC 388-79-030, adding language to preclude the allowance of prospective or retrospective guardianship fees and administrative costs prior to the Medicaid recipient's eligibility for long-term care services or after the recipient's death.

WAC 388-79-040, language to allow the regional administrator an added ten days notice before the guardian files with the court.

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

Small Business Economic Impact Statement

A proposed rule-making notice was previously filed as WSR 02-11-067 and a public hearing was held June 25, 2002. Based on comments from the hearing, ADSA decided to repeal the previous notice and complete an analysis of the costs associated with these rules and how they affect small businesses as well as clients and facilities.

The department believes that these changes will not have a substantial impact or a more than minor cost to the small businesses and others affected. However, the department has completed a small business economic impact statement.

SUMMARY OF PROPOSED RULES: The Department of Social and Health Services' Aging and Disability Services Administration is proposing amendments to chapter 388-79 WAC, Guardianship fees for clients of the department.

This chapter currently consists of four sections, WAC 388-79-010 - 388-79-040. We propose to amend those sections and add a new section, WAC 388-79-050, for treatment of orders entered after the effective date of this WAC. The

purpose of this chapter is to bring the department into compliance with the federal requirements to:

- Establish reasonable and maximum rates for guardian fees and administrative costs associated with guardianships.
- Implement RCW 11.92.180.

This statute requires DSHS to establish maximum allowable guardianship fees for clients who:

- Reside in nursing facilities or in residential or home settings and;
- Must pay a portion of their monthly income toward the cost of their care.

The maximum allowable fee is currently set, for each client at:

- \$175 per month for monthly guardian fees;
- \$700 in administrative costs to establish the guardianship; and
- \$600 in administrative costs to maintain the guardianship during each subsequent three year period.

ADSA is not proposing changes to these amounts.

The proposed amendments to this chapter include:

- Rewriting WAC 388-79-010 to be more understandable and to clarify that a federal mandate requires DSHS to establish maximum fees.
- Adding "guardianship fees" and "participation" to definitions under WAC 388-79-020 and changing the definition of "client" from any department client to those who receive Medicaid-funded long-term care.
- Making minor changes to WAC 388-79-030 to increase clarity. This is the section that establishes the maximum amounts.
- Amending WAC 388-79-040 to pertain only to guardianship orders entered after June 15, 1998, and before the promulgation of the new section WAC 388-79-050. Minor changes were also added for clarity.

The proposed additions to this chapter in WAC 388-79-050 include:

- An increase in the advance notice period from ten to thirty days when a request is made for fees in excess of those described in WAC 388-79-030. The increase in time will allow DSHS a more reasonable time frame to evaluate whether the fees should be granted on an exceptional basis.
- Language that establishes criteria for the department to use in making a determination of whether fees that exceed the amounts described in WAC 388-79-030 should be granted.
- Policy stating that fees in excess of those described in WAC 388-79-030 that are approved by the court will be deducted from current participation, i.e. when the bill "comes due," which would prohibit retroactive participation adjustments. Participation is defined as the amount of the client's monthly income that is contributed toward the cost of care. A retroactive participation adjustment would require DSHS to send a letter to the client and facility stat-

ing that the amount of participation owed for a prior month has been overpaid. The provider would have to refund the difference to the guardian or client and wait to be reimbursed by the state.

Retroactive participation adjustments affect small and large businesses, such as adult family home providers, boarding homes, and nursing facilities. If the department sends an award letter adjusting participation prior to the current month, the provider must make up the difference to the guardian until the state can do a reimbursement, which can present a cash flow problem, especially for adult family home owners who have a maximum of six residents.

Retroactive participation adjustments may also be a violation of RCW 11.92.180, which states that guardians and limited guardians shall not be compensated at county or state expense. The reimbursement process is technically a payment for guardianship costs from state funds. The only realistic way to maintain the separation described in this law is to have the client pay for guardianship services from current and future income.

- Policy stating that fees incurred during periods before Medicaid eligibility or any subsequent period of noneligibility will not be deducted from the client's participation. Allowing these fees as a deduction would violate RCW 11.92.180, which states that the guardian cannot be paid at state or county expense.
- Policy stating that fee amounts approved by the court at a prior accounting and advanced to the guardian may not be increased after the client dies. Since the client's income and guardianship dies "with the client" any fees allowed beyond what the court approved would be in violation of the RCW as well as the court order.
- Policy that requires the guardian to furnish the regional administrator with complete legal packets that include all documents filed with the court. This is to ensure that the department receives the fee amounts in a timely manner.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS): Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses. The statute defines small businesses as those for-profit businesses that employ fifty or fewer people and are independently owned. These rules impact approximately one hundred fifty small businesses, both agencies and individuals, who are guardians. The size of the businesses does vary from one to three dozen employees.

The department's proposed rules will not have a disproportionate impact on the state's small businesses due to the fact that all of them are small. Under RCW 19.85.030, the Regulatory Fairness Act requires that agencies compare cost of compliance for small businesses with the cost of compliance for 10% of the largest businesses impacted by our rules. The department has determined that there are no guardians or guardianship agencies in the state with more than fifty employees; therefore no comparison can be made of the

impact of our proposed rule changes between small and large businesses.

Nevertheless, ADSA does wish to explore the economic impact of our proposed rule changes to guardians in the state of Washington. ADSA has analyzed the proposed rule amendments and has determined that guardians will be financially affected by these changes. We conclude that there should not be any increase in costs associated with the changes, but some guardians may have a decrease in revenue.

In this SBEIS, we will first provide background information. Then we will discuss the cost of compliance for each of the changes.

BACKGROUND: Under RCW 11.92.180 and 43.20B.460, DSHS is barred from paying guardianship fees directly to the guardian. In 1993 the federal Health Care Financing Authority (HCFA, now called CMS) placed the state of Washington on a Title XIX noncompliance list for allowing unreasonable guardian fees from the client's Medicaid participation. CMS stated that Washington's practice violated the federal rules under Title XIX of the Social Security Act. This placed our entire Medicaid federal funding at risk. The only federally allowable method to pay guardianship fees is to deduct them, as part of the personal needs allowance from the client's income. In 1994 the legislature passed a bill that ordered DSHS to establish by rule the maximum amount of guardianship fees and administrative costs that may be allowed by the court as compensation for a guardian of an incapacitated person who is a DSHS client residing in a nursing facility or in a residential or home setting and is required by DSHS to contribute a portion of their income towards the cost of care. CMS requires states to establish reasonable and maximum amounts for guardian fees.

In 1995, the department's authority to limit fees was challenged in proposed bill SHB 1865. At that time the state received additional letters from CMS about compliance. In a letter dated February 22, 1995, CMS stated that any deduction other than the required \$30 personal needs allowance must be accompanied by a state plan amendment. It must establish, to CMS's satisfaction, that the greater amount is reasonable. CMS does not automatically consider court-established fees to be reasonable. DSHS is required to make an independent determination of a "reasonable" amount and to explain how we arrived at the amount to satisfy CMS. DSHS' proposed WAC language, with the list of required duties establishes a way to measure and determine if the fees awarded are "reasonable." Copies of letters sent to the department from HCFA are in Appendix A of this document.

ADSA has made inquiries to other states to get an idea of how our methods and fees compare. We received responses from Minnesota, Alaska, North Dakota, Arizona, Maine, Texas, Oregon, New York, Michigan, and Indiana. The results from the inquiries are:

- Minnesota funds guardianships at a county level. Many counties have no funding at all. Hennepin County allows \$15/hour not to exceed five hours/month. Ramsey County allows 5% of the institutionalized person's income not to exceed \$100/month.

- Michigan has a maximum fee of \$60/month. Indiana allows \$35/month with a provision to allow more if the state (not the guardian) makes the request. These appear to be the two states that are most similar to Washington in regard to a standard fee amount. North Dakota states they fund guardianships at approximately \$97/month, but only for the developmentally disabled population.
- Many of the other states have very limited programs that operate in only a few counties and allow fees similar to those cited above. For example, Oregon has no program at all except in Multnomah and Jackson counties. Public employees in New Jersey and Maine provide guardianship services.

DSHS concludes from these inquiries that Washington, unlike many other states, is:

- Serving long-term care clients on a statewide basis by allowing fees as a deduction from participation; and
- Allowing guardian fees and administrative costs in amounts that are greater than any other state that responded.

CURRENT PRACTICES: The current WAC chapter was adopted in June of 1998. Maximum fee amounts were established and the mitigating factor of the guardian's ability to seek higher fees with the court's approval was written into rule. Since that time, DSHS has experienced a tremendous increase in requests for fees in excess of the maximum amount. In some areas, fees are consistently \$225 or higher. Many of those requests are for clients who do not require extraordinary services from a guardian. They are in a safe environment, have no significant assets to dispose of, and require no more than the normal services a guardian would provide. Examples of normal services include distribution of bill payments, monthly visits, completion of DSHS forms, communicating with the client's service providers, etc. These are the types of services that ADSA has identified as the usual and customary that a guardian will provide in exchange for a "reasonable" fee described in rule.

The major weakness of the current WAC chapter is that the usual and customary services provided by a guardian, (that is, that package of services provided in exchange for a "reasonable" fee set forth in a federally mandated rule), is not defined. Neither the courts, certified guardians or ADSA staff have a way to measure what constitutes a usual and customary set of services. Nor can they determine with any consistency what would constitute "extraordinary" services that deserve a higher rate of compensation. As previously stated, the department is required by federal statute to establish a maximum fee amount. A pattern of DSHS allowing more than the maximum amount, especially when the client does not need extraordinary services, would result in a loss of federal funding.

The most important substantive change in our proposed rules is to make the definition of usual and customary guardianship services and extraordinary services known to all stakeholders. To establish the definition of usual and customary guardianship duties, DSHS largely has relied on materials prepared by or for certified guardians, such as

guardians' accountings to the court and the *Washington State Guardian Manual*.

Examples of usual and customary guardianship duties include:

- Acting as a representative payee;
- Managing the client's financial affairs;
- Preserving and/or disposing of property;
- Making health care decisions;
- Visiting and/or maintaining contact with the client;
- Accessing public assistance programs on behalf of the client;
- Communicating with the client's service providers; and
- Preparing any reports or accountings required by the court.

INVOLVEMENT OF SMALL BUSINESSES: Small businesses have been involved in the proposed rule changes in the following ways:

- On June 25, 2002, a public hearing was held for proposed rule changes to this chapter. We received a great deal of input from attorneys and professional guardians to these rule change proposals during the public comment period.
- In response to comments from the public hearing, DSHS temporarily withdrew the rule change proposal in order to do a small business impact statement. A "Guardianship WAC SBEIS/CBA Survey" was mailed to certified guardians listed on the website known as professional guardian certification program at www.courts.wa.gov. This site had a list of guardianship agencies and individual professional guardians as of June 7, 2002. The mailing was done on September 19, 2002. The response rate was approximately 13%, with responses from individual guardians and agencies across the state. See Appendix B for a copy of the survey.

COST OF COMPLIANCE: To fairly consider costs of compliance, ADSA has elected to look at costs per month. This is due to the fact that DSHS long-term care clients receive their income on a monthly basis and because fees are deducted on a monthly basis. Costs are listed for each change or clarification to the existing rules.

Policy stating that fees in excess of those described in WAC 388-79-030 that are approved by the court will be deducted from current and future participation, with no retroactive adjustments.

The survey results show that this is a major area of concern for the guardians who responded. One guardian stated that 100% of attorney fees are collected retroactively. Some guardians estimated cost in terms of dollars. These amounts ranged from \$300 to \$25,000 per year. Other guardians estimated cost as a percentage. These ranged from 0 to 50%. One guardian estimated cost as an elimination of staff that could possibly be as high as two thirds. Another stated that Medicaid clients would no longer be served.

We feel that a misunderstanding of our intentions drove the majority of responses received to this change. DSHS is not proposing to deny retroactive fees. We are only requiring

that retroactive fees be deducted from current and future income.

Example: DSHS is notified on July 1st of a court order for fees to be awarded of \$175 per month with an attorney fee of \$700 effective April 1st. The department would begin budgeting fees with July income. In addition to the ongoing fee, we would allow retroactive fees for April - June and the attorney fee until enough was deducted to compensate for them. We would not change the participation amounts for April - June.

The only potential revenue loss to guardians with this rule change would occur if the client passes away before the retroactive fee deductions are completed. As long as the fee requests are not received long after the effective date of the order, the loss of revenue should be minimal. The exact costs, however, are impossible to quantify.

Proposal to limit maximum fees to \$175 per month for services that are "usual and customary" as defined in the WAC unless the court approves a higher amount.

DSHS does intend that guardianship fees for those clients who do not require extraordinary services be limited to \$175 per month in order to preserve federal funding requirements. Many guardians in the state are not currently requesting more than that. For those guardians, there will be no loss of revenue due to this clarification.

Guardians often ask the department to allow fees higher than \$175 for a short period of time because extraordinary services are required. For example, a guardian may need \$350 per month for the first four months the client is on Medicaid due to a complicated property transaction, exceptional medical service needs, litigation, etc. Again, our rule proposals will not prohibit that process in any way. It will, in fact, make it more likely to occur since the language describing the process is now in WAC. For some guardians, this will represent an increase in revenue. It should not decrease revenue for any guardian.

In some areas of the state many guardians, especially the larger agencies, demand minimal fees of \$225 or more for every client, or they ask the court for additional fees at a future accounting for clients who did not receive services beyond those defined as "usual and customary." For those guardians, the loss of revenue is the difference between \$175 and the amount they are currently asking for, times the amount of clients in the caseload on a monthly basis. If the court approves a higher amount, the loss would be less than that.

For example, a guardian is currently receiving \$225 per month for every client who does not need extraordinary services. A new client is approved for \$175 per month due to the rule change. The loss would be \$50 per month. DSHS would further intend that fees for existing clients be reduced to \$175 at future accountings, which would also reduce the revenue by \$50 per month for that client.

Again, DSHS is not able to quantify exact amounts since the courts also have a say in all matters relating to guardianships.

An increase in the advance notice period from ten to thirty days when a request is made for fees in excess of those described in WAC 388-79-030.

Some guardians did not answer this question or stated that there will not be an additional cost. The guardians who did foresee a cost estimated it to be a few hundred dollars per year up to \$2300.

Many guardians expressed opposition to this change at the public hearing in June of 2002. The opposition did not relate to the cost in most cases. Guardians felt that this was an undue burden and would create chaos in their time frames for preparation of court orders.

Policy stating that fees incurred during periods prior to Medicaid eligibility or any subsequent period of non-eligibility will not be deducted from the client's participation.

All of the responses received indicate that this clarification would not be a cost to the guardians or would be very minimal. A few guardians stated that they would be less likely to help clients apply for Medicaid for fear of not being compensated for services provided during the period between date of application and date of approval.

DISPROPORTIONATE ECONOMIC IMPACT ANALYSIS:

When proposed rule changes cause more than minor costs to small businesses, the Regulatory Fairness Act requires an analysis that compares these costs between small businesses and 10% of the largest businesses. This analysis is not required for this change since all of the affected businesses are small businesses.

MITIGATING EXPENSES: Mitigation of expenses associated with these rule change proposals are:

- Courts may award fees higher than our maximum, after consideration of the facts and law.
- DSHS will amend the proposed rule changes in regard to the advance notice period for requests that exceed \$175. Most of the guardians felt that this was an undue burden. We will change the advance notice period from thirty to twenty days.
- Another mitigating factor is that DSHS is not proposing to reduce fee amounts for clients currently subject to a court order that awards fees higher than the maximum. We would not ask for a reduction until the next accounting is due.

BENEFITS TO CLIENTS AND PROVIDERS: The proposed rule changes offer the following benefits not previously identified in this report:

- When the client's participation in the cost of care is determined, the deductions are made in sequential order. One of the deductions we make is an amount allocated to the client's spouse who resides in the community and is not receiving long-term care services. The deduction for the guardianship fee is made before the spousal allocation. Therefore, a guardianship fee of \$175 will permit the spouse to receive \$50 more of the client's income than a fee of \$225.
- The Medical Assistance Administration of DSHS recently did a survey of guardianship fees for clients residing in nursing facilities. The main focus of the audit was to determine what services the guardians were performing. The surveyors found that staff at the nursing facilities had very little knowledge of

what the usual and customary services of a guardian are. Our proposed language about these services would be very helpful for them.

CONCLUSION: ADSA has given careful consideration to the impact of proposed rules in chapter 388-79 WAC on small businesses and the ways in which we can provide mitigation. We have identified and analyzed the costs, in accordance with chapter 19.85 RCW. We conclude that state statutes and federal regulations require the changes. ADSA has complied with the appropriate sections of the Regulatory Fairness Act and is prepared to proceed with the rule filing.

Please contact David Armes if you have any questions at (360) 725-2561.

A copy of the statement may be obtained by writing to Kristi Knudsen, DSHS Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2537, fax (360) 438-8633.

RCW 34.05.328 does not apply to this rule adoption. The department finds that this rule does not meet the definition of a significant legislative rule in RCW 34.05.328 (5)(c)(iii).

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking at 11th and Washington), 1115 Washington, Olympia, WA 98504, on April 22, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 18, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., April 22, 2003.

Date of Intended Adoption: Not earlier than April 23, 2003.

February 26, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-10-055, filed 4/30/98, effective 5/31/98)

WAC 388-79-010 (~~Applicability and reason for the chapter~~) **Purpose.** ~~((It is the intent of this WAC to carry out RCW 43.20B.460, and that part of))~~ These rules implement RCW 11.92.180 ((which allows)) and 43.20B.460 to the extent that those statutes require the department to ((set)) establish by rule the maximum amount of guardianship fees and additional compensation for administrative costs that may be allowed by ((courts in guardianships for a department of social and health services (DSHS) client residing in a nursing facility or in a residential or home setting, and who is required by DSHS to contribute a portion of their income towards the cost of residential or supportive services)) the court for a guardian or limited guardian of an incapacitated person who is a Medicaid client of the department and is thus

required by federal law to contribute to the cost of the client's long-term care.

AMENDATORY SECTION (Amending WSR 98-10-055, filed 4/30/98, effective 5/31/98)

WAC 388-79-020 Definitions. "**Administrative costs**" or "**costs**" means necessary costs paid by the guardian including attorney fees ~~((and costs of service of process at the least expensive level)).~~

~~((2))~~ ~~"Department client" means a person who has been approved to receive a grant or program administered by the department)~~ "**Client**" means a person who is eligible for and is receiving Medicaid-funded long-term care.

"**Guardianship fees**" or "**fees**" means necessary fees charged by a guardian for services rendered on behalf of a client.

"**Participation**" means the amount the client pays from current monthly income toward the cost of the client's long-term care.

AMENDATORY SECTION (Amending WSR 98-10-055, filed 4/30/98, effective 5/31/98)

WAC 388-79-030 (~~Guardianship~~) **Maximum fees and ((administrative)) costs ((including attorney fees)).** The superior court may allow guardianship fees and administrative costs in an amount set out in an order. For orders entered after June 15, 1998, ~~((for a department client))~~ where the order establishes or continues a legal guardianship for a department client, and requires a future review or accounting; then unless otherwise modified by the process described in WAC 388-79-040:

(1) The amount of guardianship fees shall not exceed one hundred seventy-five dollars per month;

(2) The amount of administrative costs directly related to establishing a guardianship for a department client shall not exceed seven hundred dollars; and

(3) ~~((In any order on review))~~ The amount of administrative costs shall not exceed a total of six hundred dollars during any three-year period.

AMENDATORY SECTION (Amending WSR 98-10-055, filed 4/30/98, effective 5/31/98)

WAC 388-79-040 Procedure to revise award letter after June 15, 1998, but before June 1, 2003. After June 15, 1998, but before June 1, 2003, where a department client is subject to a guardianship then the department shall be entitled to notice of proceedings as described in RCW 11.92.150.

(1) The notice shall be given to the appropriate regional administrator of the program serving the department client. A list of the regional administrators will be available upon request.

(2) If the fees and costs requested and established by the order are equal to or lower than the maximum amount set by this rule then the award letter or document setting the department's client's participation shall be adjusted to reflect that

amount upon receipt by the department of the court order setting a monthly amount.

(3) Should fees and costs above those requested in WAC 388-79-030 be requested:

(a) The appropriate regional administrator will be given notice of the hearing as described in RCW 11.92.150, and provided with copies of all supporting documents filed with the court.

(b) Should the court determine after consideration of the facts, law and evidence of the case, that fees and costs higher than normally allowed in WAC 388-79-030 are just and reasonable and should be allowed then the award letter or document setting the department client's participation shall be adjusted to reflect that amount upon receipt by the department of the court order setting a monthly amount.

NEW SECTION

WAC 388-79-050 Procedure for allowing fees and costs from client participation after June 1, 2003. (1) After June 1, 2003, where a client is subject to a guardianship the department shall be entitled to notice of proceedings as described in RCW 11.92.150.

(2) The notice must be served to the department's regional administrator of the program that is providing services to the client. A list of the regional administrators will be furnished upon request.

(3) If the fees and costs requested and established by the order are equal to or less than the maximum amounts allowed under WAC 388-79-030, then the department will adjust the client's current participation to reflect the amounts allowed upon receipt by the department of the court order setting the monthly amounts.

(4) Should fees and costs in excess of the amounts allowed in WAC 388-79-030 be requested:

(a) At least ten days before filing the request with the court, the guardian must present the request in writing to the appropriate regional administrator to allow the department an opportunity to consider whether the request should be granted on an exceptional basis.

(b) In considering a request for extraordinary fees or costs, the department must consider the following factors:

(i) The department's obligation under federal and state law to ensure that federal Medicaid funding is not jeopardized by noncompliance with federal regulations limiting deductions from the client's participation amount;

(ii) The usual and customary guardianship services for which the maximum fees and costs under WAC 388-79-030 must be deemed adequate for a Medicaid client, including but not limited to:

- (A) Acting as a representative payee;
 - (B) Managing the client's financial affairs;
 - (C) Preserving and/or disposing of property;
 - (D) Making health care decisions;
 - (E) Visiting and/or maintaining contact with the client;
 - (F) Accessing public assistance programs on behalf of the client;
 - (G) Communicating with the client's service providers;
- and

(H) Preparing any reports or accountings required by the court.

(iii) Extraordinary services provided by the guardian, such as:

- (A) Unusually complicated property transactions;
- (B) Substantial interactions with adult protective services or criminal justice agencies;
- (C) Extensive medical services setup needs and/or emergency hospitalizations; and
- (D) Litigation other than litigating an award of guardianship fees or costs.

(c) Should the court determine after consideration of the facts and law that fees and costs in excess of the amounts allowed in WAC 388-79-030 are just and reasonable and should be allowed, then the department will adjust the client's current participation to reflect the amounts allowed upon receipt by the department of the court order setting the monthly amounts.

(5) In no event may a client's participation be prospectively or retrospectively reduced to pay fees and costs incurred before the effective date of the client's Medicaid eligibility; or during any subsequent time period when the client was not eligible for, or did not receive long-term care services; or after the client has died. There is no client participation towards DDD certified and contracted supported living services under chapter 388-820 WAC, so the department has no responsibility to reimburse the client for guardianship fees when those fees result in the client having insufficient income to pay their living expenses.

(6) If the court at a prior accounting has allowed the guardian to receive fees and costs from the client's monthly income in advance of services rendered by the guardian, and the client dies before the next accounting, the fees and costs allowed by the court at the final accounting may be less than, but may not exceed, the amounts advanced and paid to the guardian from the client's income.

(7) Guardians must furnish the regional administrator with complete packets to include all documents filed with the court and with formal notice clearly identifying the amount requested.

WSR 03-06-100
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed March 5, 2003, 9:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-13-057.

Title of Rule: WAC 246-933-320 General requirements for all veterinary medical facilities, 246-933-501 Intent, 246-933-510 Definitions, 246-933-520 Registration, 246-933-530 Purchase and use of drugs, and 246-933-550 Investigations.

Purpose: The proposal establishes that the veterinary board adopt rules to regulate entities that provide limited veterinary services to the low-income member of our communities.

Statutory Authority for Adoption: RCW 18.92.030, chapter 157, Laws of 2002.

Statute Being Implemented: RCW 18.92.260.

Summary: To establish registration and renewal requirements for humane societies and animal control agencies (entities); define emergency, entity and low income household; govern the purchase and use of drugs for the authorized limited services; and rules to ensure that entities are in compliance with legislation.

To amend the current recordkeeping rule that will apply to all veterinary facilities and entities.

Reasons Supporting Proposal: This rule will allow low-income households access to veterinary care for their animals which may help improve the health of the pet population.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Karen Kelley, 1112 S.E. Quince Street, Olympia, WA 98504-7868, 236-4876.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New Rules:

WAC 246-933-501 Intent, states the legislature's intent to allow qualified animal control agencies and humane societies to provide limited veterinary services to low income members of our communities.

WAC 246-933-510 Definitions, this rule defines entity, emergency care and low-income household.

WAC 246-933-520 Registration, this rule directs entities to chapter 246-12 WAC, Part 3 for registration requirements.

WAC 246-933-530 Purchase and use of legend drugs and controlled substances, legend drugs and controlled substances are defined, and the responsibilities of veterinarians are clearly stated.

WAC 246-933-550 Investigation, states that treatment records to include drug use will be made available to representatives of the veterinary board and the board of pharmacy.

Amended Rule:

WAC 246-933-320 General requirements for all veterinary medical facilities, subsection (7) Records, language is added requiring documentation of low-income status, if applicable.

These rules will provide the opportunity for entities to register to provide limited veterinary services to the low-income members of our communities.

Access to these limited veterinary services will be improved for the pets of low-income households and help prevent the spread of disease and overpopulation.

Proposal Changes the Following Existing Rules: WAC 246-933-320 will be amended to be clearer by adding items to be included in an animal's record, and require documentation of the low-income status for persons that seek the limited veterinary services provided by qualified animal care and control agencies and humane societies.

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

Small Business Economic Impact Statement

Proposed New Sections

Intent (WAC 246-933-501)

Definitions (WAC 246-933-510)

Registration (WAC 246-933-520)

Purchase and use of legend drugs and controlled substances (WAC 246-933-530)

Investigation (WAC 246-933-550)

The following rules additions are limited to animal care and control agencies operated or contracted by city or county government as defined in RCW 16.52.011, and nonprofit humane societies qualified under section 501 (c)(3) of the Internal Revenue Code. Because these entities are not deemed small businesses as defined by RCW 19.85.020, it is not necessary to complete a small business economic impact statement.

Proposed Amendments to

General requirements for all veterinary medical facilities (WAC 246-933-320)

Background: Rules promulgated must promote the delivery of quality health care to the residents of Washington state. The establishment of new statutory legislation (RCW 18.92.250, 18.92.260, effective July 1, 2003) acknowledges the need for veterinarian services for pets of low-income households. The intent of this legislation is to allow qualified animal control agencies and humane societies to provide limited veterinary services to low-income members of Washington communities. However, it is not the intent to allow these agencies to provide veterinary services to the public at large. To regulate these laws and to proceed with their intent, it is necessary to establish new rules governing the practice of animal control agencies and humane societies, and to amend previous rules to correspond to such changes.

Purpose and Objectives: The Veterinary Board of Governors is proposing rule changes that will:

- Add clarity to the existing definitions and rules, making it easier for all veterinary professionals, staff facilities and entities to understand the responsibilities, requirement and limitations in terms of providing necessary and appropriate services, treatment and documentation.
- Add new language accounting for low-income persons receiving the limited veterinary services provided by qualified animal care and control agencies and humane societies.

Rule-making Requirements of the Regulatory Fairness Act (chapter 19.85 RCW): The Regulatory Fairness Act, RCW 19.85.030 requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020 a small business is "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the pur-

pose of making a profit, and that has fifty or fewer employees."

What do the proposed rule amendments do? The proposed rule changes provide a more clear, concise outline of standards for recordkeeping for all veterinary medical facilities in the state. The proposed amendment clarify and add new tasks to ensure consistent and appropriate documentation of all veterinary medical services provided in the state. These additional requirements apply to all veterinary professionals, entities, their staff and facilities, and specifically address the following areas:

- Documenting the litter of animals.
- Recording the author of medical record entries, to include veterinary professionals and staff.
- Recording the weight of animals.
- Providing sufficient information in the history and examination record to justify diagnosis and warrant treatment.
- Recording sufficient information regarding diagnostic tests performed.
- Documenting the dosage and route of medications administered, prescribed or dispensed.
- Recording a description of surgery performed.
- Providing sufficient refrigeration for the purpose of storing the bodies of deceased animals.

A portion of these rules applies only to veterinary entities qualified to provide limited services to low-income pet owners. These specific rules address:

- The identification, verification and documentation of low-income status of persons seeking the limited veterinary services provided by qualified animal care and control agencies and humane societies.

Affected Industries/Disproportionate Impact: In preparing this small business economic impact statement (SBEIS), the Department of Health used the following SIC codes:

SIC	Description	MINOR IMPACT THRESHOLD
0741	Veterinary services for livestock	\$66.10
0742	Veterinary services, specialties	\$66.10

These two SIC codes both indicate a minor impact threshold of \$66.10. The estimated cost to veterinary professionals and staff for amending these rules is less than \$66.10. Therefore, there is no disproportionate cost to small businesses.

Because the rule changes do not require major personnel modifications and do not mandate the purchase of additional equipment, the estimated costs will be minimal and are expected to be below the minor impact threshold. Rather than imposing additional costs to businesses, the rule amendment allows for more efficient and effective methods for documentation, recordkeeping and treatment, reducing some investigative and regulatory burden of the state, and most importantly, improving health outcomes of pets and ultimately their owners - residents of the state of Washington.

The largest burden that this rule imposes deals with the additional documentation of low-income status for persons whose pets receive the limited services of qualified animal care and control facilities and humane societies. Because animal care and control agencies are operated or contracted by city or county governments as defined in RCW 16.52.011, and nonprofit humane societies are qualified under section 501 (c)(3) of the Internal Revenue Code, these entities are not deemed small businesses as defined by RCW 19.85.020. Therefore, the additional requirement of documenting low-income status does not impose a disproportionate cost to small businesses.

How the Department of Health will notify businesses: Upon adoption, these rules will be made available to businesses that involve veterinary professionals and facilities in a number of ways.

- Available on the Internet.
- Copy sent to all businesses that have asked to be placed on the interested persons mailing list.
- Included in the next updated law book which is sent upon request to businesses and licensees.
- Available at the front counter for businesses and licensees.
- Copy of rule is available through the Code Reviser's Office, which is available to all businesses and licensees.
- Printed in the WSVMA newsletter.

How the Department of Health has involved businesses in the rule-making process: At the very beginning of the rules writing process in June 2002, notices were sent to all persons on the interested parties mailing list. This list included veterinary professionals, animal care and treatment facilities, and humane societies, as well as other interested individuals. Veterinary Board of Governors meetings were held on June 10, August 5, September 26, and December 9, 2002.

Costs to the Department of Health to administer the regulation: There are no new additional costs to the Department of Health to administer these rules. No additional review time and no additional analyses are required as a result of the amendments.

A copy of the statement may be obtained by writing to Karen Kelley, Program Manager, Veterinary Board of Governors, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 236-4786, fax (360) 664-9077.

RCW 34.05.328 applies to this rule adoption. The rules establish registration and renewal requirements for humane societies and animal care and control agencies.

Hearing Location: Department of Health, Creekside Three at CenterPoint, 20435 72nd Avenue South, Suite 200, Kent, WA 98032, (253) 395-7731, fax (253) 395-6759, on June 2, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact (360) 236-4841 by May 23, 2003, TDD (711).

Submit Written Comments to: Karen Kelley, Program Manager, Veterinary Board of Governors, P.O. Box 47868, Olympia, WA 98504-7868, fax (360) 664-9077, by May 23, 2003.

PROPOSED

Date of Intended Adoption: June 2, 2003.

February 18, 2003

Karen Kelley

Program Manager

**AUTHORIZING ANIMAL CARE AND CONTROL
AGENCIES AND NONPROFIT HUMANE SOCIETIES
TO PROVIDE LIMITED VETERINARY SERVICES**

NEW SECTION

WAC 246-933-501 Intent. It is the intent of the legislature to allow qualified animal control agencies and humane societies to provide limited veterinary services to low-income members of our communities. It is not the intent of the legislature to allow these agencies to provide veterinary services to the public at large.

NEW SECTION

WAC 246-933-510 Definitions. As used in this chapter:

(1) "Entity" means animal care and control agencies as defined in RCW 16.52.011 and nonprofit humane societies, which have qualified under section 501 (c)(3) of the Internal Revenue Code.

(2) "Emergency care" as referred to in RCW 18.92.260 (1)(b) means an unexpected, serious occurrence or situation which urgently requires prompt action in order to prevent an animal's death or permanent injury, unless defined otherwise by local ordinance.

(3) "Low-income household" means a single person, family or unrelated persons living together whose adjusted family income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located (RCW 43.185A.010(5)).

NEW SECTION

WAC 246-933-520 Registration. A qualified animal care, control agency, or nonprofit humane society may obtain a registration credential. Refer to the requirements of chapter 246-12 WAC, Part 3.

NEW SECTION

WAC 246-933-530 Purchase and use of legend drugs and controlled substances. (1) For purposes of this section, "drugs" includes both legend drugs and controlled substances.

(a) "Legend drugs" means any drugs that are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(b) "Controlled substances" means a drug, substance, or immediate precursor in Schedule I through V of Article II of chapter 69.50 RCW.

(2) A licensed veterinarian shall be responsible for the policies and procedures regarding the ordering, purchasing, safe storage, dispensing and administration of all drugs used

at an entity registered under RCW 18.92.260 in connection with surgical sterilization or emergency care. Entities are responsible for the ordering, purchasing, and safe storage of all drugs.

(a) The veterinarian shall comply with the state board of pharmacy requirements for controlled substances in chapter 69.50 RCW, and legend drugs in chapter 69.41 RCW.

(b) All drugs shall be stored in accordance with WAC 246-933-320.

(c) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(d) All legend drugs shall be dispensed in accordance with RCW 18.92.012, 18.92.013, and WAC 246-933-340(5).

(e) A record of all drugs administered and/or dispensed shall be kept in the individual animal's record.

NEW SECTION

WAC 246-933-550 Investigation. Treatment records to include drug use shall be made available to representatives of the veterinary board of governors and the board of pharmacy.

AMENDATORY SECTION (Amending Order 299B, filed 8/19/92, effective 9/19/92)

WAC 246-933-320 General requirements for all veterinary medical facilities. (1) **Construction and maintenance:** All facilities shall be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities shall comply with applicable state, county and municipal laws, ordinances and regulations.

(2) **Ventilation:** Adequate heating and cooling shall be provided for the comfort of the animals, and the facility shall have sufficient ventilation in all areas.

(3) **Lighting:** Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting shall be adequate to identify the building and to assist the clients.

(4) **Water:** Potable water shall be provided.

(5) **Basic sanitation:** Any equipment, instruments or facilities used in the treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) **Waste disposal:** Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall use refrigeration and employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) Records:

(a) Every veterinarian shall keep daily written reports of the animals he or she treats. Separate records for companion animals shall be kept for each animal. The medical record for a litter may be recorded either on the dam's record or on a litter record until the individual animals are permanently placed or reach the age of three months. Records for food and fibre producing animals and animals kept in herds or flocks, etc., may be maintained on a group or client basis. ~~((These))~~ All records shall be legible, readily retrievable and shall be kept for a period of three years following the last treatment or examination. ((They)) The author of all medical record entries must be identified by code or employee number, or initials. The records shall include, but not be limited to, the following:

- (i) Name, address and telephone number of the owner.
- (ii) Name, number or other identification of the animal or group.
- (iii) Species, breed, age, sex, weight and color of the animal.
- (iv) Immunization record.
- (v) Beginning and ending dates of custody of the animal.
- (vi) Sufficient information in the history and examination portions of the record to justify the tentative diagnosis and to warrant the treatment. This would include, but not be limited to:

(A) A short history of the animal's condition as it pertains to its medical status.

~~((vii))~~ (B) Physical examination findings and any laboratory ((data)) or other diagnostic tests performed and/or recommended.

~~((viii))~~ (vii) Provisional or final diagnosis.

~~((ix))~~ (viii) Treatment ((and medication administered, prescribed or dispensed.

~~(x) Surgery and anesthesia.~~

~~(xi) Progress of the case)) administered and/or recommended.~~

(ix) Dosage and route of medications administered, prescribed or dispensed.

(x) Anesthesia dosage and route of administration.

(xi) Description of surgery performed.

(xii) Progress of the case.

(xiii) If applicable, documentation of the low-income status for persons that seek the limited veterinary services provided by qualified animal care and control agencies and humane societies.

(b) Veterinary medical records and radiographs are the property of the veterinarian or the veterinary facility ~~((which))~~ that originally ordered their preparation. When requested by the client, copies of records will be made available as promptly as required under the circumstances, but no later than fifteen working days upon the client's request. The veterinarian may charge a reasonable copying fee, not to exceed the actual cost for providing the veterinary care information. A radiograph shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to which it pertains. Such radiograph shall be returned to the originating veterinarian or veterinary facility within fifteen working days of receipt of a written request.

(8) **Storage:** All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(9) **Biologicals and drugs:** Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the *U.S. Pharmacopeia*, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the *National Formulary*, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturers' recommendation.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.

WSR 03-06-101**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed March 5, 2003, 9:40 a.m.]

Continuance of WSR 02-21-129.

Title of Rule: Dry pea and lentil marketing order—Assessment in WAC 16-536-040.

Purpose: The proposal would increase the assessment on dry pea and lentils from 1% of the net receipts to 1.5% of the net receipts at the first point of sale.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Statute Being Implemented: RCW 15.65.390 and 15.65.400.

Summary: The Washington Dry Pea and Lentil Commission has petitioned the director to amend its marketing order by increasing its assessment to 1.5% of the net receipts in WAC 16-536-040. Prior to the adoption of any amendment to a marketing order, the affected producers must approve the amendment in a referendum conducted by the director. The referendum will be conducted at or about the first week of March, therefore the proposed adoption date is being continued.

Reasons Supporting Proposal: Under RCW 15.65.050 through 15.65.120, the director of agriculture is required to hold a hearing to determine whether amendment of the dry pea and lentil marketing order would effectuate the declared policies and purposes of the statute and marketing order.

Name of Agency Personnel Responsible for Drafting and Implementation: Deborah Axelson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-2043; and Enforcement: William E. Brookreson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1800.

Name of Proponent: Washington Dry Pea and Lentil Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington Pea and Lentil Commission

requests an assessment increase of 0.5% to a total of 1.5% at the first point of sale for peas, lentils, and chickpeas. This increase is necessary to augment the current efforts in research, market development and education. According to the Dry Pea and Lentil Commission present funding does not allow potential developments to be utilized fully by the growers. In research, the commission focuses on varietal development, crop quality and disease research.

A portion of the additional funds collected would be used to expand current research efforts in the development of winter legumes, breeding disease resistance in our plants, and finding integrated pest management strategies to increase yield potential and improve crop quality. International and national markets have become much more competitive in the last decade and the additional funds are planned to expand product uses—particularly in domestic markets. The last area of emphasis is education of both the consumer and the potential consumer. Materials touting the nutritious goodness and environmental benefits of our products would be developed for school age children, institutional chefs and the general public. The education efforts would utilize new technologies such as the Internet and videodisc.

Proposal Changes the Following Existing Rules: The assessment on dry pea and lentil producers as established in the dry pea and lentil marketing order in WAC 16-536-040 is increased from 1% to 1.5% of the net receipts at the first point of sale.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 15.65.570 Rule-making proceedings, are exempt from compliance with chapter 19.85 RCW, the Regulatory Fairness Act when the adoption of the rules is determined by a referendum vote of the affected parties.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a named agency.

Date of Intended Adoption: April 30, 2003.

March 3, 2003

William E. Brookreson

Deputy Director

AMENDATORY SECTION (Amending Order 1895, filed 7/3/86, effective 8/4/86)

WAC 16-536-040 Assessments and collections. (1) Assessments.

(a) The assessment on all varieties of dry peas and dry lentils subject to this marketing order shall be one and one-half percent of the net receipts at the first point of sale and shall be deducted by the first purchaser from the price paid to the grower. Such assessment shall be remitted to the commission board in accordance with procedures adopted by the commission board: *Provided*, That such assessment on commercial wrinkled pea seed shall not become effective unless approved by a referendum vote of the affected wrinkled pea seed producers.

(b) Such assessments shall not be payable on any such dry peas and/or lentils used by the producer thereof on his premises for feed, seed and personal consumption.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 03-06-102

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 5, 2003, 9:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-150.

Title of Rule: Chapter 16-401 WAC, Nursery inspection fees.

Purpose: The proposed language establishes a 5% assessment on the gross sale price of the wholesale market value for all grapevine propagation material produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer.

Statutory Authority for Adoption: Chapters 15.13 and 34.05 RCW.

Statute Being Implemented: Chapter 15.13 RCW.

Summary: Chapter 15.13 RCW was amended during the 2002 legislative session authorizing the department to collect an assessment on grapevine nursery stock sold in the state and allowing the department to adopt rules to implement the statutory amendment. Revenue collected from the assessment will be deposited into the agriculture local fund and used to support grapevine improvement projects and grapevine certification.

Reasons Supporting Proposal: The proposal was requested by the Grapevine Advisory Committee which is

appointed by the director of the Department of Agriculture to advise the department on grapevine related issues.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal will establish an assessment on all grapevines grown and sold in Washington. The immediate objective of the assessment is to provide funding for the foundation vineyard at Washington State University. The foundation vineyard is the major source of propagation material for the grapevine certification program. In recent years the foundation vineyard has become outdated due to lack of funding. This in turn has caused growers to bring in planting stock from other states. The assessment, along with other sources of funding, will establish a new foundation vineyard with the currently desirable clones and selections. An updated foundation vineyard will enable Washington certified grapevine nurseries to provide a greater proportion of the planting stock for the Washington grape industry.

Proposal Changes the Following Existing Rules: It adds a new section (WAC 16-401-060) that establishes an assessment on all grapevines grown and sold in Washington state.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The proposed rule amendments will not impose more than a minor cost on the regulated industry and, therefore, an SBEIS is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State Department of Agriculture, 21 North First Avenue, Room 238, Yakima, WA, on April 9, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Henri Gonzales by March 26, 2003, TDD (360) 902-1996.

Submit Written Comments to: Henri Gonzales, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2094, e-mail hgonzales@agr.wa.gov, by April 9, 2003.

Date of Intended Adoption: April 22, 2003.

March 5, 2003

Mary A. Martin Toohey
Assistant Director

NEW SECTION

WAC 16-401-060 Annual assessment—Grapevines.
As provided in RCW 15.13.310, an annual assessment of five percent on the gross sale price of the wholesale market value

for all grapevine propagation material produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer, is established.

WSR 03-06-104

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed March 5, 2003, 10:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-102.

Purpose: Adopt WAC 232-12-045 Hunting equipment restrictions; and amend WAC 232-12-051 Muzzleloading firearms and 232-12-054 Archery requirements—Archery special use permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 232-12-045 Hunting equipment restrictions makes it illegal to use night vision equipment and laser sights to hunt deer and elk. The recommended changes to WAC 232-12-051 and 232-12-054 clarifies the seasons that are subject to muzzleloader equipment specifications and makes the minimum arrow weight 300 grains.

Reasons Supporting Proposal: Restrictions on equipment technology are designed to constrain incremental improvements in hunting success that may affect season length or timing or other hunting restrictions. In addition, arrow weights above 300 grains are considered more effective in harvesting big game animals. These equipment regulations also address public interest in maintaining hunter ethics and fair chase.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules describe lawful equipment for hunting game. The purpose of the recommended change is to regulate the use of certain types of equipment and clarify the seasons for muzzleloader equipment rules. The anticipated effect is to maintain longer hunting seasons.

Proposal Changes the Following Existing Rules: Night vision equipment and laser sights would be illegal for hunting deer and elk. The minimum arrow weight for hunting big game is 300 grains. Muzzleloader equipment regulations would be in effect during all muzzleloader hunting seasons.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

PROPOSED

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 7, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2003.

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

PROPOSED

NEW SECTION

WAC 232-12-045 Hunting equipment restrictions It is unlawful to hunt deer and elk with the aid of infrared night vision equipment or with laser sites (not to include range finders) capable of projecting a beam onto the target, while in possession or control of a firearm, bow and arrow, or cross-bow.

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-12-051 Muzzleloading firearms. (1) It is unlawful to carry or possess any firearm during (~~special~~) muzzleloading seasons which does not meet the following specification for a muzzleloader. A muzzleloading firearm is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in muzzleloading firearms. A muzzleloading firearm has a single or double barrel of at least 20 inches, rifled or smooth-bored. Ignition is to be wheel lock, matchlock, flint-lock, or percussion using original style percussion caps that fit on the nipple. Sights must be open, peep or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited. It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(2) A muzzleloading firearm used for deer must fire a single, nonjacketed lead projectile of nominal 40 caliber or larger, except that buckshot size #1 or larger may be used in a smoothbore of 60 caliber or larger.

(3) A muzzleloading firearm used for all other big game must fire a single, nonjacketed lead projectile of nominal 50 caliber or larger, or fire a single, nonjacketed lead projectile of at least 170 grains.

(4) This section shall not apply to the carrying of a handgun designed to be charged with black powder only.

(5) This section shall not apply to persons lawfully hunting game birds with a shotgun.

(6) Only one barrel of a double barrel muzzleloader may be charged with a load at any one time while hunting in a

muzzleloading season except in specified firearm restricted areas.

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

AMENDATORY SECTION (Amending Order 01-167, filed 8/15/01, effective 9/15/01)

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

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area.

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

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

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

(e) It is unlawful to hunt wildlife with a crossbow.

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

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

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

(a) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

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

(3) Archery special use permits. An archery special use permit is available to a person who holds a valid big game combination package which includes deer or elk as a species option and who presents an archery special use permit application signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp or shoot a long bow, recurve bow or com-

pound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt deer or elk.

WSR 03-06-105
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 5, 2003, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-102.

Purpose: Amend WAC 232-28-273 Moose, bighorn sheep and mountain goat seasons and permit quotas and 232-28-291 Special hunting season permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 232-28-273, the recommended changes are: Establishing 2003 seasons with adjustments in permit quotas based on population objectives; creating a persons of disability moose hunt in GMU 117; and changing the once in a lifetime draw rule to once in a lifetime harvest for these species.

WAC 232-28-291, the recommended changes are: (1) Change from a once in a lifetime draw restriction to once in a lifetime harvest restriction for moose, bighorn sheep and mountain goat, except for individuals who harvested a mountain goat prior to 1999; and (2) establish rules for a second "B" tag for special big game permits.

Reasons Supporting Proposal: WAC 232-28-273, recommended adjustments in permit quotas are based on meeting population objectives for each species as indicated in the game management plan.

WAC 232-28-291, (1) address hunter preferences, and (2) establish permit system for damage hunts.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and **Enforcement:** Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-28-273, rule establishes 2003 seasons and permit quotas for moose, bighorn sheep, and mountain goats. The purpose of the rule is to maximize recreational hunting opportunities for these species while meeting the population and recreational objectives for each herd as indicated in the game management plan. The anticipated effect is stable to increasing populations of these hunting species.

WAC 232-28-291, rule establishes regulations for special hunting season permits for big game species. The pur-

pose of the rule and recommendations is to provide permit only hunting season opportunities consistent with biological objectives and hunter preferences. The anticipated effect is higher hunter satisfaction for moose, bighorn sheep, and mountain goat, and a permit system to establish game species damage seasons.

Proposal Changes the Following Existing Rules: WAC 232-28-273, provides calendar date changes to establish 2003 seasons and permit quotas, creates a persons of disability moose hunt in GMU 117, and changes the once in a lifetime permit draw restriction to once in a lifetime harvest for these species.

WAC 232-28-291, changes from once in a lifetime draw to once in a lifetime harvest for moose, bighorn sheep, and mountain goat. Establishes "B" tags for big game damage hunts.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 7, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2003.

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-98, filed 5/10/02, effective 6/10/02)

WAC 232-28-273 (~~2002~~) Moose, bighorn sheep, and mountain goat seasons and permit quotas.

(~~2002~~) 2003 Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who (~~draw~~) harvested a moose (~~permit~~) previously in Washington State. (~~Only~~) An individual may only harvest one moose (~~permit will be issued~~) during (~~an individual's~~) their lifetime (waived for Mt. Spokane youth hunt, 49 Degrees North B hunt, and raffle and auction hunts).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the 49 Degrees North B persons with Disabilities Hunt, Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

Weapon restrictions: Permit holders may use any legal weapon.

PROPOSED

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2002)) <u>2003</u> Permits
Kettle Range	Oct. 1-Nov. 30	GMU 101, 105	((Any Legal Weapon)) <u>Any Moose</u>	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	((Any Legal Weapon)) <u>Any Moose</u>	((18)) <u>20</u>
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	((Any Legal Weapon)) <u>Any Moose</u>	((15)) <u>10</u>
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	((Any Legal Weapon)) <u>Antlerless Only</u>	((15)) <u>12</u>
Mt. Spokane Youth Only: ^a ((#))	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	((Any Legal Weapon)) <u>Antlerless Only</u>	((10)) <u>8</u>
49 Degrees North	Oct. 1-Nov. 30	GMU 117	((Any Legal Weapon)) <u>Any Moose</u>	22
<u>49 Degrees North B^b</u>	<u>Oct. 1-Nov. 30</u>	<u>GMU 117</u>	<u>Antlerless Only</u>	<u>3</u>
Three Forks	Oct. 1-Nov. 30	((GMU 109)) <u>GMUs 108, 111</u>	((Any Legal Weapon)) <u>Any Moose</u>	6
Hangman	Oct. 1-Nov. 30	GMU 127, 130	((Any Legal Weapon)) <u>Any Moose</u>	((5)) <u>8</u>
Huckleberry <u>Range</u>	Oct. 1-Nov. 30	GMU 121, 124 west of Hwy 395	((Any Legal Weapon)) <u>Any Moose</u>	((2)) <u>4</u>

^a~~((#))~~ Applicants 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.

~~((2002))~~ 2003 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who ~~((drew))~~ harvested a bighorn ~~((permit))~~ sheep previously in Washington State. ~~((Only))~~ An individual may only harvest one bighorn sheep ~~((permit will be issued))~~ during ~~((an individual's))~~ their lifetime. (Waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2002)) <u>2003</u> Permits
Selah Butte	Sept. 15-Oct. 10	Sheep Unit 4	Any Legal Weapon	((3)) <u>6</u>
Umtanum	Sept. 15-Oct. 10	Sheep Unit 5	Any Legal Weapon	4
Cleman Mountain	Sept. 15-Oct. 10	Sheep Unit 7	Any Legal Weapon	3
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	((9)) <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	((8)) <u>7</u>
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1

Mountain (Bighorn) Sheep Units:

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

Sheep Unit 13 Quilomene: Permit Area: GMU 329.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

((2002)) 2003 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who ~~((drew))~~ harvested a mountain goat ~~((permit))~~ in Washington ~~((state after 1998))~~ State after 1998. ~~((Starting in 1999, only~~

~~one mountain goat permit will be issued during an individual's lifetime.))~~ An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (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. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2002)) <u>2003</u> Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass	Sept. 15-Oct. 31	Goat Unit 3-6	Any Legal Weapon	((2)) 1
Bumping River ((Tieton River))	Sept. 15-Oct. 31 ((Sept. 15-Oct. 31))	Goat Unit 3-7 ((Goat Unit 3-9))	Any Legal Weapon ((Any Legal Weapon))	2 ((3))
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	1
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	((+)) 0
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	0
Corral Pass	Sept. 15-Oct. 31	Goat Unit 4-38	Any Legal Weapon	2
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	3
Smith Creek ((Goat Rocks))	Sept. 15-Oct. 31 ((Sept. 15-Oct. 31))	Goat Unit 5-3 ((Goat Unit 5-4))	Any Legal Weapon ((Any Legal Weapon))	1 ((3))
<u>Goat Rocks/Tieton River</u>	<u>Sept. 15-Oct. 31</u>	<u>Goat Unit 3-9, 5-4</u>	<u>Any Legal Weapon</u>	<u>6</u>

Mountain Goat Units:

Goat Unit 2-1 Chelan N. (Chelan County): Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific

Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakama Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches

PROPOSED

River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

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

AMENDATORY SECTION (Amending Order 02-301, filed 12/20/02, effective 1/20/03)

WAC 232-28-291 Special hunting season permits. The commission may establish special hunting seasons limited to species and/or weapon type.

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

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

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

C. A holder of a deer, elk, cougar, or black bear special hunting season permit may hunt only with a weapon in compliance with the special hunting season.

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

A. Persons who have previously (~~drawn and accepted a special hunting season permit for Washington~~) harvested a mountain goat, bighorn sheep, or moose in Washington are ineligible to apply for a special hunting season permit for that species. This lifetime (~~permit holder~~) harvest restriction does not apply to (~~mountain goat permits acquired before 1999~~) individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, persons of disability moose hunts, or youth-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of notification by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications

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

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

i. Maximum group size for deer is 12.

ii. Maximum group size for elk is 12.

iii. Maximum group size for bear is 2.

iv. Maximum group size for cougar is 2.

WSR 03-06-106
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 5, 2003, 10:22 a.m.]

- v. Maximum group size for mountain goat is 2.
- vi. Maximum group size for bighorn sheep is 2.
- vii. Maximum group size for turkey is 4.
- viii. Maximum group size for moose is 2.

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

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

D. Incomplete applications will not be accepted.

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

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

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

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

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

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

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

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

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

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

7. In addition to requirements for special hunting season permit applications, following are application and permit requirements for antlerless deer and elk "B" Tags. Successful applicants under this section may purchase an appropriate second hunting license and tag for an antlerless animal only within fifteen days of notification by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-102.

Purpose: Adopt WAC 232-28-341 2003-04, 2004-05, and 2005-06 Small game seasons; repeal WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons; and amend WAC 232-12-068 Nontoxic shot requirement.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 232-28-341 describes hunting season timing, hunting requirements, and applicable permit levels for the following species: Bobcat, raccoon, fox, coyote, forest grouse, pheasant, chukar, gray partridge, mountain quail, California quail, bobwhite, wild turkey, Canada goose, band-tailed pigeon, mourning dove, cottontail rabbits, snowshoe hare, and crow. It also describes falconry and dog training seasons. The recommended changes are calendar date shifts, removal of shooting hours (which have been relocated to WAC 232-12-289), addition of a youth hunting season for chukar, gray partridge and wild turkeys, making the opening of eastern Washington upland bird seasons consistent throughout all species (Oct. 1), expansion of fall turkey hunting opportunity in northeast Washington through an increase in permits, requiring a small game license for training dogs on wild birds, and a shortened early Canada goose season.

Repeal obsolete WAC 232-28-276 effective June 1, 2003.

The recommended change to WAC 232-12-068 is to require nontoxic shot for all of Whidbey Island pheasant release sites, not just Seaplane Base, OLF Coupeville, and Bayview release sites.

Reasons Supporting Proposal: WAC 232-28-341, establishes recreational opportunity within biological constraints.

WAC 232-12-068, there is a reasonable probability that game birds and game animals could ingest toxic shot on Whidbey Island's pheasant release sites that currently allow hunters to use lead shot.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-28-341, the rule describes hunting season timing, hunting requirements, and applicable permit levels for small game animals and describes falconry and dog-training seasons. The purpose of the rule is to maximize recreational hunting opportunities for small game, consistent with management objectives. The anticipated effect is status quo

PROPOSED

hunting opportunity, except more opportunity for youth hunters, more turkey opportunity, and less early Canada goose hunting opportunity.

WAC 232-12-068, the rule describes requirements for nontoxic shot and where it's required to hunt game birds. The purpose of the recommended change is to minimize the level of toxic shot on Whidbey Island pheasant release sites. The anticipated effect is a smaller probability of wildlife ingesting toxic shot.

Proposal Changes the Following Existing Rules: WAC 232-28-341, calendar date changes for status quo seasons, increase youth hunting opportunity, shorter early Canada goose season, removal of shooting hours, and refinements in small game license requirements.

WAC 232-12-068, the proposed recommendation makes toxic shot required for all of Whidbey Island, not just Seaplane Base, OLF Coupeville, and Bayview release sites.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 7, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2003.

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons

HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003-Mar. 15, 2004; Sept. 7, 2004-Mar. 15, 2005; Sept. 6, 2005-Mar. 15, 2006

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003-Mar. 15, 2004; Sept. 7, 2004-Mar. 15, 2005; Sept. 6, 2005-Mar. 15, 2006

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003-Mar. 15, 2004; Sept. 7, 2004-Mar. 15, 2005; Sept. 6, 2005-Mar. 15, 2006

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003-Mar. 15, 2004; Sept. 7, 2004-Mar. 15, 2005; Sept. 6, 2005-Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31, 2003; Sept. 1-Dec. 31, 2004; Sept. 1-Dec. 31, 2005

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

EASTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4-Dec. 31, 2003, Oct. 2-Dec. 31, 2004; Oct. 1-Dec. 31, 2005

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003-Jan. 19, 2004; Oct. 2, 2004-Jan. 17, 2005; Oct. 1, 2005-Jan. 16, 2006.

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003-Jan. 19, 2004; Oct. 2, 2004-Jan. 17, 2005; Oct. 1, 2005-Jan. 16, 2006

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003-Jan. 19, 2004; Oct. 2, 2004-Jan. 17, 2005; Oct. 1, 2005-Jan. 16, 2006

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

WESTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27-Nov. 30, 2003; Sept. 25-Nov. 30, 2004; Sept. 24-Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1-Dec. 15, 2003; Dec. 1-Dec. 15, 2004, Dec. 1-15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants during three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the eight pheasant allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4-Nov. 30, 2003; Oct. 2-Nov. 30, 2004; Oct. 1-Nov. 30, 2005

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4-Nov. 30, 2003; Oct. 2-Nov. 30, 2004; Oct. 1-Nov. 30, 2005

WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April 13-14, 2004; April 12-13, 2005; April 11-12, 2006 in the following GMUs ONLY: 101, 113, 117, 130,

133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

Spring Season:

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 2004; April 15-May 15, 2005; April 15-May 15, 2006.

Fall Season:

Either Sex.

Permit Only - GMUs 101, 105, 111, 113, 117, 121, 133, 145-186, 382, 568-588. Sept. 27-Oct. 3, 2003; Sept. 25-Oct. 1, 2004; Sept. 25-Sept. 30, 2005

Permit Area	Number of Permits
GMU 101	200
GMU 105	100
GMU 108	200
GMU 111	100
GMU 113	100
GMU 117	400
GMU 121	800
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:

Bag and Possession Limit: One (1) wild turkey per day, only two (2) may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003-Mar. 31, 2004; Aug. 1, 2004-Mar. 31, 2005; Aug. 1, 2005-Mar. 31, 2006. Only youth and seniors may

train dogs during their respective seasons on designated western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

BAND-TAILED PIGEON

Sept. 15-23, 2003, 2004, 2005.

Daily bag limit: 2 band-tailed pigeons.

Possession limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003-Mar. 15, 2004; Sept. 1, 2004-Mar. 15, 2005; Sept. 1, 2005-Mar. 15, 2006.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003-Jan. 31, 2004; Oct. 1, 2004-Jan. 31, 2005; Oct. 1, 2005-Jan. 31, 2006

FALCONRY SEASONS**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.
Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003-Mar. 15, 2004; Aug. 1, 2004-Mar. 15, 2005; Aug. 1, 2005-Mar. 15, 2006

MOURNING DOVE - FALCONRY

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 2003; Sept. 1-15 and Oct. 1-Dec. 31, 2004; Sept. 1-15 and Oct. 1-Dec. 31, 2005.

COTTONTAIL AND SNOWSHOE HARE - FALCONRY

Daily Bag: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003-Mar. 15, 2004; Aug. 1, 2004-Mar. 15, 2005; Aug. 1, 2005-Mar. 15, 2006.

REPEALER

The following section of the Washington Administrative Code is repealed, effective June 1, 2003:

WAC 232-28-276	2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons
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AMENDATORY SECTION (Amending Order 01-157, filed 8/20/01, effective 9/20/01)

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), tin shot (99.9 percent tin with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead). The director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

- Bridgeport Bar segment of the Well's Wildlife Area
- Cowlitz Wildlife Area
- Lake Terrell Wildlife Area (including Tennant Lake and other segments)
- Shillapoo Wildlife Area
- Skagit Wildlife Area (all segments)
- Snoqualmie Wildlife Area (all segments)
- Sunnyside Wildlife Area
- The Driscoll Island, Hegdahl, and Kline Parcel segments of the Simlahekin Wildlife Area
- Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

- Chehalis River pheasant release site
- Dungeness Recreation Area
- Hunter Farms pheasant release site
- Raymond Airport pheasant release site
- Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
- ~~All Whidbey Island ((Seaplane Base, OLF Coupeville, and Bayview))~~ pheasant release sites

WSR 03-06-107
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 5, 2003, 10:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-102.

Purpose: Amend WAC 232-28-515 Trapping seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The recommended change is status quo trapping seasons with calendar date changes only. Clarification

is also recommended on trapping seasons in Columbia County on tribal lands.

Reasons Supporting Proposal: Furbearer populations appear to be stable to increasing.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule establishes trapping seasons and bag limits for furbearer species. The purpose is to maximize trapping opportunity consistent with population objectives. The anticipated effect is status quo seasons with sustainable furbearer populations.

Proposal Changes the Following Existing Rules: Calendar date changes to establish 2003-2005 furbearer trapping seasons and bag limits. Clarifies trapping regulations in Columbia County.

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

Small Business Economic Impact Statement

1. Description of Reporting, Recordkeeping and Other Compliance Measures Required by Proposal: Trappers are required to report their harvest using the "Trapper's Report of Catch" form by April 10 of each year. This is not a new requirement.

2. Professional Services Required for Compliance: None

3. Costs of Compliance, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None.

4. Will Compliance Cost Businesses to Lose Sales or Revenue? No.

5. Comparison of Costs for the 10% of Businesses That Are the Largest Businesses Required to Comply with the Proposed rule: No additional costs.

6. Steps Taken by Agency to Reduce the Costs of the Rule on Small Businesses: No costs to small businesses.

7. Description of How the Agency Will Involve Small Businesses in Rule Development: All small businesses have an opportunity to comment on rule development through written and oral comment periods.

8. List of Industries Required to Comply with this Rule: All licensed trappers that trap furbearers for fur commerce.

A copy of the statement may be obtained by writing to Wildlife Program, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 7, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2003.

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

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

WAC 232-28-515 Trapping seasons and regulations. Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depredating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

Trapping Seasons:

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat, Red Fox, and Weasel	((November 18, 2000	((February 15, 2001
	November 17, 2001	February 15, 2002
	November 16, 2002))	February 15, 2003))
	<u>November 15, 2003</u>	<u>February 15, 2004</u>
	<u>November 20, 2004</u>	<u>February 15, 2005</u>
Marten, Mink, Muskrat, and Raccoon	November 19, 2005	February 15, 2006
	((November 18, 2000	((January 31, 2001
	November 17, 2001	January 31, 2002
	November 16, 2002))	January 31, 2003))
	<u>November 15, 2003</u>	<u>January 31, 2004</u>
	<u>November 20, 2004</u>	<u>January 31, 2005</u>
	<u>November 19, 2005</u>	<u>January 31, 2006</u>

PROPOSED

SPECIES	OPENING DATE	CLOSING DATE
Beaver and River Otter	((December 9, 2000	((February 15, 2001
	December 8, 2001	February 15, 2002
	December 14, 2002))	February 15, 2003))
	<u>December 13, 2003</u>	<u>February 15, 2004</u>
	<u>December 11, 2004</u>	<u>February 15, 2005</u>
	<u>December 10, 2005</u>	<u>February 15, 2006</u>

Exceptions to General Western Washington Trapping Seasons:

Game Management Unit 522 (Loo-wit) (Cowlitz and Skamania counties) is closed to all trapping.

Island County

The red fox season is closed.

Lewis County

Green River drainage, above and including Miners Creek drainage, is closed to all trapping except for bobcat and coyote.

Skagit and Whatcom counties

Ross Lake National Recreation Area is closed to all trapping. Red fox season is closed, except within the boundaries of Mount Baker-Snoqualmie and Okanogan National Forests.

Skamania County

The following areas are closed to all trapping, except for bobcat and coyote: Muddy River drainage, above and including Bean Creek drainage; Pine Creek drainage above USFS Road 83; and Green River drainage, above and including Miners Creek drainage.

General Eastern Washington Trapping Seasons (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

SPECIES	OPENING DATE	CLOSING DATE
Badger, Beaver, Bobcat, Mink, Muskrat, Raccoon, Red Fox, and Weasel	((November 11, 2000	((February 28, 2001
	November 10, 2001	February 28, 2002
	November 9, 2002))	February 28, 2003))
	<u>November 8, 2003</u>	<u>February 28, 2004</u>
	<u>November 13, 2004</u>	<u>February 28, 2005</u>
	<u>November 12, 2005</u>	<u>February 28, 2006</u>
Marten	((December 15, 2000	((January 31, 2001
	December 15, 2001	January 31, 2002
	December 15, 2002))	January 31, 2003))
	<u>December 15, 2003</u>	<u>January 31, 2004</u>
	<u>December 15, 2004</u>	<u>January 31, 2005</u>
	<u>December 15, 2005</u>	<u>January 31, 2006</u>

SPECIES	OPENING DATE	CLOSING DATE
River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	((November 11, 2000	((February 28, 2001
	November 10, 2001	February 28, 2002
	November 9, 2002))	February 28, 2003))
	<u>November 8, 2003</u>	<u>February 28, 2004</u>
	<u>November 13, 2004</u>	<u>February 28, 2005</u>
	<u>November 12, 2005</u>	<u>February 28, 2006</u>

Exceptions to General Eastern Washington Trapping Seasons:

River otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages.

Chelan County

Beaver season is closed in Swakane and Mudd Creek drainages.

Columbia County

Trapping is not allowed on the Umatilla Tribes Rainwater Wildlife Area in Columbia County, as per their management plan.

Kittitas County

Beaver season is closed in the following drainages: North fork of Tarpiscan Creek and Umtanum Creek.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of body-gripping or kill traps **except** by permit under WAC 232-12-141.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties: Beginning at the confluence of Snohomish River and Puget Sound; east up Snohomish River to Interstate 5 (I-5); south on I-5 to Interstate 405 (I-405); south on I-405 to I-5; south on I-5 to Pioneer Way; east on Pioneer Way to Waller Road; south on Waller Road to SR 512; west on SR 512 to Highway 7; south on Highway 7 and Highway 507 to Pierce County line; north on Pierce County line to Puget Sound; north along coast to mouth of Snohomish River and point of beginning.

WSR 03-06-108
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 5, 2003, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-102.

PROPOSED

PROPOSED

Purpose: Amend WAC 232-28-272 2003-2004, 2004-2005 and 2005-2006 Black bear and cougar hunting seasons and regulations and 232-28-248 Special closures and firearm restriction areas.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 232-28-272, the recommended changes establish status quo bear seasons for 2003-2005, except all fall bear seasons close on November 15 annually. In addition, the recommendation includes status quo spring bear seasons and status quo cougar seasons for 2003-2004, 2004-2005, and 2005-2006.

WAC 232-28-248, the recommended change closes GMUs 524 and 556 to hunting black bear and cougar during permit only modern firearm elk seasons.

Reasons Supporting Proposal: WAC 232-28-272, biological data support status quo seasons for bear and cougar.

WAC 232-28-248, interference from cougar and bear hunters impact the quality of the hunting experience for hunters selected to elk hunt in these units.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-28-272, the rule establishes hunting seasons for black bear and cougar. The purpose of the recommended change is to maximize recreational hunting opportunities for bear and cougar while maintaining sustainable populations. The anticipated effect of the recommendation is stable bear populations statewide declining cougar populations statewide.

WAC 232-28-248, the rule closes specific GMUs to black bear and cougar hunting during permit only modern firearm elk seasons. This change will reduce hunter density resulting in a better quality hunt.

Proposal Changes the Following Existing Rules: WAC 232-28-272, provides recreational hunting opportunity for black bear and cougar from 2003-2006, consistent with population objectives for bear and cougar.

WAC 232-28-248, closes GMUs 524 and 556 to hunting black bear and cougar during permit only modern firearm elk seasons.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 7, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2003.

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-198, filed 9/20/01, effective 10/21/01)

~~WAC 232-28-272 ((2000-2001, 2001-2002 and 2002-2003))~~ 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.

Fall Black Bear Seasons:

2003 Black bear seasons

(Hunt Name)	2000 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 5	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 5 - Nov. 5	GMUs 101-117
Blue Mt.	Sept. 5 - Nov. 5	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 12	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15 - Nov. 12	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 12	Long Island

Hunt Name	2001 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 4	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 4 - Nov. 4	GMUs 101-117
Blue Mt.	Sept. 4 - Nov. 4	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 11	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15 - Nov. 11	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 11	Long Island

Hunt Name	2002 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 3	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 3 - Nov. 3	GMUs 101-117

<u>Blue Mt.</u>	<u>Sept. 3 - Nov. 3</u>	<u>GMUs 145-154, 162-186</u>
<u>General Western</u>	<u>Aug. 1 - Nov. 10</u>	<u>GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684</u>
<u>North Cascades</u>	<u>Aug. 1 - Nov. 30</u>	<u>GMUs 418-450, 460</u>
<u>West Side PLWMA's</u>	<u>July 15 - Nov. 10</u>	<u>PLWMA's 401, 600</u>
<u>Long Island</u>	<u>Sept. 1 - Nov. 10</u>	<u>Long Island))</u>

<u>South Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654</u>
<u>Okanogan</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 203, 209-243</u>
<u>East Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588</u>
<u>Northeastern</u>	<u>Sept. 7 - Nov. 15</u>	<u>GMUs 101-130, 204</u>

Black bear management unit

<u>management unit</u>	<u>Season</u>	<u>Hunt area</u>
<u>Coastal</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684</u>
<u>Puget Sound</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667</u>
<u>North Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 418-450, 460</u>
<u>South Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654</u>
<u>Okanogan</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 203, 209-243</u>
<u>East Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588</u>
<u>Northeastern</u>	<u>Sept. 2 - Nov. 15</u>	<u>GMUs 101-130, 204</u>
<u>Blue Mountains</u>	<u>Sept. 2 - Nov. 15</u>	<u>GMUs 145-154, 162-186</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381</u>
<u>West Side PLW-MA's</u>	<u>July 15 - Nov. 15</u>	<u>PLWMA's 401, 600</u>
<u>Long Island</u>	<u>Sept. 2 - Nov. 15</u>	<u>GMU 699</u>

Black bear management unit

<u>management unit</u>	<u>Season</u>	<u>Hunt area</u>
<u>Blue Mountains</u>	<u>Sept. 7 - Nov. 15</u>	<u>GMUs 145-154, 162-186</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381</u>
<u>West Side PLW-MA's</u>	<u>July 15 - Nov. 15</u>	<u>PLWMA's 401, 600</u>
<u>Long Island</u>	<u>Sept. 7 - Nov. 15</u>	<u>GMU 699</u>

2005 Black bear seasons

Black bear management unit

<u>management unit</u>	<u>Season</u>	<u>Hunt area</u>
<u>Coastal</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684</u>
<u>Puget Sound</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667</u>
<u>North Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 418-450, 460</u>
<u>South Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654</u>
<u>Okanogan</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 203, 209-243</u>
<u>East Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588</u>
<u>Northeastern</u>	<u>Sept. 6 - Nov. 15</u>	<u>GMUs 101-130, 204</u>
<u>Blue Mountains</u>	<u>Sept. 6 - Nov. 15</u>	<u>GMUs 145-154, 162-186</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381</u>
<u>West Side PLW-MA's</u>	<u>July 15 - Nov. 15</u>	<u>PLWMA's 401, 600</u>
<u>Long Island</u>	<u>Sept. 6 - Nov. 15</u>	<u>GMU 699</u>

2004 Black bear seasons

Black bear management unit

<u>management unit</u>	<u>Season</u>	<u>Hunt area</u>
<u>Coastal</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684</u>
<u>Puget Sound</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667</u>
<u>North Cascades</u>	<u>Aug. 1 - Nov. 15</u>	<u>GMUs 418-450, 460</u>

((License Required: A valid big game hunting license which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

PROPOSED

PROPOSED

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

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

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

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

SPRING PERMIT BLACK BEAR SEASONS:

Permit quotas for each license year

<u>Hunt Name</u>	<u>Permit Hunt Boundary</u>	<u>Permit Level</u>
<u>Blue Creek</u>	<u>GMU 154</u>	<u>15</u>
<u>Dayton</u>	<u>GMU 162</u>	<u>15</u>
<u>Tucannon</u>	<u>GMU 166</u>	<u>10</u>
<u>Wenaha</u>	<u>GMU 169</u>	<u>30</u>
<u>Mt. View</u>	<u>GMU 172</u>	<u>15</u>
<u>Lick Creek</u>	<u>GMU 175</u>	<u>15</u>
<u>Grande Ronde</u>	<u>GMU 186</u>	<u>5</u>

Who May Apply: Anyone with a valid Washington big game license, which includes black bear.

Bag Limit: One (1) black bear per black bear special permit season.

Permit Season: April 15 - May 31. Permits are valid for the license year they are issued.

REQUIREMENTS FOR SPRING AND FALL BLACK BEAR SEASONS

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

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

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

COUGAR ((Season)) SEASONS:

~~((General Statewide Season:
Aug. 1, 2000 - Mar. 15, 2001;
Aug. 1, 2001 - Mar. 15, 2002; and
Aug. 1, 2002 - Mar. 15, 2003.))~~

Seasons for each license year, 2003-2005

<u>Cougar management unit</u>	<u>Season</u>	<u>Hunt area</u>
<u>Coastal</u>	<u>Aug. 1 - Mar. 15</u>	<u>501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699</u>
<u>Puget Sound</u>	<u>Aug. 1 - Mar. 15</u>	<u>407, 410, 454, 624-633, 652, 666</u>
<u>North Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>418, 426, 437, 448, 450, 460, 466, 485</u>
<u>South Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>505, 510-520, 524, 550-574, 653, 654, 667</u>
<u>East Cascades North</u>	<u>Aug. 1 - Mar. 15</u>	<u>203, 209-247, 249-251, 328, 329, 334-340</u>
<u>East Cascades South</u>	<u>Aug. 1 - Mar. 15</u>	<u>342-368, 382, 578, 588</u>
<u>Northeastern</u>	<u>Aug. 1 - Mar. 15</u>	<u>101-130, 204</u>
<u>Blue Mountains</u>	<u>Aug. 1 - Mar. 15</u>	<u>145-186</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Mar. 15</u>	<u>133-142, 248, 254-290, 330, 371, 372, 381</u>

REQUIREMENTS FOR COUGAR SEASONS

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

Bag Limit: Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Tag Information: One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except during a public safety cougar removal.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

AMENDATORY SECTION (Amending Order 02-98, filed 5/10/02, effective 6/10/02)

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

RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the periods of April 15-May 15 and October 1-December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons from April 15 to May 15 and September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.

6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).
7. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.
3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.
6. GMUs 524 and 556 are closed to black bear and cougar hunting during permit only modern firearm elk seasons.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 652 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

PROPOSED

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COUNTY	AREA	COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.		The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Clark	GMU 564 (Battleground)		
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.		
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning. The Chehalis Valley restriction applies only during elk seasons: That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.	Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
		Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
		Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
		Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.
		Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzleloader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.		GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Jefferson	Indian and Marrowstone islands.	Snohomish	West of Highway 9.
King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.	Skagit	Guemes Island and March Point north of State Highway 20.
		Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.

COUNTY	AREA
Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

WSR 03-06-109
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 5, 2003, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-035.

Title of Rule: Commercial shellfish harvest rules.

Purpose: Amend some existing restricted areas and adds new restricted areas for shellfish transfers within the state.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: More clearly defines some existing restricted areas for oyster drills and European green crabs, adds two new restricted areas for oyster drills, and adds new rules to control the spread of Denman Island Disease in oysters.

Reasons Supporting Proposal: Provides a regulatory structure that allows Washington's shellfish industry to export live shellfish out of state; also provides greater protection to Washington's shellfish and other natural resources.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 1111 Washington Street, Olympia, (360) 902-2826; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current descriptions of the restricted areas for oyster drills and European green crab does not clearly define the shoreward boundaries of the restricted areas. New language is being added to make the description of these areas more precise. Also, new oyster drill area from department surveys are being added as well as new prohibited and surveillance areas to control the effects and spread of the recently introduced Denman Island Disease in oysters. The effect of these rules is to help protect the state's shellfish and other marine resources.

Proposal Changes the Following Existing Rules: Redefines boundaries that restrict the transfer of shellfish within the state.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule: No

reporting, recordkeeping, or compliance is required. The allowed activity (shellfish transfers) is optional.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required - optional choice.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None required - optional choice.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? Yes, potentially.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

If Denman Island Disease is found in a seed producing area, transfers from that area would be prohibited, causing seed sales to cease. Transfers from the Denman Island Disease surveillance area may require a disease free certification from a department approved shellfish pathologist. These certifications can cost as much as \$1400, however, most, if not all, shellfish growers who transfer shellfish on a regular basis within the state already obtain these certifications for export out of the state.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The department worked with an advisory group (academics, private researchers and shellfish industry representatives), shellfish pathologist, and the public (through a public workshop) on the subject to reach consensus on the proposed rules were not perceived to be onerous or costly by the user groups contacted.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department will hold a public hearing of the proposed rules at the WDFW commission meeting in April 2003, where small business and the public can provide their additional comments on the rules.

8. A List of Industries That Will Be Required to Comply with the Rule: None, as rule is optional.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, begins at 8:00 a.m., April 11, 2003.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 4, 2003, TDD (360) 902-2207 or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by April 4, 2003.

PROPOSED

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-002 Promulgation. In order to suppress and prevent the spread of infectious, contagious, communicable diseases and pests affecting shellfish, the following regulations are adopted (WAC 220-72-011 through ~~((220-72-085))~~ 220-72-091).

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most ~~((southerly))~~ easterly tip of Dungeness Spit ~~((southerly))~~ true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the ~~((end))~~ north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and ~~((easterly and))~~ inside ~~((of))~~ and bounded by a line projected from ~~((48°46'32" N. Lat., 122°40'00" W. Long. due south to a point 48°45'55" N. Lat., 122°40'00" W. Long. and then due east to the mainland))~~:

Point No. 1 at 48°46'32" N. Lat.
122°40'00" W. Long. thence to

Point No. 2 at 48°45'55" N. Lat.
122°40'00" W. Long. thence to

Point No. 3 at 48°45'55" N. Lat.
122°39'12" W. Long.

Then northerly along the beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of ~~((the point at the south entrance of Chuckanut Bay))~~ Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—~~((southerly))~~ easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay ~~((and))~~ following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside~~((;))~~ and westerly ~~((and north-erly))~~ of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most ~~((northern))~~ northerly tip of Rocky Point to the mainland ~~((in the vicinity of southern Tracyton)).~~

(9) Burley Lagoon—inside and northerly of the Purdy bridge.

(10) Case Inlet—~~((Rocky Bay and North Bay—north-erly of a line projected true west from the westerly tip of Windy Bluff across Case Inlet through the northerly tip of Reach Island to the west shore of Case Inlet.))~~

(a) Rocky Bay and North Bay—northerly of a line pro-jected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet~~((—))~~ and Oakland Bay—inside, westerly and northerly of a line starting at the most southeast-erly point of Munson Point and projected in a ~~((southerly))~~ southeasterly direction to Eagle Point.

(12) Totten Inlet~~((—))~~, Oyster Bay~~((—))~~ and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected north-easterly to the most ~~((southern))~~ northerly tip of ~~((the Steam-boat Island bridge))~~ Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside~~((, southerly))~~ and westerly of a line ~~((starting at))~~ projected from the most easterly point of Flap-jack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line start- ing at the end of the DuPont Dock and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected east-erly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most ~~((southerly))~~ west-erly tip of ~~((Bolton Peninsula))~~ Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most ~~((northern))~~ northerly tip of Long Spit and then projected true west to the mainland.

(c) ~~((Rensland Creek))~~ The Great Bend to Lynch Cove—inside and bounded easterly ~~((and inside of))~~ by lines ~~((drawn))~~ projected from:

Point No. 1 at 47°23'02.7" N. Lat.
123°06'42.8" Long. thence to

Point No. 2 at 47°23'02.7" N. Lat.
123°06'55" W. Long. thence to

Point No. 3 at ~~((47°23'16.6"))~~ 47°21'00" N. Lat.
123°06'55" W. Long., then projected true east to the mainland.

(d) ~~((Lynch Cove—easterly of a line starting at Cady Creek on the north shore and projected in a southwesterly direction to a point at 47°23'02.4" N. Lat., 122°56'12.4" W. Long.~~

(e)) Hamma Hamma Flats and Jorsted Creek—inside and westerly of lines (~~(drawn)~~) projected from:

Point No. 1 at 47°33'15" N. Lat.
123°01'42" W. Long. thence to

Point No. 2 at 47°32'54" N. Lat.
123°01'06" W. Long. thence to

Point No. 3 at 47°32'54" N. Lat.
123°01'48" W. Long. thence to

Point No. 4 at (~~(47°32'21")~~) 47°31'00" N. Lat.
123°01'54" W. Long.

(~~(f))~~) (e) Dosewallips Delta—inside and westerly of lines (~~(drawn)~~) projected from:

Point No. 1 at 47°41'03" N. Lat.
122°53'45" W. Long. thence to

Point No. 2 at 47°41'03" N. Lat.
122°52'24" W. Long. thence to

Point No. 3 at 47°42'20.6" N. Lat.
122°52'24" W. Long. thence to

Point No. 4 at 47°42'20.6" N. Lat.
122°52'39" W. Long.

(~~(g))~~) (f) Point Whitney—inside and westerly of lines (~~(drawn)~~) projected from:

Point No. 1 at 47°45'43.7" N. Lat.
122°51'02" W. Long. thence to

Point No. 2 at 45°45'56" N. Lat.
122°51'02" W. Long. thence to

Point No. 3 at 45°45'56" N. Lat.
122°51'12" W. Long. thence to

Point No. 4 at 47°45'45" N. Lat.
122°51'12" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

Point No. 1 at 47°38'46" N. Lat.
122°54'08" W. Long. thence to

Point No. 2 at 47°37'55" N. Lat.
122°56'25" W. Long.

(16) Henderson Inlet—South Bay—inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-015 Oyster drill restricted shellfish areas—Willapa. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-070 Oyster drill unrestricted shellfish areas. All waters, tidelands and shellfish handling facilities operated in conjunction with said waters and tidelands of Puget Sound, Grays Harbor and Willapa Bay lying outside the oyster drill restricted shellfish areas (~~(as defined in chapter 220-72 WAC)~~) are hereby designated as oyster drill unrestricted shellfish areas.

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-073 Unlawful acts—Shellfish transfer. It shall be unlawful to move or transfer any shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), aquaculture equipment, (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish between any unrestricted shellfish areas, between restricted shellfish areas, and from an unrestricted shellfish area into a restricted shellfish area without first obtaining and having in possession for each shellfish transfer a current copy of the Washington department of fish and wildlife pamphlet "*Guidelines and requirements for the import and transfer of shellfish including oysters, clams, and other aquatic invertebrates in Washington state.*"

AMENDATORY SECTION (Amending Order 99-60, filed 5/3/99, effective 6/3/99)

WAC 220-72-076 Unlawful acts—Permit required. (1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish from a oyster drill restricted area into an oyster drill unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) oyster drills, or drill-infested or marine organisms harmful to shellfish. Areas found to have aquatic diseases or pests (including the oyster drill *Cerastostoma inornatum*) will be immediately considered restricted by the department of fish and wildlife. The department will immediately notify property owners of the restricted status.

(2) To control the spread of European green crabs, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from ((the waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater)) a European green

PROPOSED

crab restricted area into a European green crab unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Transfers to the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater are exempted from this written permission requirement. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), or aquaculture equipment (including aquaculture vehicles and vessels).

(3) To control the spread of Denman Island Disease, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from or between a Denman Island Disease prohibited or surveillance area to a Denman Island Disease unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent.

NEW SECTION

WAC 220-72-086 European green crab (*Carcinus maenas*) restricted shellfish area. The waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

NEW SECTION

WAC 220-72-087 European green crab unrestricted area. All waters, tidelands and shellfish handling facilities operated in conjunction with said waters and tidelands of Washington lying outside the European green crab restricted shellfish areas as defined in chapter 220-72 WAC are hereby designated as European green crab unrestricted shellfish areas.

NEW SECTION

WAC 220-72-089 Denman Island Disease prohibited area. An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

NEW SECTION

WAC 220-72-090 Denman Island Disease surveillance area. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands easterly of a line projected true north of Cape Flattery to the international boundary line, northerly of a line between the north most tip of Tala Point and the west most tip of Foulweather Bluff, and northerly of a line between the east most point of Apple Cove Point and the west most point of Edwards Point.

NEW SECTION

WAC 220-72-092 Denman Island Disease unrestricted area. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands lying outside of a Denman Island Disease prohibited or surveillance area.

**WSR 03-06-111
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 5, 2003, 10:35 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-092.

Title of Rule: Amending WAC 388-550-4500 Payment method—Inpatient RCC (ratio of costs to charges) and administrative day rate and outpatient rate, 388-550-4900 Disproportionate share hospital (DSH) payments, 388-550-5000 Payment method—LIDSH, 388-550-5100 Payment method—MIDSH, 388-550-5150 Payment method—GAUDSH, 388-550-5200 Payment method—SRHAPDSH, 388-550-5400 Payment method—PHDDSH, and 388-550-5600 Administrative appeal for hospital rate reimbursement; and new WAC 388-550-6800 Proportionate share payments for inpatient hospital services and 388-550-6900 Proportionate share payments for outpatient hospital services.

Purpose: The proposed amendments: (1) Amend language to state that MAA annually calculates weighted average in-state RCC rates, the weighted average in-state outpatient rate, and the outpatient adjustment factor; (2) add language to clarify that MAA uses a prospective payment method to determine certain payments made through the DSH program to eligible hospitals; (3) clarify the payment method for the small rural hospital assistance program (SRHAPDSH) and the criteria to qualify for a payment; and (4) incorporate into rule existing policy for proportionate share payments for inpatient and outpatient hospital services.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500, 74.09.035(1), and 43.88.290.

Statute Being Implemented: RCW 74.08.090, 74.09.500, 74.09.035(1), and 43.88.290.

Summary: Proposed rules: Add language to clarify that MAA uses a prospective payment method to determine certain payments made through the DSH program; clarifies that MAA annually calculates weighted average in-state RCC rates, the weighted average in-state outpatient rate, and the outpatient adjustment factor; add a description of existing policy for proportionate share payments for inpatient and outpatient hospital services; and updates language to reflect current department policy.

Reasons Supporting Proposal: Updates rule content to reflect current department policy.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; **Implementation and Enforcement:** John Hanson, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules provide clarifying language that MAA annually calculates weighted average in-state RCC rates, the weighted average in-state outpatient rate, and the outpatient adjustment factor. The proposed rules also clarify that MAA uses a prospective payment method to determine certain payments made through the disproportionate share hospital (DSH) program to eligible hospitals, and clarify the payment method for the small rural hospital assistance program (SRHAPDSH) and the criteria to qualify for a payment. In addition, the proposed rules incorporate into rule existing policy for proportionate share payments for inpatient and outpatient hospital services. The purpose of this rule-making action is to adopt into permanent rule clarifying language to reflect current department policy and business practices.

The anticipated effects are: Providers should have a clearer understanding of:

- (1) How MAA annually calculates weighted average in-state RCC rates and the weighted average in-state outpatient rate and the outpatient adjustment factor;
- (2) How MAA uses a prospective payment method to determine certain payments to eligible hospitals;
- (3) How MAA makes DSH payment adjustments to eligible hospitals per legislative direction and established prospective payment methods;
- (4) The payment method for the SRHAPDSH and the criteria to qualify for a payment; and
- (5) The policy for proportionate share payments for inpatient and outpatient hospital services.

Proposal Changes the Following Existing Rules: The language that identifies a specific date that MAA calculates weighted average in-state RCC rates and the weighted average in-state outpatient rate and the outpatient adjustment factor is changed to "annually." The department has added the language "per legislative direction and established prospective payment methods" to reflect current department policy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Small businesses are not affected by these rule changes.

RCW 34.05.328 applies to this rule adoption. The rules meet the definition of a "significant legislative rule." The

department has prepared a cost benefit analysis (CBA) regarding these rule changes. A copy of the CBA can be obtained from John Hanson, Division of Business and Finance, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 753-4338, e-mail hansojr@dshs.wa.gov.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 8, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 4, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., April 8, 2003.

Date of Intended Adoption: Not earlier than April 9, 2003.

February 28, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-06-046 [01-16-142], filed 7/31/01, effective 8/31/01)

WAC 388-550-4500 Payment method—Inpatient RCC and administrative day rate and outpatient rate. (1)

The inpatient ratio of costs-to-charges (RCC) payment is the hospital's allowable charges on a claim multiplied by the hospital's inpatient RCC rate. The department limits this RCC payment to the hospital's allowable usual and customary charges.

(a) The medical assistance administration (MAA) calculates a hospital's RCC by dividing allowable operating costs by patient revenues associated with these allowable costs.

(b) MAA bases these figures on the annual Medicare cost report data provided by the hospital.

(c) MAA updates a hospital's inpatient RCC rate annually with the submittal of new ((HCFA)) CMS 2552 Medicare cost report data. Prior to computing the ratio, MAA excludes increases in operating costs or total rate-setting revenue attributable to a change in ownership.

(2) The department limits a hospital's RCC payment to one hundred percent of its allowable charges.

(3) The department establishes the basic inpatient hospital RCC payment by multiplying the hospital's assigned RCC rate by the allowed charges for medically necessary services. MAA deducts client responsibility (spend-down) and third-party liability (TPL) from the basic payment to determine the actual payment due.

(4) The department uses the RCC payment method to reimburse:

(a) DRG-exempt hospitals as provided in WAC 388-550-4300; and

(b) Any hospital for DRG-exempt services described in WAC 388-550-4400.

(5) In-state and border area hospitals that lack sufficient ((HCFA)) CMS 2552 Medicare cost report data to establish a hospital specific RCC are reimbursed using the weighted average in-state:

(a) RCC rate for inpatient services as provided in WAC 388-550-4300 and 388-550-4400; and

(b) Outpatient rate as provided in WAC 388-550-6000.

(6) Out-of-state hospitals are also reimbursed for the respective services using the weighted average in-state:

(a) RCC rate for inpatient services as provided in WAC 388-550-4300 and 388-550-4400; and

(b) Outpatient rate for outpatient hospital services as provided in WAC 388-550-6000.

(7) MAA identifies all in-state hospitals that have hospital specific RCC rates, and calculates the weighted average in-state RCC rate annually ((on August 1,)) by dividing the total allowable operating costs of these hospitals by the total respective patient revenues.

(8) The department pays hospitals an all-inclusive administrative day rate for those days of hospital stay in which a client no longer needs an acute inpatient level of care, but is not discharged because an appropriate placement outside the hospital is not available.

(a) MAA sets payment for administrative days at the statewide average Medicaid nursing facility per diem rate. The administrative day rate is adjusted annually ((effective November 1)).

(b) Ancillary services provided during administrative days are not reimbursed.

(c) The department identifies administrative days for a DRG exempt case during the length of stay review process after the client's discharge from the hospital.

(d) The department pays the hospital at the administrative day rate starting the date of hospital admission if the admission is solely for a stay until an appropriate sub-acute placement can be made.

(9) MAA calculates the weighted average in-state outpatient rate annually ((on August 1,)) by multiplying the weighted average in-state RCC rate by the outpatient adjustment factor.

(10) For hospitals that have their own hospital specific inpatient RCC rate, MAA calculates the hospital's specific outpatient rate by multiplying the hospital's inpatient RCC rate by the outpatient adjustment factor.

(11) The outpatient adjustment factor:

(a) Must not exceed 1.0; and

(b) Is updated annually ((on November 1)). This update causes an additional update of the outpatient rate for each hospital ((on November 1 annually)).

(12) MAA establishes the basic hospital outpatient payment as provided in WAC 388-550-6000. MAA deducts client responsibility (spend-down) and third-party liability (TPL) from the basic payment to determine the actual payment due.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 99-14-040, filed 6/30/99, effective 7/1/99)

WAC 388-550-4900 Disproportionate share payments. ((4)) As required by section 1902 (a)(13)(A) of the Social Security Act, the medical assistance administration (MAA) gives consideration to hospitals ((which)) that serve a disproportionate number of low-income clients with special needs by making a payment adjustment to eligible hospitals per legislative direction and established prospective payment methods. MAA considers this adjustment a disproportionate share hospital (DSH) payment.

(1) To qualify for a DSH payment for each state fiscal year, an in-state or border area hospital provider must submit to MAA by certified mail, the hospital's completed and final DSH application by the due date specified in that year's application letter. The application due date will not be less than sixty days after MAA makes the application available.

(2) ((MAA considers)) A hospital is a disproportionate share hospital eligible for the low-income disproportionate share hospital (LIDSH) program for a specific state fiscal year (SFY) if the hospital submits a DSH application for that respective year in compliance with subsection (1) and if both the following apply:

(a) The hospital's Medicaid inpatient utilization rate (MIPUR) is at least one standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, or its low-income utilization rate (LIUR) exceeds twenty-five percent; and

(b) The hospital has at least two obstetricians who have staff privileges at the hospital and who have agreed to provide obstetric services to eligible individuals((;)). This requirement does not apply to a hospital:

(i) The inpatients of which are predominantly individuals under eighteen years of age; or

(ii) Which did not offer nonemergency obstetric services to the general public as of December 22, 1987, when section 1923 of the Social Security Act was enacted.

(3) For hospitals located in rural areas, "obstetrician" means any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

(4) MAA may consider a hospital a disproportionate share hospital ((if both of the following apply)) for programs other than the LIDSH program if the hospital submits a DSH application and complies with the following for the respective year:

(a) The hospital has a MIPUR of not less than one percent; and

(b) The hospital meets the requirement of subsection (2)(b) of this section.

(5) MAA administers the low-income disproportionate share (LIDSH) program and may administer any of the following DSH programs:

(a) Medically indigent disproportionate share hospital (MIDSH);

(b) General assistance-unemployable disproportionate share hospital (GAUDSH);

(c) Small rural hospital assistance program disproportionate share hospital (SRHAPDSH);

(d) Teaching hospital assistance program disproportionate share hospital (THAPDSH);

(e) State teaching hospital financing program disproportionate share hospital (STHFPDSH);

(f) County teaching hospital financing program disproportionate share hospital (CTHFPDSH); and

(g) Public hospital district disproportionate share hospital (PHDDSH).

(6) MAA allows a hospital to receive any one or all of the ~~((disproportionate share hospital-))~~ DSH~~((s))~~ payment adjustments discussed in subsection (5) of this section when the hospital:

(a) ~~((Applies to MAA))~~ Meets the requirements in subsection (4) of this section; and

(b) Meets the eligibility requirements for the particular DSH payment program, as discussed in WAC 388-550-5000 through 388-550-5400.

(7) MAA ensures each hospital's total DSH payments do not exceed the individual hospital's DSH limit, defined as:

(a) The cost to the hospital of providing services to Medicaid clients, including clients served under Medicaid managed care programs;

(b) Less the amount paid by the state under the non-DSH payment provision of the state plan;

(c) Plus the cost to the hospital of providing services to uninsured patients; and

(d) Less any cash payments made by uninsured clients.

(8) MAA's total annual DSH payments must not exceed the state's DSH allotment for the federal fiscal year.

If the ~~((DSH))~~ MAA statewide allotment is exceeded, MAA ~~((recoups overpayments from hospitals))~~ may adjust future DSH payments to each hospital to compensate for the amount overpaid. Adjustments will be made in the following program order:

(a) PHDDSH;

(b) THAPDSH;

(c) CTHFPDSH;

(d) STHFPDSH;

(e) SRHAPDSH;

(f) MIDSH;

(g) GAUDSH; and

(h) LIDSH.

AMENDATORY SECTION (Amending WSR 99-14-040, filed 6/30/99, effective 7/1/99)

WAC 388-550-5000 Payment method—LIDSH. (1) A hospital serving the department's clients is eligible for a low-income disproportionate share hospital (LIDSH) payment adjustment if the hospital meets the requirements of WAC 388-550-4900(2).

(2) The medical assistance administration (MAA) pays hospitals considered eligible under the criteria in subsection (1) of this section. The total LIDSH payment amounts equal the funding set by the state's appropriations act for LIDSH. The amount that the state appropriates for LIDSH may vary from year to year.

(3) MAA distributes LIDSH payments to individual hospitals ~~((as follows by:~~

~~((a)))~~ using the prospective payment method for each LIDSH-eligible hospital~~((,- determining))~~. MAA determines the standardized Medicaid inpatient utilization rate (MIPUR)~~((,- The MIPUR is standardized))~~ by:

~~((a))~~ Dividing the hospital's MIPUR by the average MIPUR of all LIDSH-eligible hospitals; then

~~((b))~~ ~~((Multiples))~~ Multiplying the hospital's standardized MIPUR by the hospital's most recent DRG payment method rebased case mix index, and then by the hospital's most recent fiscal year Title XIX admissions~~((,- and lastly by the hospital's profitability factor. MAA then multiplies))~~; then

~~((c))~~ Multiplying the product by an initial random base amount; and then

~~((e))~~ ~~((Compares))~~

~~((d))~~ Comparing the sum of all annual LIDSH payments to the appropriated amount. If the amounts differ, MAA progressively selects a new base amount by ~~((trial and error))~~ successive approximation until the sum of the LIDSH payments to hospitals equals the legislatively appropriated amount.

(4) After each applicable state fiscal year, MAA will not make changes to the LIDSH payment distribution that has resulted from calculations identified in subsection (3)(c) of this section. However, hospitals may still submit corrected DSH application data to MAA after June 15 and prior to July 1 of the applicable state fiscal year to correct calculation of the MIPUR or low income utilization rate (LIUR) for historical record keeping. See WAC 388-550-5550 for rules regarding public notice for changes in Medicaid payment rates for hospital services.

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5100 Payment method—MIDSH. (1) The medical assistance administration (MAA) considers a hospital eligible for the medically indigent disproportionate share hospital (MIDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is an in-state or border area hospital;

(c) Provides services to clients under the medically indigent program; and

(d) Has a low-income utilization rate of one percent or more.

(2) MAA determines the MIDSH payment for each eligible hospital, using a prospective payment method, in accordance with WAC 388-550-4800.

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5150 Payment method—GAUDSH. (1) The medical assistance administration (MAA) considers a hospital eligible for the general assistance-unemployable disproportionate share hospital (GAUDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is an in-state or border area hospital;

PROPOSED

(c) Provides services to clients under the medical care services program; and

(d) Has a low-income utilization rate (LIUR) of one percent or more.

(2) MAA determines the GAUDSH payment for each eligible hospital, using a prospective payment method, in accordance with WAC 388-550-4800, except that the payment is not reduced by the additional three percent specified in WAC 388-550-4800(4).

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5200 Payment method—SRHAPDSH. (1) ~~(MAA considers a hospital eligible for the)~~ The medical assistance administration (MAA) makes small rural hospital assistance program disproportionate share hospital (SRHAPDSH) ~~((payment if the hospital))~~ payments to qualifying small rural hospitals through the disproportionate share (DSH) program.

(2) To qualify for a SRHAPDSH payment, a hospital must:

(a) ~~((Meets))~~ Meet the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) ~~((Is))~~ Be an in-state hospital;

(c) ~~((Is))~~ Be a small ~~((;))~~ rural hospital ~~((, defined as a hospital))~~ with fewer than seventy-five licensed beds; and ~~((located in a city or town with a nonstudent population of thirteen thousand or less; and~~

~~(d) Provides at least one percent of its services to low-income patients in rural areas of the state.~~

~~(2)(a) MAA pays hospitals qualifying for SRHAPDSH payments from a legislatively appropriated pool.~~

~~(b) MAA determines each individual hospital's SRHAPDSH payment as follows: The total dollars in the pool will be multiplied by the percentage derived from dividing the Medicaid payments to the individual hospital during the fiscal year that is two years previous to the state fiscal year immediately preceded by the total Medicaid payments to all SRHAPDSH hospitals during the same hospital fiscal year))~~

~~(d) Be located in a city or town that meets the following criteria:~~

~~(i) For the SRHAPDSH program year to be implemented for state fiscal year (SFY) beginning July 1, 2002, the city or town must have a nonstudent population of fifteen thousand five hundred or less.~~

~~(ii) For each SRHAPDSH program year to be implemented for each SFY subsequent to July 1, 2002, the nonstudent population in (d)(i) of this subsection is increased cumulatively by two percent.~~

~~(3) MAA pays hospitals qualifying for SRHAPDSH payments from a legislative appropriated pool. MAA determines each hospital's individual SRHAPDSH payment from the total dollars in the pool using percentages established through the following prospective payment method:~~

~~(a) At the time the SRHAPDSH payment is to be made, MAA identifies from historical data considered to be complete, each individual qualifying hospital's most current Medicaid reimbursement amount; then~~

~~(b) Divides the Medicaid reimbursement amount by the total Medicaid payments made to all qualifying hospitals during the same period.~~

~~(4) MAA's SRHAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients for that hospital. MAA reallocates dollars as defined in the state plan.~~

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5400 Payment method—PHDDSH.

(1) The medical assistance administration (MAA) considers a hospital eligible for the public hospital district disproportionate share hospital (PHDDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is a public district hospital in Washington state or a border area hospital owned by a public corporation; and

(c) Provides at least one percent of its services to low-income patients.

(2) Using a prospective payment method, MAA pays hospitals considered eligible under the criteria in subsection (1) of this section a PHDDSH payment amount from the legislatively appropriated PHDDSH pool.

AMENDATORY SECTION (Amending WSR 99-16-070, filed 8/2/99, effective 9/2/99)

WAC 388-550-5600 ((Administrative appeal)) Dispute resolution process for hospital rate reimbursement. ~~The ((hospital appeals and))~~ dispute resolution process for hospital rate reimbursement follows the procedures as stated in WAC 388-502-0220((Administrative appeal for contractor/provider rate reimbursement)).

NEW SECTION

WAC 388-550-6800 Proportionate share payments for inpatient hospital services. (1) Each state fiscal year, per legislative direction and established prospective payment methods, the department creates a proportionate share pool that provides supplemental payments for inpatient hospital services to a hospital provider of Title XIX Medicaid services that is classified as either a:

(a) State-owned hospital; or

(b) Nonstate government-owned hospital.

(2) Prior to payment, proportionate share payments for inpatient hospital services are subject to:

(a) Federal approval for federal matching funds;

(b) A department analysis of the Medicare upper limit; and

(c) The federal Medicare upper payment limit for hospital payment.

(3) The medical assistance administration (MAA) determines each payment year's total proportionate share payment for inpatient hospital services by:

(a) Using the charge and payment data from MAA's Medicaid Management Information System (MMIS) for inpatient hospital services for the base years; and

(b) Calculating the cumulative difference between covered Title XIX inpatient charges, Title XIX payments, and third party liability payments for all eligible hospitals during the most recent federal fiscal year.

(4) Proportionate share payments for inpatient hospital services:

(a) Are determined and paid periodically to participating eligible hospitals during each federal fiscal year; and

(b) Must be used to improve health care services to low income patients.

NEW SECTION

WAC 388-550-6900 Proportionate share payments for outpatient hospital services. (1) Each state fiscal year, per legislative direction and established prospective payment methods, the department creates a proportionate share pool that provides supplemental payments for outpatient hospital services to a hospital provider of Title XIX Medicaid services that is classified as either a:

(a) State-owned hospital; or

(b) Nonstate government-owned hospital.

(2) Prior to payment, proportionate share payments for outpatient hospital services are subject to:

(a) Federal approval for federal matching funds;

(b) A department analysis of the Medicare upper limit; and

(c) The federal Medicare upper payment limit for hospital payment.

(3) The medical assistance administration (MAA) determines each payment year's total proportionate share payment for outpatient hospital services by:

(a) Using the charge and payment data from MAA's Medicaid Management Information System (MMIS) for outpatient hospital services for the base years; and

(b) Calculating the cumulative difference between covered Title XIX outpatient charges, Title XIX payments, and third party liability payments for all eligible hospitals during the most recent federal fiscal year.

(4) Proportionate share payments for outpatient hospital services:

(a) Are determined and paid periodically to participating eligible hospitals during each federal fiscal year; and

(b) Must be used to improve health care services to low income patients.

WSR 03-06-112
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 5, 2003, 11:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-102.

Purpose: Repeal WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk and deer area descriptions and 232-28-

02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions; and adopt WAC 232-28-337 Deer and elk area descriptions.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Repeals obsolete WACs. Redefines muzzleloader areas as deer and elk areas. Provides boundary descriptions for newly created deer and elk areas. Provides the flexibility for more than one user group to address management issues and objectives. Provides the flexibility to address management issues and objectives at a scale smaller than game management units.

Reasons Supporting Proposal: Maintains general season and special season opportunities. Provides the flexibility to respond to smaller landscape scale population changes and damage complaints.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes game management boundaries for deer and elk. Provides recreational opportunity and addresses damage caused by deer and elk.

Proposal Changes the Following Existing Rules: Eliminates muzzleloader areas that are no longer appropriate. Defines a broader, more extensive list of new areas that can be utilized by multiple user groups.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 7, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2003.

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk and deer area descriptions.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions

NEW SECTION**WAC 232-28-337 Deer and elk area descriptions****ELK AREAS**

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1011 (Columbia County): That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

Elk Area No. 1012 (Columbia County): That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 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 powerline to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number

Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

Elk Area No. 3010 Nile (Yakima County): That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near The Woodshed Restaurant) and north and east of the Nile elk fence.

Elk Area No. 3028 Cooke Creek (Kittitas County): Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, SEC. 15, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton Roads to the power lines in T20N, R21E, SEC. 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.

Elk Area No. 3031 Shushuskin (Kittitas County): Beginning at Umtanum Road and the Yakima River; west along Umtanum Road to Manastash Road; west on Manastash Road to Cove Road; south and west on Cove Road to Hanson Road and Umtanum Creek; east (downstream) along Umtanum Creek to the Yakima River; north (upstream) along the Yakima River to the point of beginning.

Elk Area No. 3036 Riverbottom (Kittitas County): Beginning at the junction of Umtanum Road and State Route 821; south on State Route 821 and the Yakima River to Umtanum Creek; west up Umtanum Creek to Umtanum Road; north on Umtanum Road to State Route 821 and the point of beginning.

Elk Area No. 3368 Jump Off (Yakima County): That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek; west along South Fork Cowiche Creek to Road A 5500; east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road; south and west on North Fork Ahtanum Creek Road to A 2000; A 2000 to A 2400 Road; A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.

Elk Area No. 3911 Fairview (Kittitas County) Beginning with the BPA Powerlines in T20N, R14E, SEC. 36; east along the power lines through Cle Elum to the Teanawy Road; north on the Teanaway Road to Ballard Hill Road; east

on Ballard Hill Rd and Swauk Praire Road to Hwy 970; north on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Sec. 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, SEC 20; east and south along the power lines to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center Boundary; south and west along the Yakima Training Center boundary to Interstate Highway 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, Sec 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umptaneum Road; north on Umptaneum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to powerline crossing in T19N, R16E, Sec 10; west along the powerline (south branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, SEC. 8; following the elk fence to the sheep feeding site in T15N, R16E, SEC. 30; south on the feeding site Access Road to the Old Naches Highway; west and south on the old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Sec. 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, SEC 9; southwest along the irrigation canal to the elk fence in T14N, R16E, SEC 8; the elk fence to the powerlines in T13N, R16E, Sec. 34; south along the powerlines approximately 3/4 of a mile to the irrigation ditch; west along the irrigation ditch to the township line between T12N, R15E and T12N R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza canal and point of beginning.

Elk Area No. 3944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

Elk Area No. 4041 Grandy Creek (Skagit County): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road, west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and

the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

Elk Area No. 4941 Skagit River (Skagit County): Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along State Highway 505 to Eden Road; east along Eden Road to the Evans Road; east along the Evans Road 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 Weyerhaeuser 1890 Road; south along the Weyerhaeuser 1890 Road to State Highway 504; west along State Highway 504 to Tower Road; north along Tower Road to the Weyerhaeuser 1522 Road; north along the Weyerhaeuser 1522 road to Salmon Creek; west along Salmon Creek to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of Tower Road and State Highway 504; north along Tower Road to the Toutle River; north along the Toutle River to the North Fork of the Toutle River; east along the North Fork of the Toutle River to Alder Creek to the Weyerhaeuser 2400 Road; south along the Weyerhaeuser 2400 Road to the Weyerhaeuser 4400 Road to Johnson Creek and the South Fork of the Toutle River to the South Toutle River Road; west along the South Toutle River Road to State Highway 504; west along State Highway 504 to the junction of Tower Road and the point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 Roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the Town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to the Winlock/Vader Road; south along said road to the Town of Vader and the point of beginning.

Elk Area No. 5055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

Elk Area No. 5056 Grays River Valley (Wahkiakum County): On or within 1/4 mile of agricultural land in the Grays River Valley within the following sections: T10 N, 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; northeast and north on the Longview Fibre Road WS-8000 to the Longview Fibre Road WS-8004; northwest on the Longview Fibre Road WS-8004 to the section line between Sections 18 and 7, T6N, R3E; west along the section line between Sections 18 and 7, T6N, R3E to the section line between Sections 7, T6N, R3E and 13, T6N, R2E; north along the section line between Sections 7, T6N, R3E and 13, T6N, R2E; west along the section line between Sections 13,

14 and 15 T6N, R2E and Sections 10, 11 and 12 T6N, R2E 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. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within 1 mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

Elk Area No. 6011 Centralia Mine (Lewis County): That Portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6054 Puyallup River (Pierce County): That part of GMU 654 south of the Puyallup River.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of 2 miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 6063 (Grays Harbor and Jefferson) Private lands within Elk Area 6064 east of Highway 101.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) beginning at the junction of Wright Canyon Road and South Shore Road; north to the shoreline of Lake Quinault; north along Lake Quinault to the Olympic National Park (ONP) boundary; east along ONP boundary to its intersection with the South Shore Road and U.S. Forest Service boundary; west along the U.S. Forest Service boundary to the Wright Canyon Road Junction with the South Shore Road and point of beginning.

Elk Area No. 6066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on

Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

Elk Area No. 6067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to US 12; north-west and west on US 12 to State Route 107; south and south-west on SR 107 to the Melbourne A-line and the point of beginning.

Elk Area No. 6068 Willapa (Grays Harbor County): That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): Beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to west on Little Hanaford Road to north on Teitzel Road to west on Big Hannaford Road to north on Highway 507 to east on Skookumchuck Road to the first bridge over Skookumchuck River; east along the Skookumchuck River to the powerline crossing immediately upstream of the confluence with Johnson creek; southwest along the powerline to east and south on the Big Hanaford Road to Weyerhaeuser Road E160 to Weyerhaeuser Road E240 to south on North Fork Road to west on Alpha-Centralia Road to the point of origin.

Elk Area No. 6071 Dungeness (Clallam County): That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River and that part of GMU 624 west of Jimmy Come Lately Creek and east of the Dungeness River.

DEER AREAS

Deer Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Deer Area No. 1020 Prescott (Columbia and Garfield counties): That portion of GMU 149 between Hwy 261 and Hwy 127.

Deer Area No. 2010 Benge (Adams County): That part of GMU 284 beginning at the town of Benge, west on Benge-Washtucna Road to Cow Creek; north along Cow Creek to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to S.R. 26; west on S.R. 26 to Beckley Road; north on Beckley Road to Negro Road; north on Negro Road

to Beckley Road; north on Beckley Road to Benge-Winona Road; west on Benge-Winona Road to Benge and the point of beginning.

Deer Area No. 2011 Lakeview (Grant County): That part of GMU 272 beginning at the junction of S.R. 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas Co. line; east along the Co. line to the point where the Co. line turns north; from this point continue due east to S.R. 17; south on S.R. 17 to S.R. 28 at Soap Lake; south on S.R. 28 to the junction with First Avenue in Ephrata and the point of beginning.

Deer Area No. 2925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the Town of Ritzville; south along S.R. 261 to S.R. 26; east on S.R. 26 to the Whitman County line; north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; north along the Adams, Lincoln County line to Interstate 90; west along Interstate 90 to point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 372 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 372 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3081 (Franklin County): That part of GMU 381 that is west of Highways 395 and 17.

Deer Area No. 4926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

Deer Area No. 5051 Fisher Island (Cowlitz County): The islands in the Columbia River known as Fisher Island and Hump Island in Game Management Unit 504.

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.

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

WSR 03-06-113

PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

[Filed March 5, 2003, 11:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-102.

Purpose: Adopt WAC 232-28-351 2003-2005 Deer general seasons and 2003 special permits; and repeal WAC 232-28-278 2000-2002 Deer general seasons and 2003 special permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: This WAC establishes deer general seasons for the 2003-05 hunting season timeframe. In addition, deer special permits are being set for 2003. Repeals obsolete WAC.

Reasons Supporting Proposal: Maintain general season opportunities. Adjust special permits in response to population changes and damage complaints.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides recreational opportunity and protects deer from overharvest.

Proposal Changes the Following Existing Rules: Adjustments in season length, timing of seasons, and bag limits to reflect changes in wildlife resource availability while maintaining a recreational harvest.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 7, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2003.

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-351 2003-2005 Deer general seasons and 2003 special permits.

Bag Limit: One (1) deer per hunter during the 2003 hunting season 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).

Branched Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point minimum GMUs: 437, 558, 574, 578, 588, 636, 654, and 681.

3 Point minimum GMUs: All Mule Deer in 100, 200, and 300 series GMUs; Whitetail Deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

Private Lands Wildlife Management Areas (PLWMAs): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit or written permission from the landowner.

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/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 Klickitat County and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/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 Klickitat County and in Klickitat County east of Highway 97.

Whitetail Deer: Means any whitetail 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	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Option A: Any Whitetail Buck Option B: Whitetail, 3 pt. Min.
				203 through 247, and 249 through 251	Any whitetail buck
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 154, 162 through 186	Whitetail, 3 pt. min.
				248, 254 through 381 except closed in GMUs 290, 329, 371 and PLWMA 201 Deer Area 3081	Any whitetail buck Any White-tailed Deer
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	All 100 and 300 series GMUs, 248, and 254 through 284, except closed in GMUs 157, 329, and 371 Deer Area 3081	3 pt. min. Any Mule Deer
				Oct. 11-24	Oct. 16-29
	LATE BUCK HUNTS				
Western Washington Blacktail Deer	Nov. 13-16	Nov. 18-21	Nov. 17-20	All 400, 500, and 600 GMUs except closed in GMUs 418, 426, 437, 448, 450, 460, 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 636, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 3-19	Nov. 8-19	Nov. 7-19	105 through 124	Option A: Any whitetail buck Option B: Whitetail, 3 pt. min.
YOUTH & DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 25-Nov. 2	Oct. 30-Nov 7	Oct. 29-Nov. 6	105 through 124	Whitetail, Antlerless Only
HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS					
Eastern Washington Whitetail Deer	Oct. 11-24	Oct 16-29	Oct. 15-28	101 through 124	Any whitetail deer
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 142, 145 through 154, 162, 163, and 172 through 181	Whitetail-3 pt. min. or antlerless
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	142	Mule deer, 3 pt. min. or antlerless
ADVANCED HUNTER EDUCATION (AHE) GRADUATE SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail-Antlerless only

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Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Mule Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMU 142	Mule Deer-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.

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 2-30	Sept. 7-30	Sept. 6-30	407 through 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699.	Any Deer, except buck only in GMUs 503, 506, 530, 550, 568, 673
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min. or antlerless
				Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness Areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 2-30	Sept. 7-30	Sept. 6-30	105 through 127, 243 through 247, 249 through 251, 260, 262,	3 pt. min.
				142 through 154, and 162 through 186 328, 334 through 340, 346 through 368, 372	3 pt. min. or antlerless
				381	Any Mule Deer
	Sept. 2-15	Sept. 7-15	Sept. 6-15	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min.
Sept. 16-30	Sept. 16-30	Sept. 16-30	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min. or antlerless	
Eastern Washington Whitetail Deer	Sept. 2-30	Sept. 7-30	Sept. 6-30	101 through 124,	Option A: Any white-tail deer
				204 through 284	Any whitetail deer
				127 through 154, 162 through 186	Whitetail, 3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov.19-Dec. 8	Nov. 24-Dec. 8	Nov. 23-Dec. 8	437, 588, 654	2 pt. min. or antlerless
	Nov. 19-Dec. 15	Nov. 24-Dec. 15	Nov. 23-Dec. 15	636, 681	2 pt. min. or antlerless
				558	2 pt. min.
	Nov. 19-Dec. 31	Nov. 24-Dec. 31	Nov. 23-Dec. 31	460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, and 699	Any deer, except buck only in GMUs 506, 530
Nov. 19-Dec. 31	Nov. 24-Dec. 31	Nov. 23-Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 667	Any deer	
Eastern Washington Mule Deer	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20-Dec. 8	209, 215, 233, 243, 247, 250	3 pt. min.
				145, 163, 178	Antlerless
				272, 346, 352, 364, 368	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 10-Dec. 15	Nov. 10-Dec. 15	Nov. 10-Dec. 15	101	Any Whitetail

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20-Dec. 8	204, 209, 215, 233, 243, 247, 250, 272	Any Whitetail
				127, 145, 163, 178	3 pt. min. or antlerless whitetail
				117, 121, 124	Any Whitetail

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	2003 Dates	2004 Dates	2005 Dates	Game Management Units	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail.	3 pt. min.

Early Muzzleloader Deer Seasons

Western Washington Blacktail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	407, 418, 426, 448, 450, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck	
				410, 454, 564, 652, 666	Any deer	
				437, 578	2 pt. min.	
Eastern Washington Whitetail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	204, 209, 233, 239, 243, 244, 245, 246, 250, 251, 278, 284,	Whitetail, any buck	
				133, 142, 145, 149, 181, 381	Whitetail, 3 pt. min., or antlerless	
				101, 108, 111, 117, 121, 124	Option A: Whitetail, any deer	Option B: 3 pt. min. or antlerless
Eastern Washington Mule Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	101, 108, 111, 117, 121, 124, 133, 204, 209, 233, 239, 243, 244, 245, 246, 250, 251, 278, 284, 328 through 342, 352 through 360, 368, 382	Mule deer, 3 pt. min.	
				142, 145, 149, 181, 381	Mule deer, 3 pt. min. or antlerless	

Late Muzzleloader Deer Seasons

Western Washington Blacktail Deer	Nov. 19-Dec. 15	Nov. 24-Dec. 15	Nov. 23-Dec. 15	410, 501, 504, 564, 633, 651, 666, 673, 684, and Deer Area 4926	Any deer	
				654	2 pt. min.	
				407, 460, 550, 602	Any buck	
	Nov. 19-Dec. 8	Nov. 24-Dec. 8	Nov. 23-Dec. 8	578	2 pt. min.	
Eastern Washington Whitetail Deer	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20-Dec. 8	113	Option A: Whitetail, any deer	Option B: 3 pt. min. or antlerless
				130, 139, 172, 181	Whitetail, 3 pt. min. or antlerless	
Eastern Washington Mule Deer	Nov. 20-30	Nov. 20-30	Nov. 20-30	381, 382	3 pt. min.	

FIREARM RESTRICTED DEER HUNTS OPEN TO ALL DEER HUNTERS

License Required: Hunting license.

Tag Required: Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs. In firearm restriction areas, modern firearm hunters may hunt with a muzzleloader equipped with a scope.

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Firearm Restricted Hunts Open To All Deer Hunters					
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	410, Vashon and Maury Islands	Any deer
	Nov. 19-Dec. 31	Nov. 24-Dec. 13	Nov. 23-Dec. 31	564	Any deer
	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Indian Island. Restricted Access.*	Any deer
.*Archery only except for one day persons of disability hunt. Archers must qualify during the June to August period to hunt. For information call Bill Kalina at (360) 396-5353.					

SPECIAL DEER PERMIT HUNTING SEASONS

Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application.

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply)				
Hunters may hunt only with weapon in compliance with tag.				
Sherman	Oct. 11-24	Whitetail, Antlerless	GMU 101	100
Kelly Hill A	Oct. 11-24 & Nov. 10-19	Whitetail, Antlerless	GMU 105	150
Kelly Hill B	Nov. 26-30	Whitetail, any deer	GMU 105	15
Douglas A	Oct. 11-24 & Nov. 10-19	Whitetail, Antlerless	GMU 108	250
Douglas B	Nov. 26-30	Whitetail, any deer	GMU 108	15
Aladdin A	Oct 11-24 & Nov. 10-19	Whitetail, Antlerless	GMU 111	100
Aladdin B	Nov. 26-30	Whitetail, Any Deer	GMU 111	25
Selkirk	Oct 11-24 & Nov. 10-19	Whitetail, Antlerless	GMU 113	50
49 Degrees North	Oct. 11-24 & Nov. 10-19	Whitetail, Antlerless	GMU 117	200
Huckleberry A	Oct. 11-24 & Nov. 10-19	Whitetail, Antlerless	GMU 121	700
Mt. Spokane A	Oct. 11-24 & Nov. 10-19	Whitetail, Antlerless	GMU 124	400
Mica Peak A	Oct. 11-24	Whitetail, Antlerless	GMU 127	200
Cheney A	Oct. 11-24	Antlerless	GMU 130	200
Spokane	Nov. 10-19	Whitetail, 3 pt. min or antlerless	GMUs 127 and 130	175
Roosevelt	Oct. 11-24	Antlerless	GMU 133	400
Harrington	Oct. 11-24	Antlerless	GMU 136	125
Lincoln	Nov. 10-19	Whitetail, 3 pt. Min. or Antlerless	GMUs 133 and 136	75
Steptoe	Oct. 11-24 & Nov. 10-19	Antlerless	GMU 139	300
Almota A	Oct. 11-24 & Nov. 10-19	Antlerless	GMU 142	250
Whitman A	Nov. 10-19	Whitetail, 3 pt. min. or antlerless	GMUs 139 and 142	175
Mayview A	Oct. 11-19	Antlerless	GMU 145	350
Mayview B	Nov. 3-16	Antlerless	GMU 145	350
Prescott A	Nov. 3-16	Antlerless	GMU 149	400
Prescott B	Nov. 3-16	Antlerless	Deer Area 1020	150
Blue Creek	Nov. 3-16	Whitetail, Antlerless	GMU 154	225
Dayton A	Nov. 3-16	Whitetail, Antlerless	GMU 162	350
Dayton B	Nov. 3-16	Antlerless	Deer Area 1010	50
Marengo A	Nov. 3-16	Whitetail, Antlerless	GMU 163	250
Marengo B	Nov. 3-16	Antlerless	GMU 163	75
Peola	Nov. 3-16	Antlerless	GMU 178	75
Blue Mtns. Foothills A	Nov. 3-19	Whitetail 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. 3-19	Whitetail 3 pt. min. or antlerless	GMUs 145, 172-181	50
Couse	Nov. 3-16	Antlerless	GMU 181	50
East Okanogan A	Nov. 1-18	Any Whitetail	GMU 204	100
West Okanogan	Nov. 1-18	Any Whitetail	GMUs 218-242	100
Sinlahekin A	Nov. 1-18	Any Whitetail	GMU 215	50
Sinlahekin B	Nov. 1-18	Antlerless, Whitetail	GMU 215	50

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Chewuch A	Nov. 1-18	Any Buck	GMU 218	15
Pearrygin A	Nov. 1-18	Any Buck	GMU 224	20
Gardner A	Nov. 1-18	Any Buck	GMU 231	15
Pogue A	Nov. 1-18	Any Buck	GMU 233	10
Chiliwist A	Nov. 1-18	Any Buck	GMU 239	15
Alta A	Nov. 1-18	Any Buck	GMU 242	15
Manson	Nov. 1-18	Any Buck	GMU 243	5
Chiwawa A	Nov. 1-18	Any Buck	GMU 245	40
Slide Ridge A	Nov. 1-18	Any Buck	GMU 246	15
Entiat A	Nov. 1-18	Any Buck	GMU 247	50
Big Bend A	Oct. 11-19	Antlerless	GMU 248	75
Big Bend B	Nov. 1-18	Antlerless	GMU 248	75
Swakane A	Nov. 1-18	Any Buck	GMU 250	45
Mission A	Nov. 1-18	Any Buck	GMU 251	30
Mission B	Oct. 11-24	Antlerless	GMU 251	125
St. Andrews	Oct. 11-19	Antlerless	GMU 254	75
Foster Creek A	Oct. 11-19	Antlerless	GMU 260	150
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	150
Withrow A	Oct. 11-19	Antlerless	GMU 262	75
Badger	Nov. 1-18	Antlerless	GMU 266	100
Ritzville (Kahlotus) A	Nov. 1-18	3 pt. Min. or antlerless	GMU 284	30
Desert A	Nov. 1-18	Any Deer	GMU 290	17
Desert B	Dec. 1-7	Antlerless	GMU 290	50
Lakeview A	Dec. 9-Jan 31, 2004	Antlerless	Deer Area 2011	30
Naneum	Oct. 11-19	Antlerless	GMU 328	30
Quilomene A	Nov. 1-18	Any Buck	GMU 329	80
Teanaway A	Oct. 11-19	Antlerless	GMU 335	30
Taneum	Oct. 11-19	Antlerless	GMU 336	20
Nile A	Oct. 11-19	Antlerless	GMU 352	20
Bethel A	Nov. 3-16	Any Buck	GMU 360	10
Cowiche A	Oct. 11-19	Antlerless	GMU 368	20
Cowiche B	Nov. 3-16	Any Buck	GMU 368	15
Alkali A	Nov. 27-Dec. 6	Any Buck	GMU 371	75
Alkali B	Nov. 27-Dec. 6	Antlerless	GMU 371	80
Whitman B	Sept. 6-14	Antlerless	Deer Area 3071	5
East Klickitat A	Oct. 11-19	3 Pt. Min. or Antlerless	GMU 382	40
Sauk	Nov. 13-16	2 Pt. Min.	GMU 437	25
Stillaguamish	Nov. 13-16	2 Pt. Min.	GMU 448	10
Snoqualmie	Nov. 13-16	Any Buck	GMU 460	25
Green River A	Oct. 25-31	Any Buck	GMU 485	10
Lincoln A	Oct. 11-31	Any Deer	GMU 501	40
Stella A	Oct. 11-31	Any Deer	GMU 504	35
Mossyrock A	Oct. 11-31	Any Deer	GMU 505	85
Stormking A	Oct. 11-31	Any Deer	GMU 510	30
South Rainier A	Oct. 11-31	Any Deer	GMU 513	30
Packwood A	Oct. 11-31	Any Deer	GMU 516	50
Winston A	Oct. 11-31	Any Deer	GMU 520	50
Yale A	Oct. 11-31	Any Deer	GMU 554	15
Toutle A	Oct. 11-31	Any Deer	GMU 556	25
Marble A	Oct. 11-31	2 Pt. Min. or Antlerless	GMU 558	20
Lewis River A	Oct. 11-31	Any Deer	GMU 560	35
Siouxon A	Oct. 11-31	Any Deer	GMU 572	35
Wind River A	Oct. 11-31	2 Pt. Min. or Antlerless	GMU 574	10
Wind River B	Nov. 13-16	2 Pt. Min.	GMU 574	35
West Klickitat A	Oct. 11-31	2 Pt. Min. or Antlerless	GMU 578	30
West Klickitat B	Nov. 13-16	2 Pt. Min.	GMU 578	45

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Grayback A	Oct. 11-31	2 Pt. Min. or Antlerless	GMU 588	125
Grayback B	Nov. 13-16	2 Pt. Min	GMU 588	65
Pysht	Oct. 11-31	Any Deer	GMU 603	15
Olympic	Oct. 11-31	Any Deer	GMU 621	35
Kitsap	Oct. 11-31	Any Deer	GMU 627	20
Skokomish	Oct. 11-31	2 Pt. Min. or Antlerless	GMU 636	80
Wynoochee A	Oct. 11-31	Any Deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any Buck	GMU 648	10
Satsop A	Nov. 1-11	Any Buck	GMU 651	10
North River A	Oct. 11-31	Any Deer	GMU 658	70
Minot Peak	Oct. 11-31	Any Deer	GMU 660	90
Capitol Peak A	Oct. 11-31	Any Deer	GMU 663	30
Capitol Peak B	Nov. 1-11	Any Buck	GMU 663	10
Deschutes	Oct. 11-31	Any Deer	GMU 666	80
Skookumchuck A	Oct. 11-31	Any Deer	GMU 667	160
Skookumchuck B	Nov. 1-11	Any Buck	GMU 667	10
Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)				
Cheney B	Nov. 20-Dec. 8	Mule deer 3 pt. min. or antlerless	GMU 130	75
Blue Mtn. Foothills C	Nov. 20-Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Green Bluff	Dec. 9-31	Whitetail, Antlerless	That portion of GMU 124 east of Hwy 2	90
Wannacut A	Nov. 1-18	Antlerless	GMU 209	50
Chiwawa B	Dec. 1-31	Any Buck	GMU 245	15
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	200
Moses Coulee A	Nov. 1-18	Any Buck	GMU 269	20
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	100
Ritzville (Kahlotus) B	Nov. 9-30	Mule Deer: 3 pt or antlerless; Any White-tailed deer	GMU 284	30
Hooper	Dec. 1-Dec 31	Antlerless	Deer Area 2010	20
Lakeview B	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	Oct. 19-27	Any Deer	GMU 290	8
Quilomene B	Oct. 4-10	Any Buck	GMU 329	10
Teanaway B	Oct. 4-10	Antlerless	GMU 335	25
Manastash	Oct. 4-10	Antlerless	GMU 340	25
Cowiche C	Oct. 4-10	Antlerless	GMU 368	10
Alkali C	Dec. 7-14	Any Buck	GMU 371	10
Alkali D	Dec. 7-14	Antlerless	GMU 371	15
Esquatzel A	Nov. 20-Dec. 8	Any Deer	GMU 381	100
East Klickitat B	Nov. 22-30	3 Pt. Min or Antlerless	GMU 382	5
West Klickitat B	Nov. 19-Dec. 8	2 Pt. Min. or Antlerless	GMU 578	30
Mossyrock B	Oct. 4-10	Any Deer	GMU 505	10
Stormking B	Oct. 4-10	Any Deer	GMU 510	5
South Rainier B	Oct. 4-10	Any Deer	GMU 513	5
Packwood B	Oct. 4-10	Any Deer	GMU 516	5
Winston B	Oct. 4-10	Any Deer	GMU 520	5
Yale B	Oct. 4-10	Any Deer	GMU 554	2
Toutle B	Oct. 4-10	Any Deer	GMU 556	3
Marble B	Oct. 4-10	2 pt. min. or antlerless	GMU 558	2
Lewis River B	Oct. 4-10	Any Deer	GMU 560	5
Siouxon B	Oct. 4-10	Any Deer	GMU 572	5
Wind River C	Oct. 4-10	2 pt. min. or antlerless	GMU 574	1
Grayback C	Oct. 4-10	2 pt. min. or antlerless	GMU 588	15
North River B	Oct. 4-10	Any Deer	GMU 658	5
Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)				
Chiwawa C	Nov. 20-Dec. 8	Any Buck	GMU 245	10
Big Bend C	Nov. 20-Dec. 8	Any Deer	GMU 248	10
Desert D	Nov. 16-30	Any Deer	GMU 290	18

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Quilomene C	Nov. 9-Dec. 2	Any Deer	GMU 329	100
Alkali E	Dec. 15-28	Any Deer	GMU 371	76
Washougal A	Sept. 15-30	Any Deer	GMU 568	30
Special Deer Permit Hunts for Hunters 65 or older.				
Blue Mtns. Foothills B	Oct. 11-19	3 Pt. Min. or Antlerless	GMUs 145, 149	150
East Okanogan B	Oct. 11-24	Any Deer	GMU 204	10
Wannacut B	Oct. 11-24	Any Deer	GMU 209	10
Sinlahekin C	Oct. 11-24	Any Deer	GMU 215	10
Chewuch B	Oct. 11-24	Any Deer	GMU 218	10
Pearygin B	Oct. 11-24	Any Deer	GMU 224	10
Gardner B	Oct. 11-24	Any Deer	GMU 231	10
Pogue B	Oct. 11-24	Any Deer	GMU 233	10
Chiliwist B	Oct. 11-24	Any Deer	GMU 239	10
Alta B	Oct. 11-24	Any Deer	GMU 242	10
Mission C	Oct. 11-24	Any Deer	GMU 251	10
North Douglas A	Oct. 11-19	Any Deer	GMU 248, 260	10
South Douglas A	Oct. 11-19	Any Deer	GMU 266, 269	10
Quilomene D	Nov. 3-16	Antlerless	GMU 329	20
Umtanum A	Nov. 3-16	Antlerless	GMU 342	20
Bethel B	Oct. 11-19	Antlerless	GMU 360	10
Kiona A	Oct. 11-19	Antlerless	GMU 372	15
Esquatzel B	Oct. 11-19	Antlerless	GMU 381	10
East Klickitat C	Oct. 11-19	3 Pt. Min. or Antlerless	GMU 382	15
Lincoln B	Oct. 11-31	Any Deer	GMU 501	5
Stella B	Oct. 11-31	Any Deer	GMU 504	5
Mossyrock C	Oct. 11-31	Any Deer	GMU 505	15
Stormking C	Oct. 11-31	Any Deer	GMU 510	5
South Rainier C	Oct. 11-31	Any Deer	GMU 513	5
Packwood C	Oct. 11-31	Any Deer	GMU 516	5
Winston C	Oct. 11-31	Any Deer	GMU 520	5
Yale C	Oct. 11-31	Any Deer	GMU 554	5
Toutle C	Oct. 11-31	Any Deer	GMU 556	10
Marble C	Oct. 11-31	2 Pt. Min. or Antlerless	GMU 558	5
Lewis River C	Oct. 11-31	Any Deer	GMU 560	5
Washougal B	Oct. 11-19	Any Deer	GMU 568	10
Siouxon C	Oct. 11-31	Any Deer	GMU 572	5
Wind River D	Oct. 11-31	2-Pt. Min. or Antlerless	GMU 574	2
West Klickitat C	Oct. 11-31	2-Pt. Min. or Antlerless	GMU 578	5
Grayback D	Oct. 11-31	2-Pt. Min. or Antlerless	GMU 588	20
Williams Creek	Oct. 11-31	Any Deer	GMU 673	20
Copalis	Oct. 11-31	Any Deer	GMU 642	20
North River CB	Oct. 11-31	Any Deer	GMU 658	10
Disabled Hunter Deer Permits				
East Okanogan C	Restricted to General, Early Season by Weapon Choice	Any Deer	GMU 204	5
Wannacut C		Any Deer	GMU 209	5
Sinlahekin D		Any Deer	GMU 215	5
Chewuch C		Any Deer	GMU 218	5
Pearygin C		Any Deer	GMU 224	5
Gardner C		Any Deer	GMU 231	5
Pogue C		Any Deer	GMU 233	5
Chiliwist C		Any Deer	GMU 239	5
Alta C		Any Deer	GMU 242	5
Mission D		Oct. 11-24	Any Deer	GMU 251
North Douglas B		Any Deer	GMU 248, 260	5

PROPOSED

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
South Douglas B	Restricted to General, Early Season by Weapon Choice	Any Deer	GMU 266, 269	5
Quilomene E	Nov. 3-16	Antlerless	GMU 329	10
Umtanum B	Nov. 3-16	Antlerless	GMU 342	10
Nile B	Restricted to General, Early Season by Weapon Choice	Antlerless	GMU 352	5
Kiona B		Antlerless	GMU 372	10
Esquatzel C		Antlerless	GMU 381	5
East Klickitat D		3 pt. Min. or antlerless	GMU 382	5
Green River B		Any Deer	GMU 485	5
Lincoln C		Any Deer	GMU 501	3
Stella C		Any Deer	GMU 504	3
Mossyrock D		Any Deer	GMU 505	5
Stormking D		Any Deer	GMU 510	3
South Rainier D		Any Deer	GMU 513	3
Packwood D		Any Deer	GMU 516	3
Winston D		Any Deer	GMU 520	3
Yale D		Any Deer	GMU 554	3
Toutle D		Any Deer	GMU 556	5
Marble D		2-Pt. Min. or Antlerless	GMU 558	2
Lewis River D		Any Deer	GMU 560	2
Washougal C		Any Deer	GMU 568	2
Siouxon D		Any Deer	GMU 572	3
Wind River E		2-Pt. Min. or Antlerless	GMU 574	1
West Klickitat D		2-Pt. Min. or Antlerless	GMU 578	3
Grayback E	2-Pt. Min. or Antlerless	GMU 588	10	
Capitol Peak C	Any Deer	GMU 663	30	
Skookumchuck C	Any Deer	GMU 667	30	
North River D	Any Deer	GMU 658	5	
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Modern Firearm				
Blue Mtns. Foothills E	Oct. 11-19	3 Pt. Min. or Antlerless	GMUs 149, 154, 162-163	100
Blue Mtns. Foothills F	Oct. 11-19	3 Pt. Min. or Antlerless	GMUs 145, 172-181	75
East Okanogan D	Oct. 11-24	Any Deer	GMU 204	110
Wannacut D	Oct. 11-24	Any Deer	GMU 209	20
Sinlahekin E	Oct. 11-24	Any Deer	GMU 215	150
Chewuch D	Oct. 11-24	Any Deer	GMU 218	200
Pearygin D	Oct. 11-24	Any Deer	GMU 224	100
Gardner D	Oct. 11-24	Any Deer	GMU 231	60
Pogue D	Oct. 11-24	Any Deer	GMU 233	60
Chiliwist D	Oct. 11-24	Any Deer	GMU 239	60
Alta D	Oct. 11-24	Any Deer	GMU 242	110
Mission E	Oct. 11-24	Any Deer	GMU 251	100
North Douglas C	Oct. 11-19	Any Deer	GMU 248, 260	100
South Douglas C	Oct. 11-19	Any Deer	GMU 266, 269	100
Lakeview C	Oct. 11-19	Any Deer	Deer Area 2011	10
Wahluke A	Oct. 11-19	Any Deer	GMU 278	50
Quilomene F	Nov. 3-16	Antlerless	GMU 329	75
Umtanum C	Nov. 3-16	Antlerless	GMU 342	75
Cowiche D	Oct. 11-19	Antlerless	GMU 368	15
Esquatzel D	Oct. 11-19	Antlerless	GMU 381	10
Paterson	Sept. 6-14	Antlerless	Deer Area 3072	5
East Klickitat E	Oct. 11-19	Any Deer	GMU 382	20
Lincoln D	Oct. 11-31	Any Deer	GMU 501	10
Stella D	Oct. 11-31	Any Deer	GMU 504	10
Mossyrock E	Oct. 11-31	Any Deer	GMU 505	10

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PROPOSED

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Stormking E	Oct. 11-31	Any Deer	GMU 510	10
South Rainier E	Oct. 11-31	Any Deer	GMU 513	10
Packwood E	Oct. 11-31	Any Deer	GMU 516	10
Winston E	Oct. 11-31	Any Deer	GMU 520	10
Yale E	Oct. 11-31	Any Deer	GMU 554	10
Toutle E	Oct. 11-31	Any Deer	GMU 556	60
Marble E	Oct. 11-31	Any Deer	GMU 558	10
Lewis River E	Oct. 11-31	Any Deer	GMU 560	10
Washougal D	Oct. 11-19	Any Deer	GMU 568	10
Siouxon E	Oct. 11-31	Any Deer	GMU 572	10
Wind River F	Oct. 11-31	Any Deer	GMU 574	15
West Klickitat E	Oct. 11-31	Any Deer	GMU 578	15
Grayback F	Oct. 11-31	Any Deer	GMU 588	30
Satsop B	Oct. 11-31	Any Deer	GMU 651	10
Skookumchuck D	Oct. 11-31	Any Deer	GMU 667	60
North River E	Oct. 11-31	Any Deer	GMU 658	10
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Muzzleloader				
East Okanogan D	Oct 4-10	Any Deer	GMU 204	25
Wannacutt E	Oct 4-10	Any Deer	GMU 209	25
Pogue E	Oct 4-10	Any Deer	GMU 233	25
Chiliwist E	Oct 4-10	Any Deer	GMU 239	25
Mission F	Oct 4-10	Any Deer	GMU 251	20
Wahluke B	Oct 4-10	Any Deer	GMU 278	50
Ritzville (Kahlotus) C	Oct 4-10	Any Deer	GMU 284	50
Special Deer Permits - Second Deer "B" Tag (Open to all weapon groups during specified season. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of notification by the Department. Failure to purchase within fifteen days forfeits the opportunity for a second license.)				
Huckleberry B	Restricted to General, Early Season by Weapon Choice	Whitetail, Antlerless	GMU 121	150
Mount Spokane B		Whitetail, Antlerless	GMU 124	400
Mica Peak B		Whitetail, Antlerless	GMU 127	100
Almota B		Antlerless	GMU 142	300
Islands		Antlerless	GMU 410	100
Vashon		Antlerless	Vashon and Maury Islands	100

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-278 2000-2002 Deer general seasons and 2001 Special permits

WSR 03-06-114
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed March 5, 2003, 11:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-102.

Purpose: Adopt WAC 232-28-352 2003-2005 Elk general seasons and 2003 special permits; and repeal WAC 232-28-279 2000-2002 Elk general seasons and 2002-2003 special permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: This WAC establishes elk general seasons for the 2003-05 hunting season timeframe. In addition, elk special permits are being set for 2003. Repeals obsolete WAC.

Reasons Supporting Proposal: Maintain general season opportunities. Adjust special permits in response to population changes and damage complaints.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natu-

ral Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides recreational opportunity and protects elk from overharvest.

Proposal Changes the Following Existing Rules: Adjustments in season length, timing of seasons, and bag limits to reflect changes in wildlife resource availability while maintaining a recreational harvest.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Moses Lake Convention Center, 1475 Nelson Road, Moses Lake, WA 98837, on April 11-12, 2003, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 7, 2003, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2003.

Date of Intended Adoption: April 11, 2003.

March 5, 2003

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-352 2003-2005 Elk general seasons and 2003 special permits.

Bag Limit: One (1) elk per hunter during the 2003 hunting season except where otherwise permitted by Fish and Wildlife Commission rule.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-368.

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but at least 2 antler points must be on the upper half of the main beam. All antler points must be at least one (1) inch long, measured from the antler tip to nearest edge of the beam. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington-except for GMUs 454, 564, 568, 574, 578, 588, and Elk Area 4941.

GMUs Closed to Elk Hunting: 418, 437 (except for Elk Area 4941), 485, 490, and 522.

Private Lands Wildlife Management Areas (PLWMA): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit or written permission from the landowner.

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only in GMUs 127 and 130 for modern firearm hunters and permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Elk Area 4941), 485, 490, 522, and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6063 in GMU 638 (Quinalt) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 636, and PLWMA 600 (Pysht).

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

PROPOSED

Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	Oct. 25-Nov. 2	Oct. 30-Nov. 7	Oct. 29-Nov. 6	Any bull
		157, 371				Permit only
		145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368	Oct. 25-Nov. 2	Oct. 30-Nov. 7	Oct. 29-Nov. 6	Spike bull
		372	Sept. 2-15			Any elk
			Oct. 6-19			Any elk
			Oct. 25-Nov. 2			Any elk
Nov. 22-Dec. 31				Any elk		
		101, 105, 108, 121 through 142, and 382	Oct. 25-Nov. 2	Oct. 30-Nov. 7	Oct. 29-Nov. 6	Any elk
Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Western Washington	WF	407, 448, 460, 466, 503 through 520, 530, 550, 558, 560, 572, 601 through 618, 627 through 633, 638 through 663, and 667 through 684. Except AHE hunters only in Elk Area 6063.	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min.
		501	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min. or antlerless
		564, 568, 574 through 588, 666	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any elk
		454	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any bull
		524, 556, 621, 636, and PLWMA 600	Nov. 1-9	Nov. 6-14	Nov. 5-13	Permit only
		Elk Area 6069 Hunters 65 and older, only	Jan. 1-10, 2004	Jan 1-10, 2005	Jan. 1-10, 2006	Any elk
		Elk Area 6069 Hunters with Disabilities, only	Jan. 15-20, 2004	Jan. 15-20, 2005	Jan. 15-20, 2006	Any elk

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 2-15	Sept. 7-20	Sept. 6-19	Any elk
		145, 149, 162, 163 through 186	Sept. 2-15	Sept. 7-20	Sept. 6-19	Spike bull
		154, Elk Area 1010, 328, 329, 330, 335, 336, 340, 352, 356, 364	Sept. 2-15	Sept. 7-20	Sept. 6-19	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 588, 652, 666	Sept. 2-15	Sept. 7-20	Sept. 6-19	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 624, Elk Area 6061, 654, 660, 663, 667 through 673, 684 and 699	Sept. 2-15	Sept. 7-20	Sept. 6-19	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 607, 612 through 618, 624 through 633, 638 through 648, 651, 653, 658, 681. AHE hunters only in Elk Area 6063. Permit only in PLWMA 600 in GMU 603.	Sept. 2-15	Sept. 7-20	Sept. 6-19	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 117 through 127	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20 Dec. 8	Any elk
		372	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20 Dec. 8	Any elk
		178, 186	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20 Dec. 8	Antlerless only
		328, 335, 336, 346, 352, 364, 368	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20 Dec. 8	Spike bull or antlerless

PROPOSED

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		Elk Area 3010	Nov. 20-Jan. 31, 2004	Nov. 20-Jan. 31, 2005	Nov. 20-Jan. 31, 2006	Antlerless only
Western Washington	WA	407, 503, 505, 667, 672, 681, Elk Area 6066 in GMU 660, and 699. AHE hunters only in Elk Area 6063 in GMU 638.	Nov. 19-Dec. 15	Nov. 24-Dec. 15	Nov. 23-Dec. 15	3 pt. min. or antlerless
		454, 564, 588, 666	Nov. 19-Dec. 15	Nov. 24-Dec. 15	Nov. 23-Dec. 15	Any elk
		603, 612, 615, and 648, except closed in PLWMA 600 in GMU 603.	Nov. 19-Dec. 15	Nov. 24-Dec. 15	Nov. 23-Dec. 15	3 pt. min.
		506, 520, 530	Nov. 19-Dec. 7	Nov. 24-Dec. 7	Nov. 23-Dec. 7	3 pt. min. or antlerless
		506, 520, 530	Dec. 8-15	Dec. 8-15	Dec. 8-15	3 pt. min.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	111, 113, 247	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any bull
		101 through 108, 121 through 142	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		172, 245, 250, 251, 335 through 342, 352 through 360, 368	Oct. 4-10	Oct. 2-8	Oct. 1-7	Spike bull
Western Washington	WM	454, 564, 568, 574, 578, 666, 684	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, 654, 660, 672	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min.
		501, 652, 663, 667	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Any elk
		Elk Area 3944	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Nov. 20-Dec. 8	Spike bull or antlerless
Western Washington	WM	501, 503, 505, 652	Nov. 20-Dec. 8	Nov. 24-Dec. 8	Nov. 23-Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 666, 684	Nov. 19-Dec. 15	Nov. 24-Dec. 15	Nov. 23-Dec. 15	Any elk
		574, 578	Nov. 19-30	Nov. 24-30	Nov. 23-30	Any elk
		504, 550, 601, 667	Nov. 19-Dec. 15	Nov. 24-Dec. 15	Nov. 23-Dec. 15	3 pt. min.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, Advanced Hunter Education Graduates only.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Grant, Adams, Douglas, Franklin, Okanogan, and Benton (south of the Yakima River), and Chelan County (north of Hwy 2, except closed within 1/2 mile of the Columbia River in Douglas and Grant counties)	Oct. 28-Nov. 15	Oct. 27-Nov. 15	Oct. 26-Nov. 15	Any elk
	EA, EM, EF	Elk Areas 3911 and 3912 Advanced Hunter Education Graduates only.	Aug. 1-Feb. 28, 2004	Aug. 1-Feb. 28, 2005	Aug. 1-Feb. 28, 2006	Antlerless only
Western Washington	WM	Elk Area 4941 (muzzleloader only)	Nov. 1-Jan. 31, 2004	Nov. 1-Jan. 31, 2005	Nov. 1-Jan. 31, 2006	Any elk
	WA	Elk Area 4941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)					
Watershed	Nov. 1-9	3 Pt. Min. or Antlerless	EA, EF, EM	GMU 157	40
Wenaha A	Oct. 25-Nov. 2	Any Bull	EF	GMU 169	5
Mountain View A	Oct. 25-Nov. 2	Any Bull	EF	GMU 172	5
Mission	Oct. 25-Nov. 2	Any Bull	EF	GMU 251	5
Naneum A	Oct. 20-Nov. 2	Any Bull	EF	GMU 328	6
Quilomene A	Oct. 20-Nov. 2	Any Bull	EF	GMU 329	8
Teanaway A	Oct. 20-Nov. 2	Any Bull	EF	GMU 335	6
Peaches Ridge A	Oct. 20-Nov. 2	Any Bull	EF	GMUs 336, 346	103
Little Naches A	Oct. 1-10	Any Bull	EF	GMU 346	20
Observatory A	Oct. 20-Nov. 2	Any Bull	EF	GMUs 340, 342	35
Goose Prairie A	Oct. 20-Nov. 2	Any Bull	EF	GMUs 352, 356	110
Bethel A	Oct. 20-Nov. 2	Any Bull	EF	GMU 360	64
Rimrock A	Oct. 20-Nov. 2	Any Bull	EF	GMU 364	112
Cowiche A	Oct. 20-Nov. 2	Any Bull	EF	GMU 368	25
Margaret A	Nov. 1-9	3 Pt. Min.	WF	GMU 524	24
Toutle A	Nov. 1-9	3 Pt. Min.	WF	GMU 556	90
Olympic A	Nov. 1-9	3 Pt. Min.	WF	GMU 621	21
Skokomish A	Nov. 1-9	3 Pt. Min.	WF	GMU 636	3
Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)					
Aladdin A	Oct. 25-Nov. 2	Any Elk	EF	GMU 111	10
Selkirk A	Oct. 25-Nov. 2	Any Elk	EF	GMU 113	10
49 Degrees North	Oct. 25-Nov. 2	Any Elk	EF	GMU 117	15
Blue Creek A	Oct. 25-Nov. 2	Antlerless	EF	GMUs 149, 154	100
Dayton A	Oct. 25-Nov. 2	Antlerless	EF	GMU 163 and Elk Area 1011	200
Dayton B	Oct. 25-Nov. 2	Antlerless	EF	GMU 149 and Elk Area 1012	75
Malaga A	Aug. 16-Sept. 28	Antlerless	EF	Elk Area 2032	100
Malaga B	Sept. 6-21	Any Elk	EF	Elk Area 2032	5
Malaga C	Nov. 3-Jan. 31, 2004	Antlerless	EF	Elk Area 2032	150
Malaga D	Nov. 3-16	Any Elk	EF	Elk Area 2032	5
Malaga E	Dec. 13-21	Any Elk	EF	Elk Area 2032	5
Malaga F	Jan. 1-18, 2004	Any Elk	EF	Elk Area 2032	5
Peshastin A	Aug. 16-25	Antlerless	EF	Elk Area 2033	20
Peshastin B	Aug. 18-25	Any Elk	EF	Elk Area 2033	5
Peshastin C	Sept. 16-Oct. 3	Antlerless	EF	Elk Area 2033	20
Peshastin D	Sept. 21-29	Any Elk	EF	Elk Area 2033	5
Peshastin E	Nov. 30-Jan. 31, 2004	Antlerless	EF	Elk Area 2033	20
Peshastin F	Dec. 15-Jan. 31, 2004	Any Elk	EF	Elk Area 2033	5
West Bar A	Oct. 25-29	Antlerless	EF	GMU 330	10

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
West Bar B	Oct. 30-Nov.2	Antlerless	EF	GMU 330	10
Teanaway B	Oct. 25-Nov. 2	Antlerless	EF	GMU 335	30
Taneum A	Oct. 25-Nov. 2	Antlerless	EF	GMU 336	200
Manastash A	Oct. 25-Nov. 2	Antlerless	EF	GMU 340	400
Umtanum A	Oct. 25-Nov. 2	Antlerless	EF	GMU 342	400
Cleman	Dec. 9-31	Antlerless	EF	Elk Area 3944	100
Little Naches B	Oct. 25-Nov. 2	Antlerless	EF	GMU 346	250
Nile A	Oct. 25-Nov. 2	Antlerless	EF	GMU 352	160
Bumping B	Oct. 25-Nov. 2	Antlerless	EF	GMU 356	110
Bethel B	Oct. 25-Nov. 2	Antlerless	EF	GMU 360	100
Rimrock B	Oct. 25-Nov. 2	Antlerless	EF	GMU 364	200
Cowiche B	Oct. 25-Nov. 2	Antlerless	EF	GMU 368	200
Alkali A	Oct. 25-Nov. 2	Any Elk	EF	GMU 371	100
Willapa Hills A	Nov. 1-9	Antlerless	WF	GMU 506	35
Raymond A	Nov. 6-10	3-Pt. Min. or Antlerless	WF	Elk Area 6010	20
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	30
Raymond C	Jan. 1-31, 2004	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, 2004	Antlerless	WF	Elk Area 6010	15
Winston A	Nov. 1-9	Antlerless	WF	GMU 520	12
Margaret B	Nov. 1-9	Antlerless	WF	GMU 524	20
Ryderwood A	Nov. 1-9	Antlerless	WF	GMU 530	32
Coweeman A	Nov. 1-9	Antlerless	WF	GMU 550	15
Toutle B	Nov. 1-9	Antlerless	WF	GMU 556	35
Marble A	Nov. 1-9	Antlerless	WF	GMU 558	50
Carlton	Oct. 1-10	3-Pt. Min.	WF	Elk Area 5057	5
West Goat Rocks	Oct. 1-10	3-Pt. Min.	WF	Elk Area 5058	5
Mt. Adams	Oct. 1-10	3-Pt. Min.	WF	Elk Area 5059	5
Lewis River A	Nov. 1-9	Antlerless	WF	GMU 560	60
Siouxon A	Nov. 1-9	Antlerless	WF	GMU 572	40
Dungeness A	Oct. 1-15	Any Elk	WF	Elk Area 6071	10
Dungeness B	Nov. 1-15	Any Elk	WF	Elk Area 6071	10
Dungeness C	Jan. 5-20, 2004	Any Elk	WF	Elk Area 6071	20
Dungeness D	Feb. 1-15, 2004	Any Elk	WF	Elk Area 6071	20
Twin Satsop A	Dec. 1-15	Antlerless	WF	Elk Area 6061	30
Twin Satsop B	Jan. 5-15, 2004	Antlerless	WF	Elk Area 6061	10
Chehalis Valley A	Sept. 15-30	Antlerless	WF	Elk Area 6066	10
Chehalis Valley B	Oct. 1-31	Antlerless	WF	Elk Area 6066	10
Chehalis Valley C	Nov. 6-10	Antlerless	WF	Elk Area 6066	30
Chehalis Valley D	Nov. 15-30	Antlerless	WF	Elk Area 6066	15
Chehalis Valley E	Feb. 1-28, 2004	Antlerless	WF	Elk Area 6066	15
Capitol Peak A	Dec. 16-31	Antlerless	WF	GMU 663	10
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	60
Deschutes	Jan. 15-23, 2004	Antlerless	WF	GMU 666	10
Williams Creek	Nov. 5-9	Antlerless	WF	GMU 673	40
North Shore A	Nov. 5-9	Antlerless	WF	Elk Area 6068	5
Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Note-Fire Closures may limit access during early October seasons					
Wenaha B	Oct. 4-10	Any Bull	EM	GMU 169	1
Mountain View B	Oct. 4-10	Any Bull	EM	GMU 172	1
Naneum B	Oct. 4-10	Any Bull	EM	GMU 328	1
Quilomene B	Oct. 4-10	Any Bull	EM	GMU 329	2
Teanaway C	Oct. 4-10	Any Bull	EM	GMU 335	1
Peaches Ridge B	Oct. 4-10	Any Bull	EM	GMUs 336, 346	15
Observatory B	Oct. 4-10	Any Bull	EM	GMUs 340, 342	15
Goose Prairie B	Oct. 4-10	Any Bull	EM	GMUs 352, 356	17

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Bethel C	Oct. 4-10	Any Bull	EM	GMU 360	11
Rimrock C	Oct. 4-10	Any Bull	EM	GMU 364	16
Cowiche C	Oct. 4-10	Any Bull	EM	GMU 368	10
Margaret C	Oct. 4-10	3 Pt. Min.	WM	GMU 524	5
Toutle C	Oct. 4-10	3 Pt. Min.	WM	GMU 556	15
Olympic B	Oct. 4-10	3 Pt. Min.	WM	GMU 621	3
Skokomish B	Oct. 4-10	3 Pt. Min.	WM	GMU 636	2
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Aladdin B	Oct. 4-10	Any Elk	EM	GMU 111	10
Selkirk B	Oct. 4-10	Any Elk	EM	GMU 113	10
Blue Creek B	Dec. 1, 2003-Jan. 31, 2004	Antlerless	EM	GMUs 149, 154	60
Columbia A	Dec. 1-31	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia B	Jan. 1-31, 2004	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia C	Dec. 20-Jan. 31, 2004	Antlerless	EM	Elk Area 1012 and GMU 149	60
West Bar C	Oct. 1-10	Antlerless	EM	GMU 330	10
Teanaway D	Oct. 4-10	Antlerless	EM	GMU 335	50
Taneum B	Oct. 4-10	Antlerless	EM	GMU 336	150
Manastash B	Oct. 4-10	Antlerless	EM	GMU 340	150
Umtanum B	Oct. 4-10	Antlerless	EM	GMU 342	300
Nile B	Oct. 4-10	Antlerless	EM	GMU 352	50
Bumping B	Oct. 4-10	Antlerless	EM	GMU 356	100
Bethel D	Oct. 4-10	Antlerless	EM	GMU 360	50
Cowiche D	Oct. 4-10	Antlerless	EM	GMU 368	250
Alkali B	Oct. 4-10	Any Elk	EM	GMU 371	50
Stella A	Nov. 26-Dec. 15	Antlerless	WM	GMU 504	75
Stella B	Jan. 1-16, 2004	Antlerless	WM	GMU 504	50
Toledo A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5029	30
Malaga G	Oct. 4-24	Antlerless	EM	Elk Area 2032	100
Malaga H	Oct. 4-24	Any Elk	EM	Elk Area 2032	10
Mossyrock A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5052	20
Randle A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5053	15
Boistfort	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	Nov. 19-Dec. 14	Antlerless	WM	GMU 506	15
Green Mt A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5051	30
Winston B	Nov. 19-Dec. 14	Antlerless	WM	GMU 520	3
Margaret D	Nov. 19-Dec. 14	Antlerless	WM	GMU 524	5
Ryderwood B	Oct. 4-10	Antlerless	WM	GMU 530	8
Coweeman B	Nov. 19-Dec. 14	Antlerless	WM	GMU 550	5
Toutle D	Nov. 19-Dec. 14	Antlerless	WM	GMU 556	10
Marble B	Oct. 4-10	Antlerless	WM	GMU 558	10
Lewis River B	Oct. 4-10	Antlerless	WM	GMU 560	15
Siouxon B	Oct. 4-10	Antlerless	WM	GMU 572	10
Yale	Nov. 26-Dec. 15	3 Pt. Min. or Antlerless	WM	GMU 554	75
Twin Satsop C	Oct. 6-10	Antlerless	WM	Elk Area 6061	10
North River	Nov. 26-Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. 6-10	Antlerless	WM	Elk Area 6067	60
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	30
Chehalis Valley	Jan. 1-31, 2004	Antlerless	WM	Elk Area 6066	15
Capitol Peak B	Nov. 19-Dec. 15	Antlerless	WM	GMU 663	10
Archery Permit Hunts (Only archery elk tag holders may apply.)					
Note-Fire closures may limit access during September seasons.					
Wenaha C	Sept. 2-15	Any Bull	EA	GMU 169	2
Mountain View C	Sept. 2-15	Any Bull	EA	GMU 172	5
Naneum C	Sept. 2-15	Any Bull	EA	GMU 328	35
Quilomene C	Sept. 2-15	Any Bull	EA	GMU 329	12

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Teanaway E	Sept. 2-15	Any Bull	EA	GMU 335	35
Peaches Ridge C	Sept. 2-15	Any Bull	EA	GMUs 336, 346	126
Observatory C	Sept. 2-15	Any Elk	EA	GMUs 340, 342	71
Goose Prairie C	Sept. 2-15	Any Bull	EA	GMUs 352, 356	267
Bethel E	Sept. 2-15	Any Bull	EA	GMU 360	62
Rimrock D	Sept. 2-15	Any Bull	EA	GMU 364	117
Cowiche E	Sept. 2-15	Any Bull	EA	GMU 368	27
Peshastin G	Sept. 2-15	Any Elk	EA	Elk Area 2033	20
Margaret E	Sept. 2-15	3 Pt. Min.	WA	GMU 524	12
Toutle E	Sept. 2-15	3 Pt. Min.	WA	GMU 556	61
Olympic C	Sept. 2-15	3 Pt. Min.	WA	GMU 621	10
Mashel A	Jan. 1-15, 2004	Antlerless	WA	Elk Area 6054	40
Skokomish C	Sept. 2-15	3 Pt. Min.	WA	GMU 636	3
Dungeness E	Sept. 2-15	Any Elk	WA	Elk Area 6071	20
Dungeness F	Sept. 16-30	Any Elk	WA	Elk Area 6071	20
Dungeness G	Jan. 1-15, 2004	Any Elk	WA	Elk Area 6071	20
Dungeness H	Feb 1-15, 2004	Any Elk	WA	Elk Area 6071	20
Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (only AHE graduates may apply).					
Toledo B	Jan. 17-31, 2004	Antlerless	Any Elk Tag	Elk Area 5029	20
Colockum A	Oct 4-10	Antlerless	EM	Elk Area 3028 excluding Arthur Coffin Game Reserve	40
Colockum B	Nov. 8-14	Antlerless	EF	Elk Area 3028 excluding Arthur Coffin Game Reserve	40
Mossyrock B	Jan. 17-31, 2004	Antlerless	Any Elk Tag	Elk Area 5052	20
Randle B	Jan. 17-31, 2004	Antlerless	Any Elk Tag	Elk Area 5053	15
Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5
Green Mt B	Jan 17-31, 2004	Antlerless	Any Elk Tag	Elk Area 5051	20
Merwin A	Nov 26-Dec 15	Antlerless	Any Elk Tag	Elk Area 5055	10
Merwin B	Jan 17-31, 2004	Antlerless	Any Elk Tag	Elk Area 5055	10
Grays River A	Sept 15-30	Antlerless	Any Elk Tag	Elk Area 5056	10
Grays River B	Oct. 1-15	Antlerless	Any Elk Tag	Elk Area 5056	10
Grays River C	Oct. 16-31	Antlerless	Any Elk Tag	Elk Area 5056	10
Grays River D	Dec. 16-31	Antlerless	Any Elk Tag	Elk Area 5056	10
Grays River E	Jan. 1-15, 2004	Antlerless	Any Elk Tag	Elk Area 5056	10
Grays River F	Jan. 16-31, 2004	Antlerless	Any Elk Tag	Elk Area 5056	10
Grays River G	Feb. 1-14, 2004	Antlerless	Any Elk Tag	Elk Area 5056	10
Grays River H	Feb. 15-29, 2004	Antlerless	Any Elk Tag	Elk Area 5056	10
Persons of Disability Only - Special Elk Permit Hunts					
Observatory D	Oct 20-Nov. 2	Any Elk	EF or EM	GMUs 340, 342	6
Little Naches C	Oct. 1-10	Any Elk	EF, EM, EA	GMU 346	6
Little Naches D	Oct. 29-Nov. 2	Antlerless	EF, EM, EA	GMU 346	10
Centralia Mine A	Oct. 26-27	Antlerless	Any Elk Tag	Elk Area 6011	2
Centralia Mine B	Nov. 2-3	Antlerless	Any Elk Tag	Elk Area 6011	2
North Shore B	Oct. 1-31	Antlerless	Any Elk Tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any Elk Tag	Elk Area 6068	5
North Shore D	Jan. 1-31, 2004	Antlerless	Any Elk Tag	Elk Area 6068	5
North Shore E	Feb. 1-28, 2004	Antlerless	Any Elk Tag	Elk Area 6068	5
Chehalis Valley F	Dec. 16-31	Antlerless	Any Elk Tag	Elk Area 6066	15

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-279

2000-2002 Elk general seasons and 2001-2002 special permits

PROPOSED

WSR 03-06-036

EXPEDITED RULES

DEPARTMENT OF ECOLOGY

[Order 03-03—Filed February 26, 2003, 1:21 p.m.]

Title of Rule: These amendments are being made to WAC 173-183-820, 173-183-830, 173-183-850, and 173-183-860 to correct a cross reference in the rule. These sections will be amended to reference WAC 173-183-340 instead of WAC 173-183-360. No other amendments will be made to this chapter during this rule making.

Purpose: This rule making is to correct an error that currently exists in the rule. Cross references to WAC 173-183-360 are being changed to correctly reference WAC 173-183-340.

Statutory Authority for Adoption: Chapter 90.48 RCW, Water pollution control.

Statute Being Implemented: Chapter 90.48 RCW, Water pollution control.

Summary: This action would correct typographical errors that currently exist in the chapter as codified.

Reasons Supporting Proposal: When the public uses this rule it is important that the cross reference is correct so that proper formulas are used when completing calculations related to the topic regulated by chapter 173-183 WAC.

Name of Agency Personnel Responsible for Drafting: Jerry Thielen, 300 Desmond Drive, Lacey, 98503, (360) 407-7551; **Implementation and Enforcement:** Dale Davis, 300 Desmond Drive, Lacey, 98503, (360) 407-6972.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule making is to correct an error that currently exists in the rule. Cross references to WAC 173-183-360 are being changed to correctly reference WAC 173-183-340. These corrections will clarify the rule language so that the public is able to find information in the rule that will be of assistance when completing calculations used with this chapter.

Proposal Changes the Following Existing Rules: This rule making is to correct errors in cross referencing that currently exist in the rule. Cross references to WAC 173-183-360 are being changed to correctly reference WAC 173-183-340. No other changes are being made.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS-ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600,

Olympia, WA 98504-7600, AND RECEIVED BY May 6, 2003.

February 24, 2003

Dale Jensen, Program Manager

Spill Prevention,

Preparedness and Response

AMENDATORY SECTION (Amending Order 91-13, filed 4/23/92, effective 5/24/92)

WAC 173-183-820 RDA committee chair responsibilities. (1) The RDA committee chair shall, in consultation with the OSC and RDA committee, determine the following:

(a) For spills into marine or estuarine environments excluding the Columbia River estuary:

(i) The acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC ((173-183-360)) 173-183-340;

(ii) Subregion(s) exposed to the spilled oil;

(iii) Habitat types exposed to the spilled oil as classified in WAC 173-183-410 for spills of 1,000 gallons or more;

(iv) Percent coverage of each habitat type within the area of spill exposure for spills of 1,000 gallons or more;

(v) Percent coverage of habitat types present within the subregion(s) exposed to spilled oil for spills of less than 1,000 gallons.

(vi) A spill's habitat vulnerability scores (HVS) for acute toxicity, mechanical injury, and persistence as determined by the procedures outlined in WAC 173-183-400; and

(vii) The spill vulnerability scores (SVS_{AT}, SVS_{MI}, SVS_{PER}) for the most vulnerable season affected by the spill using the formula provided in WAC 173-183-400.

(b) For spills in the estuarine waters of the Columbia River:

(i) The acute toxicity, mechanical injury, and persistence oil class rankings for the spilled oil as provided in WAC ((173-183-360)) 173-183-340;

(ii) The cell(s) exposed to the spilled oil; and

(iii) The spill vulnerability score (SVS) for the most vulnerable season affected by the spilled oil using the procedures provided in WAC 173-183-500.

(c) For spills in freshwater streams, rivers, and lakes:

(i) The acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC ((173-183-360)) 173-183-340;

(ii) Freshwater vulnerability score as described in WAC 173-183-610;

(iii) Freshwater habitat index as described in WAC 173-183-620; and

(iv) Spill vulnerability score (SVS) as outlined in WAC 173-183-600 for each stream, river, and/or lake environment exposed to the spill; and

(d) For spills in freshwater wetlands:

(i) The acute toxicity, mechanical injury, and persistence oil class rankings for the spilled oil as provided in WAC ((173-183-360)) 173-183-340;

(ii) Freshwater wetland vulnerability score as described in WAC 173-183-710;

EXPEDITED

(iii) Spill vulnerability score (SVS) as outlined in WAC 173-183-700 for each wetland exposed to the spill.

(2) For spills that enter more than one environment, the RDA committee chair shall, in consultation with the OSC and RDA committee, make the determinations enumerated under subsection (1)(a) through (d) of this section.

AMENDATORY SECTION (Amending Order 91-13, filed 4/23/92, effective 5/24/92)

WAC 173-183-830 Calculation of damages for spills into marine and estuarine waters, except the Columbia River estuary. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into marine and estuarine waters, except the estuarine waters of Columbia River. The value of the variables used in the formula shall be determined by:

- (a) The OSC as enumerated in WAC 173-183-810(1);
- (b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and
- (c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(a).

(2) In making the determination of percent-coverage of habitat types, the RDA committee chair may assume that the habitat-type visible at low tide extends out to the 20 meter depth contour.

(3) Damages liability shall be calculated using the following formula:

Damages (\$) =

$$\text{gallons spilled} * 0.1 * [(OIL_{AT} * SVS_{AT,j}) + (OIL_{MI} * SVS_{MI,j}) + (OIL_{PER} * SVS_{PER,j})]$$

- where:
- gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;
 - SVS_{i,j} = spill vulnerability score (from WAC 173-183-400(3));
 - OIL_{AT} = Acute Toxicity Score for Oil (from WAC ((~~173-183-360~~) 173-183-340);
 - OIL_{MI} = Mechanical Injury Score for Oil (from WAC ((~~173-183-360~~) 173-183-340); and
 - OIL_{PER} = Persistence Score for Oil (from WAC ((~~173-183-360~~) 173-183-340).
 - i = acute toxicity, mechanical injury and persistence effect of oil
 - j = the most sensitive season affected by the spill
 - 0.1 = multiplier to adjust the damages calculated to the \$1-50 per gallon range.

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 91-13, filed 4/23/92, effective 5/24/92)

WAC 173-183-850 Calculation of damages for spills in freshwater streams, rivers, and lakes. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater streams, rivers, and lakes. The value of the variables used in the formula shall be determined by:

- (a) The OSC as enumerated in WAC 173-183-810(1);
- (b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and
- (c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(c).

(2) Damages liability shall be calculated using the following formula:

Damages (\$) =

$$\text{gallons spilled} * 0.08 * SVS * (OIL_{AT} + OIL_{MI} + OIL_{PER})$$

- where:
- gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;
 - SVS = Spill vulnerability score [from WAC 173-183-600(3)];
 - OIL_{AT} = Acute Toxicity Score for Oil [from WAC ((~~173-183-360~~) 173-183-340);
 - OIL_{MI} = Mechanical Injury Score for Oil [from WAC ((~~173-183-360~~) 173-183-340); and
 - OIL_{PER} = Persistence Score for Oil [from WAC ((~~173-183-360~~) 173-183-340).
 - 0.08 = multiplier to adjust damages calculated to the \$1-50 per gallon range;

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 91-13, filed 4/23/92, effective 5/24/92)

WAC 173-183-860 Calculation of damages for spills into freshwater wetlands. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater wetlands. The value of the variables used in the formula shall be determined by:

- (a) The OSC as enumerated in WAC 173-183-810(1);
- (b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and
- (c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(d).

(2) Damages liability shall be calculated using the following formula:

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Damages (\$) =

gallons spilled* 0.81* SVS* (OIL_{AT} + OIL_{MI} +
OIL_{PER})

where: gallons spilled = the number of gallons of oil
spilled as determined by procedures outlined in
WAC 173-183-810;

SVS = Spill vulnerability score [from WAC 173-
183-700(3)];

OIL_{AT} = Acute Toxicity Score for Oil [from WAC
(~~173-183-360~~) 173-183-340];

OIL_{MI} = Mechanical Injury Score for Oil [from
WAC (~~173-183-360~~) 173-183-340]; and

OIL_{PER} = Persistence Score for Oil [from WAC
(~~173-183-360~~) 173-183-340].

0.81 = multiplier to adjust damages calculated to
the \$1-50 per gallon range;

Formula results shall be rounded to the nearest 0.01 to
determine damages liability as follows: Decimals less than
0.005 shall be rounded down, and decimals equal to or
greater than 0.005 shall be rounded up.

Reviser's note: The brackets and enclosed material in the text of the
above section occurred in the copy filed by the agency and appear in the Reg-
ister pursuant to the requirements of RCW 34.08.040.

EXPEDITED



WSR 03-05-097

PERMANENT RULES

DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 19, 2003, 11:35 a.m.]

Date of Adoption: February 14, 2003.

Purpose: Adopting new chapter 388-72A WAC, Comprehensive assessment and reporting evaluation tool. These rules are needed to implement the new comprehensive assessment reporting evaluation (CARE) tool, an automated system used to collect demographic data, assess functional needs and abilities, health, and medical information, determine eligibility for services, develop a care plan, and authorize services for clients on or requesting long-term care services.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.090.

Adopted under notice filed as WSR 03-01-116 on December 18, 2002.

Changes Other than Editing from Proposed to Adopted Version: (New text underlined, deleted text lined out):

WAC#	Final Language	Reason
388-72A-0035 (1)(i)	Medication management, how you self administer medications prescribed by primary care provider or administer when you are unable <u>Describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements</u>	The definition did not adequately describe Medication Management. This definition is clarifying the definition of Medication Management.
388-72A-0035 (1)(d)	Dressing, how you put on, fasten, and take off all items of street clothing, including donning/removing prosthesis.	Dressing is not limited to street clothes. This is being corrected to reflect this.
388-72A-0040 (2)(a)(vi)	...during the entire seven-day period. <u>The activity may not have occurred because:</u> (A) <u>You were not able (e.g. Walking, if paralyzed), or</u> (B) <u>No provider was available to assist, or</u> (C) <u>You declined assistance with the task.</u>	Public comments were received asking for clarification of whether "activity did not" occur would meet the criteria for eligibility. The language has been updated to reflect this.
388-72A-0055 (4)(b)	You have an unmet or partially met need <u>or the activity did not occur (because you were unable or no provide was available)</u>	Public comments were received asking for clarification of whether "activity did not" occur would meet the criteria for eligibility. The language has been updated to reflect this.

WAC#	Final Language	Reason
388-72A-0060 (2)	You have an unmet or partially met need <u>or the activity did not occur (because you were unable or no provider was available)</u>	Public comments were received asking for clarification of whether "activity did not" occur would meet the criteria for eligibility. The language has been updated to reflect this
388-72A-0065(2)	Have an unmet or partially met need <u>or the activity did not occur (because you were unable or no provider was available)</u>	Public comments were received asking for clarification of whether "activity did not" occur would meet the criteria for eligibility. The language has been updated to reflect this
388-72A-0070	The department employs a client classification methodology consisting of twelve <u>fourteen</u> care groups.	This was an error on the proposed rules.
388-72A-0095 (3)	what services you choose to receive if you are eligible, per WAC 388-72A-0055, 388-72A-0060, 388-72A-0065, 388-15-652 or 388-15-653. The hours may be used to authorize: (a) Personal care services <u>(per WAC 388-72A-0055, 388-72A-0060, or 388-72A-0065);</u> (b) Home delivered meals <u>(per WAC 388-72A-0055);</u> (c) Adult day care <u>(per WAC 388-72A-0055 or 388-15-652);</u> (d) Adult day health <u>(per WAC 388-72A-0055 or 388-15-653);</u> (c) [(e)] A home health aide <u>(per WAC 388-72A-0055).</u>	The rule references only to apply to certain items in the list. The references have been moved to reflect this.

PERMANENT

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 22, 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 22, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
February 14, 2003
Bonita H. Jacques
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-72A WAC

COMPREHENSIVE ASSESSMENT REPORTING EVALUATION (CARE) TOOL

APPLICATION

NEW SECTION

WAC 388-72A-0005 **When do the rules in chapter 388-72A WAC apply to me?** The rules in chapter 388-72A WAC apply when the department or designee uses the comprehensive assessment reporting evaluation (CARE) tool for your:

- (1) Initial assessment;
- (2) Annual reassessment; or
- (3) Assessment due to a significant change in condition.

NEW SECTION

WAC 388-72A-0010 **Does chapter 388-71 WAC apply to me?** Yes. Chapter 388-71 WAC applies with the exception of the following: WAC 388-71-0203, 388-71-0205, 388-71-0430, 388-71-0435, 388-71-0440, and 388-71-0445.

NEW SECTION

WAC 388-72A-0015 **If the department did not use the CARE tool for my last assessment, may I have my assessments done on the assessment form used for my last assessment?** You may not have assessments done on the last assessment form once you've been assessed under CARE. The CARE tool replaces all assessment forms previously used by the department to determine your eligibility and service payment level for home and community programs.

ASSESSMENT AND SERVICE PLANNING

NEW SECTION

WAC 388-72A-0020 **What is an assessment?** Assessment is defined in WAC 388-71-0202.

NEW SECTION

WAC 388-72A-0025 **What is the process for conducting an assessment?** The department staff or designees will:

- (1) Assess your abilities and needs using a department-prescribed assessment tool, called the comprehensive assessment reporting evaluation (CARE); and
- (2) Perform the assessment based on an in-person interview with you in your own home or other place of residence,

which is defined in WAC 388-71-0202. A case manager may request the assessment be conducted in private.

NEW SECTION

WAC 388-72A-0030 **What is the purpose of an assessment?** Department staff or designees will perform an assessment using CARE to:

- (1) Determine eligibility for department-paid home and community programs;
- (2) Identify your strengths;
- (3) Evaluate your living situation and environment;
- (4) Evaluate your physical health, functional and cognitive abilities, social resources, income and financial resources, and emotional and social functioning for service planning purposes;
- (5) Identify your values and preferences for effective service planning based on your lifestyle;
- (6) Determine availability of alternative resources including family, neighbors, friends, community programs, volunteers, and other service delivery options that will provide needed assistance;
- (7) Determine risk of and program eligibility for nursing facility placement; and
- (8) Determine need for case management activities.

NEW SECTION

WAC 388-72A-0035 **What are personal care services?** Personal care services means physical or verbal assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL). Assistance means verbal or physical assistance with ADL and IADL. Assistance is evaluated with use of assistive devices.

- (1) Activities of daily living consist of the following care tasks that are directly related to your disabling condition:
 - (a) Bathing, how you take a full-body bath/shower, sponge bath, and transfer in/out of tub/shower;
 - (b) Bed mobility, how you move to and from a lying position, turn side to side, and position your body while in bed;
 - (c) Body care, how you perform with passive range of motion, applications of dressings and ointments or lotions to the body and pedicure to trim toenails and apply lotion to feet. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC. Body care excludes:
 - (i) Foot care for clients who are diabetic or have poor circulation; or
 - (ii) Changing bandages or dressings when sterile procedures are required.
 - (d) Dressing, how you put on, fasten, and take off all items of clothing, including donning/removing prosthesis;
 - (e) Eating, how you eat and drink, regardless of skill. Eating includes any method of receiving nutrition, e.g., by mouth, tube or through a vein;
 - (f) Locomotion in room and immediate living environment, how you move between locations in your room and

immediate living environment. If you are in a wheelchair, locomotion includes how self-sufficient you are once in your wheelchair;

(g) Locomotion outside of immediate living environment including outdoors, how you move to and return from more distant areas. If you are living in boarding home or nursing facility (NF), this includes areas set aside for dining, activities, etc. If you are living in your own home or in an adult family home, locomotion outside immediate living environment including outdoors includes how you move to and return from a patio or porch, backyard, to the mailbox, to see the next-door neighbor, etc;

(h) Walk in room, hallway and rest of immediate living environment, how you walk between locations in your room and immediate living environment;

(i) Medication management, describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements;

(j) Toilet use, how you use the toilet room, commode, bedpan, or urinal, transfer on/off toilet, cleanse, change pad, manage ostomy or catheter, and adjust clothes;

(k) Transfer, how you move between surfaces, i.e., to/from bed, chair, wheelchair, standing position. Transfer does not include how you move to/from the bath or toilet; and

(l) Personal hygiene, how you maintain personal hygiene, including combing hair, brushing teeth, applying makeup, washing/drying face hands, menses care, and perineum. This does not include personal hygiene in baths and showers.

(2) Instrumental activities of daily living (IADL) consist of the following routine activities performed around the home or in the community.

(a) Meal preparation, how meals are prepared (e.g., planning meals, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals). NOTE: This task may not be authorized to just plan meals or clean up after meals. You must need assistance with actual meal preparation;

(b) Ordinary housework, how ordinary work around the house is performed (e.g., doing dishes, dusting, making bed, tidying up, laundry);

(c) Essential shopping, how shopping is completed to meet your health and nutritional needs (e.g., selecting items). Shopping is limited to brief, occasional trips in the local area to shop for food, medical necessities and household items required specifically for your health, maintenance or well-being. This includes shopping with or for you;

(d) Wood supply, how wood is supplied (e.g., splitting, stacking, or carrying wood) when you use wood as the sole source of fuel for heating and/or cooking;

(e) Travel to medical services, how you travel by vehicle to a physician's office or clinic in the local area to obtain medical diagnosis or treatment-includes driving vehicle yourself, traveling as a passenger in a car, bus, or taxi;

(f) Managing finances, how bills are paid, checkbook is balanced, household expenses are managed. The department cannot pay for any assistance with managing finances; and

(g) Telephone use, how telephone calls are made or received (with assistive devices such as large numbers on telephone, amplification as needed).

NEW SECTION

WAC 388-72A-0040 What information does the assessor gather? (1) The case manager gathers information from you, your caregivers, family members, and other sources to determine whether you have unmet or partially met needs for assistance with ADL's and IADL's.

(2) For each ADL, except as otherwise provided for bathing, body care, and medication management, the case manager assesses the level of your ability to self-perform the ADL and the level of support provided by others.

(a) For each ADL, the case manager measures your level of self-performance by determining what you actually did within the last seven days, not what you might be capable of doing. If you:

(i) Received no help or oversight, or if you needed help or oversight only once or twice, you are assessed as being independent;

(ii) Received oversight (monitoring or standby), encouragement, or cueing three or more times, or needed physical assistance in addition to supervision only once or twice, you are assessed as needing supervision;

(iii) Were:

(A) Highly involved in the activity,

(B) Given physical help in guided maneuvering of limbs or other nonweight bearing assistance on three or more occasions, or

(C) Given weight bearing assistance but only one or two times, you are assessed as needing limited assistance.

(iv) Performed part of the activity, but on three or more occasions, you needed weight bearing support or you received full performance of the activity during part, but not all, of the activity from others, you were assessed as needing extensive assistance;

(v) Received full caregiver performance of the activity and all subtasks during the entire seven-day period from others, you are assessed as having total dependence. Total dependence means complete nonparticipation by you in all aspects of the ADL; or

(vi) Or others do not perform an ADL over the last seven days before your assessment, your assessment will indicate that the activity did not occur during the entire seven-day period. The activity may not have occurred because:

(A) You were not able (e.g., walking, if paralyzed); or

(B) No provider was available to assist; or

(C) You declined assistance with the task.

(b) For each ADL, the case manager also determines the level of support provided, which means the highest level of support provided by others over the last seven days, even if that level of support occurred only once. For each ADL, the assessment will indicate one of the following levels of support provided:

(i) No set-up or physical help provided by others;

(ii) Set-up help only provided, which is the type of help characterized by providing you with articles, devices, or preparation necessary for greater self-performance of the activity (such as giving or holding out an item that you take from others);

(iii) One-person physical assist provided;

(iv) Two- or more person physical assist provided; or

(v) Activity did not occur during entire seven-day period.

(3) The activity of bathing is assessed in the same way as other ADL's under subsection (2) of this section, except you are assessed as needing:

(a) Limited assistance with bathing if physical help is limited to transfer only.

(b) Extensive assistance with bathing if you needed physical help with part of the activity (other than transfer).

(4) The activity of body care is assessed to determine whether you need assistance. You are assessed as needing assistance if you require:

(a) Application of ointment or lotions;

(b) Trimming of toenails;

(c) Dry bandage changes; or

(d) Passive range of motion treatment.

(5) The activity of medication management is assessed to determine whether you need assistance managing your medications. If you:

(a) Remember to take medications as prescribed and manage your medications without assistance, you are assessed as being independent with medical management.

(b) Need assistance from a nonlicensed provider to facilitate your self-administration of a prescribed, over the counter, or herbal medication, you are assessed as needing assistance with medication management. Assistance required includes reminding or coaching you, handing you the medication container, opening the container, using an enabler to assist you in getting the medication into your mouth, and placing the medication in your hand. This does not include assistance with intravenous or injectable medications. You must be aware that you are taking medications.

(c) Are a person with a functional disability who is capable of and who chooses to self-direct your medication assistance/administration, you are assessed as needing self-directed medication assistance/administration.

(d) Must have medications placed in your mouth or applied to your skin or mucus membrane by a licensed professional or as delegated by a registered nurse (RN) to: a provider who is not a RN or a licensed practical nurse (LPN) in an adult family home or boarding home following nurse delegation protocols in chapter 246-840 WAC, or by a family member or unpaid caregiver, you are assessed as needing medications administered to you. Intravenous or injectable medications must be administered by a licensed health care professional, family member, or unpaid caregiver.

(6) For each IADL, the case manager assesses the level of your ability to self-perform the IADL and how difficult it is (or would be) for you to perform the activity on your own.

(a) The case manager measures the level of your ability to self-perform the activity by determining what you actually did within the last thirty days, not what you might be capable of doing. If you:

(i) Received no help, set-up help, or supervision, you are assessed as being independent;

(ii) Received set-up help or arrangements only, you are assessed as needing supervision;

(iii) Sometimes performed the activity yourself and other times needed assistance, you are assessed as needing limited assistance;

(iv) Were involved in performing the activity required cueing/supervision or partial assistance at all; you are assessed as needing extensive assistance;

(v) Needed the activity fully performed by others; you are assessed as having total dependence; or

(vi) Others did not perform the activity within the assessment period, the assessment will indicate that the activity did not occur.

(b) For each IADL, the case manager determines how difficult it is or would be for you to perform the activity. The assessment will determine whether you have or would have difficulty:

(i) No difficulty in performing the activity;

(ii) Some difficulty in performing the activity (e.g. need some help, are very slow, or fatigue easily); or

(iii) Great difficulty in performing the activity (e.g. no involvement in the activity is possible).

NEW SECTION

WAC 388-72A-0045 How will the department p meet my care needs? Department staff or designees will:

(1) Authorize services to correspond with your assessed need, per WAC 388-72A-0040;

(2) Develop a service plan with you that identifies:

(a) Your specific abilities and needs;

(b) A plan for meeting each need for which you need assistance;

(c) Ways to meet your needs with the most appropriate services, both formal and informal;

(d) Who is responsible for carrying out each part of the plan;

(e) Anticipated outcomes;

(f) Dates and changes to the plan;

(g) Dates of referral, service initiation, follow-up reviews;

(h) Those needs that you do not want assistance with at this time; and

(i) Agreement to the service plan by you or your representative.

NEW SECTION

WAC 388-72A-0050 What if I disagree with the result of the assessment or the decisions about what services I may receive? You have a right to contest a denial or reduction of services. The department or the department designee will notify you of the right to contest a denial or reduction of services and provide you with the address to which you can write to request a hearing on the denial or reduction.

CARE ELIGIBILITY

NEW SECTION

WAC 388-72A-0055 Am I eligible for CO funded services? You are eligible for COPES-funded services if you meet all of the following criteria. The d

ment or its designee must assess your needs and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, Community options program entry system (COPES);
- (3) You:
 - (a) Are not eligible for Medicaid personal care services (MPC); or
 - (b) Are eligible for MPC services, but the department determines that the amount, duration, or scope of your needs is beyond what MPC can provide.
- (4) Your comprehensive assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPES services are provided) which means one of the following applies.
 - (a) You require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis, or:
 - (b) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least three or more of the following, as defined in WAC 388-72A-0040:
 - (i) Setup in eating (e.g., cutting meat and opening containers at meals; giving one food category at a time);
 - (ii) Supervision in toileting;
 - (iii) Supervision in bathing;
 - (iv) Supervision plus setup in transfer;
 - (v) Supervision plus setup in bed mobility;
 - (vi) Supervision plus set up help in one of the following three tasks:
 - (A) Walk in room, hallway and rest of immediate living environment;
 - (B) Locomotion in room and immediate living environment;
 - (C) Locomotion outside of immediate living environment including outdoors.
 - (vii) Assistance required in medication management; or
 - (c) You have an unmet or partially met need with at least two or more of the following, as defined in WAC 388-72A-0040:
 - (i) Extensive assistance plus one person physical assistance in toileting;
 - (ii) Extensive assistance plus one person physical assistance in one of the following three tasks:
 - (A) Walk in room, hallway and rest of immediate living environment;
 - (B) Locomotion in room and immediate living environment;
 - (C) Locomotion outside of immediate living environment including outdoors.
 - (iii) Extensive assistance plus one person physical assistance in transfer;
 - (iv) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

- (v) Physical help limited to transfer plus one person physical assist in bathing;
- (vi) Supervision plus one person physical assist in eating; or
- (vii) Daily assistance required in medication management; or
- (d) You have a cognitive impairment and require supervision due to one or more of the following: disorientation, memory impairment, impaired decision making, or wandering and have an unmet or partially met need with at least one or more of the following, as defined in WAC 388-72A-0040:
 - (i) Extensive assistance plus one person physical assistance in toileting;
 - (ii) Extensive assistance plus one person physical assistance in one of the following three tasks:
 - (A) Walk in room, hallway and rest of immediate living environment;
 - (B) Locomotion in room and immediate living environment;
 - (C) Locomotion outside of immediate living environment including outdoors.
 - (iii) Extensive assistance plus one person physical assistance in transfer;
 - (iv) Limited assistance plus one person physical assistance in bed mobility;
 - (v) Physical help limited to transfer plus one person physical assist in bathing;
 - (vi) Supervision plus one person physical assist in eating; or
 - (vii) Daily assistance required in medication management.

NEW SECTION

WAC 388-72A-0060 Am I eligible for MPC-funded services? You are eligible for MPC-funded services when the department or its designee assesses your needs and determines that you meet all of the following criteria:

- (1) Are certified as Title XIX categorically needy, as defined in WAC 388-500-0005.
- (2) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least one or more of the following, as defined in WAC 388-72A-0040:
 - (a) Help/oversight one or two times during the last seven days plus setup in eating;
 - (b) Supervision in toileting;
 - (c) Supervision in bathing;
 - (d) Supervision in dressing;
 - (e) Supervision plus setup in transfer;
 - (f) Supervision plus setup in bed mobility;
 - (g) Supervision plus set up help in one of the following three tasks:
 - (i) Walk in room, hallway and rest of immediate living environment;
 - (ii) Locomotion in room and immediate living environment;
 - (iii) Locomotion outside of immediate living environment including outdoors.
 - (h) Assistance required in medication management;

- (i) Supervision in personal hygiene;
- (j) Assistance with body care, which means you need:
 - (i) Application of ointment or lotions;
 - (ii) Your toenails trimmed;
 - (iii) Dry bandage changes; or
 - (iv) Passive range of motion treatment.

NEW SECTION

WAC 388-72A-0065 Am I eligible for Chore-funded services? To be eligible for Chore-funded services, you must:

- (1) Be eighteen years of age or older;
- (2) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least one or more of the following, as defined in WAC 388-72A-0040:
 - (a) Help/oversight one or two times during the last seven days plus setup in eating;
 - (b) Supervision in toileting;
 - (c) Supervision in bathing;
 - (d) Supervision in dressing;
 - (e) Supervision plus setup in transfer;
 - (f) Supervision plus setup in bed mobility;
 - (g) Supervision plus set up help in one of the following three tasks:
 - (i) Walk in room, hallway and rest of immediate living environment;
 - (ii) Locomotion in room and immediate living environment;
 - (iii) Locomotion outside of immediate living environment including outdoors.
 - (h) Assistance required in medication management;
 - (i) Supervision in personal hygiene;
 - (j) Assistance with body care, which means you need:
 - (i) Application of ointment or lotions;
 - (ii) Your toenails trimmed;
 - (iii) Dry bandage changes; or
 - (iv) Passive range of motion treatment.
- (3) Currently be on the Chore program and not be eligible for MPC or COPEs, Medicare home health or other programs if these programs can meet your needs;
- (4) Have net household income (as described in WAC 388-450-0005, 388-450-0020, 388-450-0040, and 388-511-1130) not exceeding:
 - (a) The sum of the cost of your chore services; and
 - (b) One-hundred percent of the Federal Poverty Level (FPL) adjusted for family size.
- (5) Have resources, as described in chapter 388-470 WAC, which does not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.)
- (6) Not transfer assets on or after November 1, 1995 for less than fair market value as described in WAC 388-513-1365.

CLASSIFICATION FOR IN-HOME AND RESIDENTIAL CARE**NEW SECTION**

WAC 388-72A-0070 What are the in-home hours and residential rate based on? The department employs a client classification methodology consisting of fourteen care groups. The department uses an automated assessment tool known as the comprehensive assessment reporting evaluation (CARE) tool to assess client characteristics.

NEW SECTION

WAC 388-72A-0075 What does the CARE computerized assessment tool do with the client information entered by department staff? The CARE software program evaluates the information about the client using the following criteria:

- (1) Cognitive performance;
- (2) Clinical complexity, e.g., medical conditions;
- (3) Mood/behaviors; and
- (4) Activities of daily living (ADL).

NEW SECTION

WAC 388-72A-0080 What are the elements that the CARE tool evaluates for each of the criteria in WAC 388-72A-0075? The CARE tool evaluates for:

- (1) Cognitive performance
 - (a) Short term memory;
 - (b) Self-performance in eating;
 - (c) Ability to make self understood;
 - (d) Ability to make decisions regarding ADLs; and
 - (e) Comatose or in a persistent vegetative state.
- (2) Clinical complexity
 - (a) Diagnoses requiring more than average care time and/or special care;
 - (b) Skin problems receiving treatment;
 - (c) Unstable clinical conditions; and
 - (d) Skilled nursing needs.
- (3) Mood/behaviors the assessment data evaluated may include, but is not limited to the following:
 - (a) Assaulting care givers;
 - (b) Resisting care;
 - (c) Wandering; and
 - (d) Depression.
- (4) Activities of daily living (ADLs), the amount of assistance the client needs to perform ADLs.

NEW SECTION

WAC 388-72A-0085 How does the CARE tool evaluate the criteria elements? The CARE tool evaluates the criteria elements for:

- (1) Cognitive performance by using the cognitive performance scale (CPS) and assigning a score. The score assigns ranges from zero to six with six being very severely impaired;

(2) Clinical complexity by determining whether your medical conditions take more or less time and/or require special care;

(3) Mood/behavior by determining whether your mood/behavior symptoms take more or less time;

(4) ADLs by scoring the assistance needed to perform ADLs.

PAYMENT METHODOLOGY FOR IN-HOME SERVICES

NEW SECTION

WAC 388-72A-0090 What are the maximum hours that I can receive for in-home services? The maximum hours that you can receive for in-home services is determined through the CARE tool. These hours are based on criteria outlined in WAC 388-72A-0095.

NEW SECTION

WAC 388-72A-0095 How are the number of hours I can receive for in-home services determined? (1) In addition to criteria defined in WAC 388-72A-0075, 388-72A-0080, and 388-72A-0085, CARE will take into account your:

(a) Assistance available to meet your needs. This is defined as:

- (i) Met;
- (ii) Unmet;
- (iii) Partially met.

NOTE: Home and community programs (HCP) services may not replace other available resources the department identified when completing CARE. The hours will be adjusted to account for tasks that are either fully or partially met by other available resources. These resources may be unpaid or paid for by other state or community sources.

(b) Environment, such as whether you:

- (i) Have laundry facilities out of home; and/or
- (ii) Use wood as a primary source of heat and/or;
- (iii) The time it takes to access essential shopping services.

(c) Living arrangement. The department will adjust payments to a personal care provider who is doing household tasks at the same time (e.g., essential shopping, meal preparation, laundry, and wood supply) if:

- (i) There is more than one client living in the same household; or
- (ii) You and your paid provider live in the same household.

(2) The CARE tool will provide a maximum number of hours that can be used to develop your care plan. The assessor must take into account cost effectiveness, client health and safety, and program limits in determining how hours can be used to meet identified client needs.

(3) Within the limits of subsection (2) of this section, you and your case manager will work to determine what services you choose to receive if you are eligible. The hours may be used to authorize:

(a) Personal care services (per WAC 388-72A-0055, 388-72A-0060, or 388-72A-0065);

(b) Home delivered meals (per WAC 388-72A-0055);

(c) Adult day care (per WAC 388-72A-0055 or 388-15-652);

(d) Adult day health (per WAC 388-72A-0055 or 388-15-653);

(e) A home health aide (per WAC 388-72A-0055).

NEW SECTION

WAC 388-72A-0100 Are there other in-home services I may be eligible to receive in addition to those described in WAC 388-72A-0095(3)? Yes. If you meet the eligibility criteria outlined in WAC 388-71-0415 and 388-72A-0055 you may also receive the following services:

- (1) Environmental modifications;
- (2) Personal response system (PERS);
- (3) Skilled nursing;
- (4) Specialized medical equipment;
- (5) Training; or
- (6) Transportation services.

NEW SECTION

WAC 388-72A-0105 What would cause a change in the maximum hours authorized? Hours you are eligible to receive may be adjusted if you have had a change in any criteria listed in WAC 388-72A-0095.

HOME AND COMMUNITY PAYMENT RATES

NEW SECTION

WAC 388-72A-0110 How much will the department pay for my care? The department publishes rates and/or adopts rules to establish how much the department pays toward the cost of your care in a residential care facility or for in-home services.

WSR 03-05-100

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed February 19, 2003, 11:39 a.m.]

Date of Adoption: February 14, 2003.

Purpose: Adoption of new rules in chapter 388-818 WAC, Deaf and hard of hearing services. The purpose of the chapter is to provide regulations about social and telecommunications access services for people with hearing loss and speech impairments. Technology advancements and expanded eligibility for participation in the distribution program prompted a change in the law. SHB 1884 was signed into law on May 7, 2001, as chapter 210, Laws of 2001. The sections in this chapter have been reorganized and revised to make the language clearer and easier to understand.

Citation of Existing Rules Affected by this Order: New sections WAC 388-818-0010 What is the purpose of this chapter?, 388-818-0020 What does the Office of the Deaf and Hard of Hearing do?, 388-818-0030 What does the telecommunications access service do?, 388-818-0040 What definitions apply to this chapter?, 388-818-0050 What social services relating to hearing loss are available to the public?, 388-818-0060 Who are qualified service providers?, 388-818-0070 Is telecommunications equipment available for clients?, 388-818-0080 What items are not included with telecommunications equipment?, 388-818-0090 Who is eligible to apply for telecommunications equipment from TAS?, 388-818-0100 Who must certify an applicant's eligibility for telecommunications equipment from TAS?, 388-818-0110 How do applicants request specialized telecommunications equipment?, 388-818-0120 What types of income are included when requesting equipment from TAS?, 388-818-0130 How are applicants notified about decisions for telecommunications equipment?, 388-818-0140 What are reasons for denying telecommunications equipment?, 388-818-0150 When may clients renew their applications for telecommunications equipment?, 388-818-0160 How do clients renew their application for telecommunications equipment?, 388-818-0170 Are nonprofit organizations eligible for telecommunications equipment?, 388-818-0180 What process do nonprofit organizations follow to receive telecommunications equipment from TAS?, 388-818-0190 How much does an applicant have to pay for telecommunications equipment?, 388-818-0200 How does an applicant request a waiver (exception) of equipment cost?, 388-818-0210 What conditions must be met for a client to receive purchased telecommunications equipment?, 388-818-0220 When is telecommunications equipment owned by the client?, 388-818-0230 May clients return purchased telecommunications equipment?, 388-818-0240 When may telecommunications equipment be loaned to an applicant?, 388-818-0250 What are the conditions for loaning telecommunications equipment?, 388-818-0260 When does state-loaned equipment have to be returned to TAS?, 388-818-0270 May a person take loaned telecommunications equipment outside the state?, 388-818-0280 Will training be provided on the use and care of telecommunications equipment?, 388-818-0290 What services do trainers provide to clients?, 388-818-0300 When may telecommunications equipment be replaced?, 388-818-0310 When may requests for replacement telecommunications equipment be denied?, 388-818-0320 Who may receive reconditioned telecommunications equipment?, 388-818-0330 May an applicant disagree with a DSHS decision about telecommunications equipment?, 388-818-0340 What is a relay complaint?, 388-818-0350 What may a client do when dissatisfied with relay services?, 388-818-0360 May a client file a formal complaint about the relay service?, 388-818-0370 When is customer service available for clients?, 388-818-0380 May clients file their complaint about relay services with the FCC?, 388-818-0390 May the FCC file a complaint? and 388-818-0400 What documents must ODHH keep for complaints?; and repealing WAC 388-818-001 Scope, 388-818-002 Regional centers, 388-818-003 Services, 388-818-005 Definitions, 388-818-010 Eligibility requirements, 388-818-020 Approval of application for initial device or request for replacement device,

388-818-030 Denial of initial application or request for replacement device, 388-818-040 Application renewal process, 388-818-050 Notice of approval or denial, 388-818-060 Review by department, 388-818-070 Distribution, 388-818-080 Training, 388-818-090 Ownership and liability, 388-818-110 Telecommunications relay service, and 388-818-130 Uses for returned equipment.

Statutory Authority for Adoption: RCW 43.20A.725.

Other Authority: RCW 43.20A.720, chapter 210, Laws of 2001.

Adopted under notice filed as WSR 02-23-083 on November 19, 2002.

Changes Other than Editing from Proposed to Adopted Version: None - minor editing changes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 9, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 31, Amended 0, Repealed 15.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 40, Amended 0, Repealed 15.

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

February 14, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PURPOSE

NEW SECTION

WAC 388-818-0010 What is the purpose of this chapter? (1) The purpose of this chapter is to provide regulations about social and telecommunications access services for people with hearing loss and speech impairments.

(2) These services are provided:

- (a) Under contract with qualified service providers; or
- (b) Directly through the office of the deaf and hard of hearing (ODHH) at the department of social and health services (DSHS).

NEW SECTION

WAC 388-818-0020 What does the office of the deaf and hard of hearing do? (1) The office of the deaf and hard of hearing (ODHH) within DSHS provides the following services to DSHS staff:

- (a) Provides information about hearing loss;
- (b) Offers technical assistance and workshops about deafness; and

(c) Identifies ways for DSHS staff to get sign language interpreter services for their clients who have hearing loss.

(2) ODHH administers and monitors contracts with qualified service providers. These service providers offer community-based social services for clients who have hearing loss.

(3) ODHH manages the telecommunications access service program.

(4) ODHH contracts to provide telecommunications relay services (TRS).

(5) ODHH facilitates the DSHS-telecommunications relay services (TRS) advisory committee on deafness.

NEW SECTION

WAC 388-818-0030 What does the telecommunications access service do? Telecommunications access service (TAS), a program within ODHH:

(1) Provides eligible clients with initial or replacement equipment, based on the availability of equipment and/or funds;

(2) Maintains and oversees the statewide program for distributing telecommunications equipment;

(3) Maintains and oversees the contract for TRS; and

(4) May contract with qualified service providers for other telecommunications options as technology advances.

DEFINITIONS

NEW SECTION

WAC 388-818-0040 What definitions apply to this chapter? **"Amplified telephone"** means an electrical device that increases the volume or tone of sounds being received during a telephone call.

"Applicant" means a client who applies for specialized telecommunications equipment.

"Audiologist" means a person who has a certificate of clinical competence in audiology from the American Speech, Hearing, and Language Association and is licensed to practice in the state of Washington.

"Client" means a person who is deaf, hard of hearing, speech impaired, or deaf-blind and may receive services from ODHH.

"Deaf" means a condition where a person's hearing ability is absent or mostly absent.

"Deaf-blind" means a person with both hearing loss and visual impairments.

"DSHS or department" means the department of social and health services.

"Federal poverty guidelines" means the poverty level established by the **"Poverty Income Guideline"** updated annually in the Federal Register.

"Hearing loss" means any form of hearing impairment, from mild to profound.

"Mobility impairment" for the purpose of this chapter means restricted upper body movement, which limits the ability to hold or dial a standard telephone to communicate.

Individuals must also have a hearing loss or speech impairment.

"ODHH" means the office of the deaf and hard of hearing in the department of social and health services.

"Qualified service provider" means an agency or a business that provides social services to individuals with hearing loss or speech impairments. A qualified service provider may also be a **"qualified trainer."**

"Qualified trainer" means a person under contract with TAS who is knowledgeable in the use of telecommunications equipment.

"Relay service" is defined under **"telecommunications relay service (TRS)."**

"School-age" means between four and seventeen years of age.

"Sliding fee scale" means a range used to determine an applicant's participation in the cost of equipment.

"Speech impairment" means inability to speak or a speech disability.

"TAS" means the telecommunications access service program administered by the office of the deaf and hard of hearing. The program provides equipment and services to help people with hearing loss and speech impairments have equal access to telecommunications.

"Telecommunications equipment" means any specialized device determined by TAS in ODHH to help a person with a hearing loss or speech impairment to communicate effectively. Examples include: amplified telephone, TTY, signaling devices, software, digital equipment, and accessories. (See WAC 388-818-0070.)

"Telecommunications relay service (TRS)" means wire or radio service that enables a person with hearing loss or speech impairment to communicate with a person who uses a voice telephone. This service has communication assistants who transfer telephone conversations from one format to another (such as spoken words to text) to facilitate communication between two or more people.

"TTY" means teletypewriter or text telephone.

"TTY with Braille" means a teletypewriter with Braille keyboard and display.

SOCIAL SERVICES FOR CLIENTS WITH HEARING LOSS

NEW SECTION

WAC 388-818-0050 What social services relating to hearing loss are available to the public? (1) These social services relating to hearing loss are offered by qualified service providers and ODHH staff throughout the state:

(a) Information and referral about issues related to hearing loss;

(b) Advocacy on behalf of people with hearing loss;

(c) Training on deaf awareness and daily living issues experienced by people with hearing loss;

(d) Social gathering opportunities for groups, organizations, and clubs related to people with hearing loss; and

(e) Services related to telecommunications equipment, distribution of equipment, and training on the use and care of equipment.

(2) Qualified service providers offer these services to:

(a) Washington residents with hearing loss;

(b) The general public for information about hearing loss; and

(c) Telephone users who need their conversations relayed, or transferred from one format to another (such as spoken words to text).

NEW SECTION

WAC 388-818-0060 Who are qualified service providers? Qualified service providers are organizations or businesses that contract with ODHH to provide social services related to hearing loss. Examples of qualified service providers include: regional deaf and hard of hearing centers, relay service providers, and trainers for telecommunication equipment.

TELECOMMUNICATIONS EQUIPMENT

NEW SECTION

WAC 388-818-0070 Is telecommunications equipment available for clients? (1) Clients may request telecommunications equipment from TAS.

(2) For clients to receive equipment, TAS staff must approve equipment requests.

(3) To be approved, telecommunications equipment must help people with hearing loss or speech impairments to:

(a) Have independent use of telecommunications equipment; and

(b) Gain equal access to telecommunications services that people with normal hearing and speech have.

(4) Specialized equipment may include: text, amplification, video, and hands-free equipment as well as ring signaling devices.

NEW SECTION

WAC 388-818-0080 What items are not included with telecommunications equipment? In the use of telecommunications equipment, neither TAS nor contracted qualified service providers offer:

(1) Replacement batteries for any telecommunications equipment, except for deaf-blind equipment;

(2) Replacement paper for TTYs;

(3) Replacement light bulbs for signal equipment; or

(4) Payment of the client's telephone bill.

TELECOMMUNICATIONS EQUIPMENT— APPLICATION PROCESS

NEW SECTION

WAC 388-818-0090 Who is eligible to apply for telecommunications equipment from TAS? (1) Washington

state residents may apply to receive telecommunications equipment from TAS if they:

(a) Are at least school aged; and

(b) Are certified as having hearing loss or speech impairments.

(2) Nonprofit organizations may apply to receive telecommunications equipment, as specified under WAC 388-818-0180.

NEW SECTION

WAC 388-818-0100 Who must certify an applicant's eligibility for telecommunications equipment from TAS?

(1) A professional must certify that applicants have hearing loss and/or speech impairments and are eligible to receive telecommunications equipment from TAS.

(2) These professionals include:

(a) A person who is licensed or certified by the department of health to provide health care in the state of Washington;

(b) An audiologist or hearing aid fitter/dispenser in Washington;

(c) A vocational rehabilitation counselor;

(d) A deaf specialist or coordinator at one of the community service centers for the deaf and hard of hearing in the state;

(e) A deaf-blind specialist or coordinator at an organization that serves deaf-blind people;

(f) A certified speech pathologist practicing in the state of Washington;

(g) A licensed occupational therapist;

(h) Staff from a qualified state agency as determined and specified by the TRS advisory committee on deafness; or

(i) Any in-state nonprofit organization serving the hearing or speech impaired.

NEW SECTION

WAC 388-818-0110 How do applicants request specialized telecommunications equipment? (1) To request specialized telecommunications equipment, an applicant must send a completed "Application for Telecommunications Equipment" form (DSHS 14-264) to TAS. To request an application, contact ODHH at 1-800-422-7930 V/TTY.

(2) The application form must be signed by an approved professional who certifies applicant's eligibility. (See WAC 388-818-0100.)

(3) If the applicant is seventeen or under, his or her parent/legal guardian must sign the application form.

NEW SECTION

WAC 388-818-0120 What types of income are included when requesting equipment from TAS? To meet income standards for telecommunications equipment from TAS, an applicant's income includes any of the following:

(1) Earned income, such as wages and tips;

(2) Social Security benefits;

(3) Unearned income, such as interest, dividends, and pensions;

(4) Family's share of income from corporations, partnerships, estates, and trusts; and

(5) Gains from the sale or exchange (including barter) of real estate, securities, coins, gold, silver, gems, or other property.

NEW SECTION

WAC 388-818-0130 How are applicants notified about decisions for telecommunications equipment? (1) When approving an application for telecommunications equipment, TAS staff must inform the applicant in writing about:

(a) The receipt of the applicant's completed application form;

(b) Any cost that applicants will incur for equipment; and

(c) The timeframe when the applicant may expect a qualified trainer to set up the equipment and provide training.

(2) When denying an application for telecommunications equipment, TAS must inform the applicant in writing about:

(a) The receipt of the applicant's completed application form;

(b) The reasons for the denial; and

(c) Any applicable procedures for appeal, as well as the circumstances under which the applicant may reapply. (See WAC 388-818-0150.)

NEW SECTION

WAC 388-818-0140 What are reasons for denying telecommunications equipment? (1) For an initial application for services, TAS must deny an application for telecommunications equipment if an applicant:

(a) Does not meet the eligibility requirements of WAC 388-818-0090; or

(b) Has received similar equipment from TAS within the last three years.

(2) For an application requesting replacement of telecommunications equipment, TAS must deny the request if the client has done any of the following:

(a) Abused, misused, or repaired without approval any previously issued equipment;

(b) Failed to file with the police a report of stolen equipment within fifteen working days of discovering a theft;

(c) Failed to file with the police or the fire department a report of fire having damaged the equipment within fifteen working days of the incident of the fire;

(d) Lost, pawned, or sold the equipment; or

(e) Failed to obtain approval from DSHS before moving or traveling out of state with state-loaned equipment.

TELECOMMUNICATIONS EQUIPMENT— APPLICATION RENEWAL

NEW SECTION

WAC 388-818-0150 When may clients renew their applications for telecommunications equipment? Clients may renew their applications for telecommunications equipment when:

(1) Additional telecommunication equipment is necessary to meet the client's needs; or

(2) Equipment no longer works and it's been more than three years since he or she first received equipment.

Note: If less than three years have passed since a client first received equipment, refer to WAC 388-818-0300 for replacement criteria.

NEW SECTION

WAC 388-818-0160 How do clients renew their application for telecommunications equipment? When renewing an application for telecommunications equipment, a client must:

(1) Complete a new application, including recent information on total annual family income and family size; and

(2) Go through the same procedures as first-time applicants (outlined in WAC 388-818-0090 through 388-818-0130).

TELECOMMUNICATIONS EQUIPMENT— NONPROFIT ORGANIZATIONS

NEW SECTION

WAC 388-818-0170 Are nonprofit organizations eligible for telecommunications equipment? (1) A nonprofit organization may be eligible for telecommunications equipment when these two criteria are met:

(a) Only nonprofit organizations under section 501 (c)(3) of the internal revenue code, are eligible for any equipment from TAS; and

(b) Nonprofit organizations must serve people with hearing loss, deaf-blindness, and/or speech impairments.

(2) A qualified nonprofit organization is eligible to receive:

(a) Reconditioned telecommunications equipment from ODHH; or

(b) New equipment when it is in the best interest of both ODHH and the individuals served by the nonprofit organization.

NEW SECTION

WAC 388-818-0180 What process do nonprofit organizations follow to receive telecommunications equipment from TAS? (1) To apply for reconditioned equipment, a nonprofit organization must provide to TAS the following:

(a) A completed application form, "Nonprofit Organization Application for Reconditioned Equipment" (DSHS 14-

440), which can be obtained by calling ODHH at 1-800-422-7930;

(b) A letter explaining the services provided by the organization to people with hearing loss and speech impairments in their communities;

(c) A copy of a certificate of incorporation as a nonprofit organization under section 501 (c)(3) of the internal revenue code; and

(d) A copy of the organization's bylaws.

(2) TAS staff notifies the nonprofit organization of acceptance or denial.

(3) TAS staff sends the equipment to an approved nonprofit organization.

(4) The nonprofit organizations are responsible for care and maintenance of this equipment.

TELECOMMUNICATIONS EQUIPMENT— PURCHASE AND LOAN

NEW SECTION

WAC 388-818-0190 How much does an applicant have to pay for telecommunications equipment? (1) TAS staff must consider family size and household income in determining how much the applicant must pay for telecommunications equipment. Financial responsibility ranges from no cost to one hundred percent of actual cost based on federal poverty guidelines.

(2) Exception: If the normal cost that TAS assesses for equipment is still beyond the applicant's ability to pay, the cost may be partly or totally waived (excused) if:

(a) The eligible person requires TTY with Braille equipment or any other equipment of comparable cost; or

(b) The cost of the equipment would create an undue hardship on the eligible person.

NEW SECTION

WAC 388-818-0200 How does an applicant request a waiver (exception) of equipment cost? (1) To request a waiver (exception) of equipment cost, an applicant must write a letter to the ODHH director explaining the reasons for inability to pay for equipment. Letters can be mailed to: ODHH, Attn: Director, PO Box 45301, Olympia WA 98504-5301.

(2) ODHH notifies the applicant in writing of the final decision for the waiver request.

NEW SECTION

WAC 388-818-0210 What conditions must be met for a client to receive purchased telecommunication equipment? For a client to receive purchased telecommunications equipment, these two conditions must be met:

(1) TAS must receive full payment before an eligible client receives telecommunications equipment; and

(2) The applicant or the applicant's parent/legal guardian must provide a signed "Statement of Rights and Responsibilities" form to TAS upon receiving the equipment.

NEW SECTION

WAC 388-818-0220 When is telecommunications equipment owned by the client? Telecommunications equipment is owned by the client when the client or the parent/legal guardian:

(1) Pay any portion of the equipment's cost; and

(2) Sign a "Statement of Rights and Responsibilities" form upon receiving the equipment.

NEW SECTION

WAC 388-818-0230 May clients return purchased telecommunications equipment? (1) A client may return purchased telecommunications equipment to TAS within thirty days after receiving the equipment.

(2) A client must receive a financial refund for the equipment if it was returned:

(a) In clean and good condition;

(b) In its original packaging; and

(c) Within the required timeframe.

NEW SECTION

WAC 388-818-0240 When may telecommunications equipment be loaned to an applicant? ODHH may loan telecommunications equipment to an eligible person if:

(1) TAS determines that a client may get equipment at no cost;

(2) A "Conditions of Acceptance" form is signed by the client or the parent/legal guardian upon receiving the equipment.

(3) The applicant has not violated the requirements in WAC 388-818-0140(2).

NEW SECTION

WAC 388-818-0250 What are the conditions for loaning telecommunications equipment? (1) When loaning telecommunications equipment, ODHH must ensure that the client understands that the equipment remains the sole property of Washington state.

(2) A client, or the client's parent/legal guardian is liable for any damage to or loss of telecommunications equipment issued by TAS.

NEW SECTION

WAC 388-818-0260 When does state-loaned equipment have to be returned to TAS? A client or the client's parent/legal guardian must return state-loaned telecommunications equipment to TAS when the client:

(1) Moves from a permanent Washington state residence to a location outside of Washington;

(2) No longer needs the equipment;

(3) Has been notified by TAS to return the equipment; or

(4) Has received new state-loaned equipment.

NEW SECTION

WAC 388-818-0270 May a person take loaned telecommunications equipment outside the state? (1) People must get written permission from TAS before moving their loaned telecommunications equipment from Washington state for over ninety days.

(2) TAS may grant the client permission to move telecommunications equipment from the state if it is in the best interest of the client and DSHS.

**TELECOMMUNICATIONS EQUIPMENT—
TRAINING**

NEW SECTION

WAC 388-818-0280 Will training be provided on the use and care of telecommunications equipment? (1) ODHH contracts with qualified people or agencies to train individuals on ways to use and care for telecommunications equipment provided by TAS.

(2) ODHH must ensure reasonable accessibility to training for people with hearing loss or speech impairment.

(3) ODHH staff determine who receives training on proper equipment use and care from qualified trainers. Individuals receiving training may include:

- (a) Clients;
- (b) Parents/legal guardians; and
- (c) Staff or volunteers of profit and nonprofit organizations.

(4) When applicants are age seventeen or younger, their parents/legal guardians must attend all training sessions on appropriate equipment use and care.

NEW SECTION

WAC 388-818-0290 What services do trainers provide to clients? (1) Qualified trainers must determine the training needs of individuals and the type of training that would be most effective.

(2) A qualified trainer must:

- (a) Conduct individual and group training sessions for the applicants in the use and care of the equipment;
- (b) Provide training and presentations to individuals, agencies and organizations, as requested by ODHH staff; and
- (c) Distribute and set up telecommunications equipment for applicants.

(3) When delivering telecommunications equipment, a qualified trainer may decide that the purchased equipment does not meet the client's needs. In this case, the trainer may recommend other equipment to the client. If accepting other equipment, the client must take financial responsibility for any cost difference by signing an "Acceptance of Financial Responsibility" form.

**TELECOMMUNICATION EQUIPMENT—
REPLACEMENT**

NEW SECTION

WAC 388-818-0300 When may telecommunications equipment be replaced? (1) TAS may replace telecommunications equipment without a client renewing the application for equipment if:

(a) The equipment is no longer working; and
(b) Less than three years have passed since the client's initial application date for equipment.

(2) Clients may renew their application with TAS to replace telecommunications equipment if:

- (a) The equipment is no longer working; and
- (b) Three years have passed from the last time they applied and received their equipment. (See WAC 388-818-0160 for the renewal process.)

NEW SECTION

WAC 388-818-0310 When may requests for replacement telecommunications equipment be denied? TAS may deny a request for replacement telecommunications equipment if previously issued equipment:

- (1) Was neglected, misused, or abused;
- (2) Was not reported as stolen or burned to either police or fire department within fifteen working days; or
- (3) Was lost, sold, traded, or pawned.

**TELECOMMUNICATION EQUIPMENT—
RECONDITIONED**

NEW SECTION

WAC 388-818-0320 Who may receive reconditioned telecommunications equipment? TAS may recondition telecommunications equipment and give it to any of the following agencies, nonprofit organizations or individuals:

- (1) State agencies;
- (2) Tribal community centers;
- (3) Nonprofit organizations that are registered under section 501 (c)(3) of the internal revenue code and serve people who have hearing loss, deaf-blindness or speech impairment (see WAC 388-818-0180 for application details); and
- (4) Nonpaying clients.

GRIEVANCE

NEW SECTION

WAC 388-818-0330 May an applicant disagree with a DSHS decision about telecommunications equipment?

(1) When TAS denies an application for original or replacement equipment, an applicant or client may request that ODHH review this decision.

(2) For a review of a TAS decision, the applicant or client must:

- (a) Submit a request in writing to ODHH, specifying the reason for the request; and
- (b) Ensure that ODHH receives this request within forty days of the date of the denial notice.
- (3) Within thirty days after receiving the request for review, ODHH staff must inform the applicant or client in writing of the decision of the request. The decision of ODHH is final.

GRIEVANCE—RELAY SERVICES

NEW SECTION

WAC 388-818-0340 What is a relay complaint? (1) A client may make a complaint about an unsatisfactory experience while using the relay services during a telephone call. Complaints may be about:

- (a) Communications assistant (CA) or video interpreter (VI) performance, such as typing speed, accuracy of relaying a message's intent, clarity of signs, and spelling accuracy;
 - (b) Service quality, such as timeliness of response and connection; and/or
 - (c) Technical issues during a call made through the relay service, such as disconnection of call, video picture quality, or text garbling.
- (2) The main purpose of a relay complaint is to:
- (a) Improve the quality of relay service; and
 - (b) Monitor relay agent or interpreter performance and the accuracy of relaying information between calling parties.

NEW SECTION

WAC 388-818-0350 What may a client do when dissatisfied with relay services? (1) ODHH must ensure that clients have access to customer services for the relay service provider or an opportunity to resolve quality of service issues with TRS regarding:

- (a) Any problems with the relay service; and/or
 - (b) Dissatisfaction with explanations given for any relay service problems.
- (2) To assist dissatisfied clients, the ODHH compliance officer must provide names and telephone numbers for customer support.

NEW SECTION

WAC 388-818-0360 May a client file a formal complaint about the relay service? (1) A client may file a formal complaint about the relay service:

- (a) To obtain a complaint form about the relay service, a client may contact ODHH (at 1-800-422-7930) to request that a form be mailed.
 - (b) The client may also contact the ODHH compliance officer or relay provider customer service representative for assistance in completing the form.
 - (c) Completed complaint forms may be mailed, faxed, or e-mailed to ODHH.
- (2) ODHH must investigate and resolve the complaint within one hundred eighty days, as required by the Federal Communications Commission (FCC).

- (a) Complaints related to service issues are resolved by the relay service provider and the compliance officer.
- (b) Technical complaints are referred to relay service provider technical personnel for resolution.
- (c) Any corrective action must be taken as soon as possible.
- (d) The ODHH compliance officer must notify the client about the result of the investigation, including any actions taken.
- (3) If the client is satisfied with the results of the investigation, the ODHH compliance officer must document and close the case.
- (4) If the client is dissatisfied with the results of the investigation, the compliance officer and relay service provider may discuss further options to resolve the complaint and corrective actions.

NEW SECTION

WAC 388-818-0370 When is customer service available for clients? The relay service provider and ODHH must ensure that customer service is available during regular work days (Monday through Friday excluding state holidays) to:

- (1) Address client complaints or inquiries; and
- (2) Respond to FCC staff members when requested.

NEW SECTION

WAC 388-818-0380 May clients file their complaint about relay services with the FCC? (1) A client who continues to be dissatisfied with responses from the formal complaint process at ODHH may file a complaint with the Federal Communications Commission (FCC).

- (2) The ODHH compliance officer must give the client the toll-free telephone number and address of the FCC for further review of the complaint.

NEW SECTION

WAC 388-818-0390 May the FCC file a complaint? (1) The FCC may file a complaint to ODHH or the relay service provider.

- (2) Within one hundred eighty days of receiving the complaint, ODHH must:
 - (a) Report the results of the complaint investigation to the FCC; or
 - (b) Keep the FCC informed about ongoing progress of actions toward resolution.

NEW SECTION

WAC 388-818-0400 What documents must ODHH keep for complaints? (1) ODHH must keep a record of all complaints about the quality of relay services.

- (2) The complaint document must show at least:
 - (a) The name, phone number and address of the complainant;
 - (b) The nature and date of the complaint;
 - (c) Actions taken; and
 - (d) The final disposition of the complaint.

(3) These records must be maintained in a suitable place, readily available for FCC review.

(4) ODHHS and the relay service provider must retain correspondence and records of complaints for a minimum of two years.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-818-001	Scope.
WAC 388-818-002	Regional centers.
WAC 388-818-003	Services.
WAC 388-818-005	Definitions.
WAC 388-818-010	Eligibility requirements.
WAC 388-818-020	Approval of application for initial device or request for replacement device.
WAC 388-818-030	Denial of initial application or request for replacement device.
WAC 388-818-040	Application renewal process.
WAC 388-818-050	Notice of approval or denial.
WAC 388-818-060	Review by department.
WAC 388-818-070	Distribution.
WAC 388-818-080	Training.
WAC 388-818-090	Ownership and liability.
WAC 388-818-110	Telecommunications relay service.
WAC 388-818-130	Uses for returned equipment.

WSR 03-06-003

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed February 19, 2003, 3:28 p.m., effective February 19, 2003, 3:28 p.m.]

Date of Adoption: December 10, 2002.

Purpose: To provide guidance to the first-responders in the event of a bioterrorism attack, chemical, or radiologic attack, or major infectious disease outbreak about the enforceability of local health officers' orders and the due process rights of individuals subject to isolation or quarantine orders.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-011 and 246-101-505.

Statutory Authority for Adoption: RCW 43.20.050 (2)(d).

Other Authority: RCW 70.05.050 and 70.05.060.

Adopted under notice filed as WSR 02-22-107 on November 6, 2002.

Changes Other than Editing from Proposed to Adopted Version: Isolation and quarantine definitions reworded.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare. The nation is currently on orange - "high-risk" - terrorism alert. Government officials have warned attacks could involve biological devices.

Effective Date of Rule: Immediately [February 19, 2003, 3:28 p.m.]

February 19, 2003

Don Sloma

Executive Director

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17. A copy of this publication is available for review at the department and at each local health department.

(2) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and

(b) Assessing the individual's risk of HIV acquisition and transmission; and

(c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Board" means the Washington state board of health.

(4) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

(5) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-

four hours a day and subject to licensing under chapter 74.15 RCW.

(6) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(7) "Contaminated" or "contamination" means containing or having contact with infectious agents or chemical or radiological materials that pose an immediate threat to present or future public health.

(8) "Contamination control measures" means the management of persons, animals, goods, and facilities that are contaminated, or suspected to be contaminated, in a manner to avoid human exposure to the contaminant, prevent the contaminant from spreading, and/or effect decontamination.

(9) "Department" means the Washington state department of health.

~~((8))~~ (10) "Detention" or "detainment" means physical restriction of activities of an individual by confinement (~~(; consistent with WAC 246-100-206(8);~~) for the purpose of ~~((monitoring and eliminating behaviors presenting imminent danger))~~ controlling or preventing a serious and imminent threat to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

~~((9))~~ (11) "Disease control measures" means the management of persons, animals, goods, and facilities that are infected with, suspected to be infected with, exposed to, or suspected to be exposed to an infectious agent in a manner to prevent transmission of the infectious agent to humans.

(12) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, birthing centers, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

~~((10))~~ (13) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

~~((11))~~ (14) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4 + (T4) lymphocyte counts (CD4 + counts) and CD4 + (T4) percents of total lymphocytes (CD4 + percents) when used to diagnose HIV infection, CD4 + counts and CD4 + percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

- (a) Monitoring previously diagnosed infection with HIV;
- (b) Monitoring organ or bone marrow transplants;
- (c) Monitoring chemotherapy;
- (d) Medical research; or
- (e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

~~((12))~~ "Isolation" means the separation or restriction of activities of infected persons, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent. (15) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.

(16) "Isolation" means the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others.

~~((13))~~ (17) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

~~((14))~~ (18) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department, or his or her delegee appointed by the local board of health.

~~((15))~~ (19) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

~~((16))~~ (20) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

~~((17))~~ (21) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

- (a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;
- (b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;
- (c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;
- (d) Assessing emotional impact of HIV test results; and
- (e) Appropriate referral for other community support services.

~~((18))~~ (22) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

- (a) Helping an individual to understand:
 - (i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;
 - (ii) The nature, purpose, and potential ramifications of HIV testing;
 - (iii) The significance of the results of HIV testing; and
 - (iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

~~((19))~~ (23) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

~~((20))~~ "Quarantine" means the separation or restriction on activities of a person having been exposed to or infected with an infectious agent, to prevent disease transmission.

~~((21))~~ (24) "Quarantine" means the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed.

(25) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

~~((22))~~ (26) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

- (a) Acute pelvic inflammatory disease;
- (b) Chancroid;
- (c) Chlamydia trachomatis infection;
- (d) Genital and neonatal herpes simplex;
- (e) Genital human papilloma virus infection;
- (f) Gonorrhea;
- (g) Granuloma inguinale;
- (h) Hepatitis B infection;
- (i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);
- (j) Lymphogranuloma venereum;
- (k) Nongonococcal urethritis (NGU); and
- (l) Syphilis.

~~((23))~~ (27) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

~~((24))~~ (28) "State health officer" means the person designated by the secretary of the department to serve as state-wide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

~~((25))~~ (29) "Suspected case" ~~((means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both))~~ or "suspected to be infected" means the local health officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

~~((26))~~ (30) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-505 Duties of the local health officer or the local health department. Local health officers or the local health department shall:

(1) Review and determine appropriate action for:

(a) Each reported case or suspected case of a notifiable condition;

(b) Any disease or condition considered a threat to public health; and

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; ~~((and~~

~~(d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.))~~

(2) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;

(3) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;

(4) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;

(5) Distribute appropriate notification forms to persons responsible for reporting;

(6) Notify the principal health care provider:

(a) If possible, prior to initiating a case investigation by the local health department; and

(b) For HIV infection, not contact the HIV-infected person directly without considering the recommendations of the principal health care provider on the necessity and best means for conducting the case investigation, unless:

(i) The principal health care provider cannot be identified; or

(ii) Reasonable efforts to reach the principal health care provider over a two-week period of time have failed;

(7) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;

(8) Conduct investigations and institute control measures ~~((consistent with those indicated in the seventeenth edition, 2000 of Control of Communicable Diseases Manual, edited by James Chin, published by the American Public Health Association (copy is available for review at the department and at each local health department), except:~~

~~(a) When superseded by more up-to-date measures; or~~

~~(b) When other measures are more specifically related to Washington state))~~ in accordance with chapter 246-100 WAC;

(9) The local health department may negotiate alternate arrangements for meeting the reporting requirements under this chapter through cooperative agreement between the local health department and any health care provider, laboratory or health care facility;

- (10) Each local health officer has the authority to:
- Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;
 - Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition;
 - Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary;
 - Require the notification of additional conditions of public health importance occurring within the jurisdiction of the local health officer.

WSR 03-06-004**PERMANENT RULES****HORSE RACING COMMISSION**

[Filed February 20, 2003, 8:43 a.m.]

Date of Adoption: February 13, 2003.

Purpose: To adopt the Association of Racing Commissioners international model policy on the use of furosemide.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-650 Furosemide, 260-70-660 Bleeder list, and 260-70-700 Penalties related to permitted medication.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 03-01-019 on December 5, 2002.

Changes Other than Editing from Proposed to Adopted Version: Changes to WAC 260-70-660 (1)(c) designate that the horses' regularly assigned stall shall be the detention stall, prescribe how commission employees may monitor the horse, provide for the conditions under which a horse may leave its detention stall, and removes the last sentence of this section. Changes to WAC 260-70-660 (6) and (7) prescribe that the violations of these medication rules are subject to the penalties prescribed in chapter 260-70 WAC.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

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

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

February 14, 2003

R. M. Lechner

Executive Secretary

AMENDATORY SECTION (Amending WSR 02-10-102, filed 4/30/02)

WAC 260-70-650 Furosemide (~~Salix~~). (1) Furosemide (~~Salix~~) may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide (~~Salix~~) shall be permitted only after the official veterinarian has placed the horse on the (~~bleeder~~) furosemide list.

(2) The use of furosemide (~~Salix~~) shall be permitted under the following circumstances:

(a) Furosemide (~~Salix~~) shall be administered on the grounds of the association, (~~no less than four hours~~) by a singular intravenous injection, prior to post time for the race for which the horse is entered.

(b) The furosemide (~~Salix~~) dosage administered shall not exceed 500 mg. (~~nor be less than 150 mg.~~)

(c) The trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The racetrack name, the date and time the furosemide (~~Salix~~) was administered to the entered horse;

(ii) The dosage amount of furosemide (~~Salix~~) administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide (~~Salix~~).

(iv) The signature of the trainer or his/her representative.

(d) Failure to administer furosemide (~~Salix~~) in accordance with these rules may result in the horse being scratched from the race by the stewards.

AMENDATORY SECTION (Amending WSR 96-10-001, filed 4/17/96)

WAC 260-70-660 (~~Bleeder~~) furosemide list. (1)(a) The official veterinarian shall maintain a (~~bleeder~~) furosemide list of all horses eligible to race with furosemide. (~~which have demonstrated external evidence of exercise induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination must have been performed by or in the presence of a licensed veterinarian and endorsed by the official veterinarian, or performed by an official veterinarian.~~) The list is a statewide list that applies only at Class A or Class B licensed associations and not at any other track.

(b) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to the commission representative, providing sufficient time to ensure public notification.

(c) If the commission so orders, horses placed on the (~~bleeder~~) furosemide list shall be (~~assigned to a~~) placed in a pre-race (~~security stall, to be known as a~~) detention stall, no later than four hours prior to the scheduled post time for

any race in which it is entered to start, and with oral or written notification to the trainer may be watched by commission staff. The detention stall ~~((is assigned by the official veterinarian and may at his discretion))~~ shall be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain ~~((there))~~ in its barn or on its assigned hotwalker until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the ~~((secured))~~ detention stall to engage in exercise blowouts or warm-up heats. ~~((If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall shall be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner. Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.))~~

(2) The confirmation of a ~~((bleeder))~~ horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the ~~((bleeder))~~ furosemide list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A notice of a horse's ~~((bleeder))~~ furosemide certification shall be affixed to the horse's certificate of registration.

(3) Every ~~((confirmed bleeder))~~ horse eligible to race with furosemide, regardless of age, shall be placed on the ~~((bleeder))~~ furosemide list.

(4) ~~((A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal.))~~ A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit(s) a written request to remove the horse from the list. The request must be on forms prescribed by the commission and must be submitted to the commission designee no late than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of 30 calendar days unless determined to be detrimental to the welfare of the horse, in consultation with the commission designee.

(5) A horse which has been placed on a furosemide or bleeder list in another jurisdiction may be placed on ~~((a bleeder))~~ the furosemide list in this jurisdiction, ~~((provided that the other jurisdiction's criteria for the identification of bleeders are satisfactory in this jurisdiction))~~.

(6) The specific gravity of post-race urine samples shall not be below 1.010. If the specific gravity of the post-race urine sample is determined to be below 1.010, quantitation of furosemide in serum shall then be performed, and concentrations above 100 nanograms of furosemide per milliliter of serum or plasma shall constitute a violation of WAC 260-70-700.

(7) A horse that has been administered furosemide that does not show a detectable concentration of the drug in the post-race serum, plasma or urine sample or it shall be considered in violation of these medication rules and subject to penalty as prescribed in this chapter.

AMENDATORY SECTION (Amending WSR 00-07-042, filed 3/6/00)

WAC 260-70-700 Penalties relating to permitted medication. (1) Should the laboratory analysis of urine or blood taken from a horse, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules or the presence of phenylbutazone or oxyphenbutazone, naproxen or meclofenamic acid in excess of the quantities authorized by the rules, the stewards or commission shall levy the following penalties against each person found responsible:

(a) For a first offense within a 365 day period, a fine of \$300;

(b) For a second offense within a 365 day period, \$750;

(c) For a third offense within a 365 day period, a fine of \$1,000 with a 15 to 60 day suspension.

(2) Should the laboratory analysis of urine or blood taken from a horse show the presence of furosemide ~~((Lasix®))~~ without permission from the official veterinarian, the stewards or commission shall treat the violation as a Class ~~((4))~~ 5 offense.

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action.

WSR 03-06-005

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 20, 2003, 4:10 p.m.]

Date of Adoption: February 19, 2003.

Purpose: Increase seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

Citation of Existing Rules Affected by this Order: Amending WAC 16-303-340.

Statutory Authority for Adoption: RCW 15.49.310 and 15.49.370(3).

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 03-02-095 on December 31, 2002.

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.

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

February 19, 2003

William E. Brookreson
for Valoria Loveland

Director

AMENDATORY SECTION (Amending WSR 02-05-082, filed 2/20/02, effective 3/23/02)

WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

(a) Application fee per variety per grower	\$(49.39)) <u>20.02</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	\$(2.70)) <u>2.78</u>
(c) Millet - first acre	\$(28.84)) <u>29.78</u>
..... - each additional acre	\$(5.76)) <u>5.94</u>
(d) Hybrid sorghum - first acre	\$(28.84)) <u>29.78</u>
..... - each additional acre	\$(11.53)) <u>11.90</u>
(e) Special field inspection fee per acre	\$(2.30)) <u>2.37</u>
(f) Late application fee	\$(18.17)) <u>18.76</u>
(g) Reinspection fee	\$(36.37)) <u>37.56</u>
minimum for each field which did not pass field inspection plus \$(0.40)) <u>0.41</u> for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$(36.37)) <u>37.56</u> .	
(h) Final certification fee	\$(0.23)) <u>0.235</u>

per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee \$0.105

per cwt. of production from fields inspected which is utilized for seed, which is charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(i) Sampling fee \$0.105

per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which is charged to conditioning plant in lieu of mechanical sampling.

(2) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

WSR 03-06-006

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 20, 2003, 4:11 p.m.]

Date of Adoption: February 19, 2003.

Purpose: Increase certification fees for forest reproductive material.

Citation of Existing Rules Affected by this Order: Amending WAC 16-319-041.

Statutory Authority for Adoption: RCW 15.49.995, 15.49.310, and 15.49.370(3).

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 03-02-094 on December 31, 2002.

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Fee increase is within fiscal growth rate factor for 2003.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.
 February 19, 2003
 William E. Brookreson
 for Valoria Loveland
 Director

AMENDATORY SECTION (Amending WSR 02-05-081, filed 2/20/02, effective 3/23/02)

WAC 16-319-041 Application for certification of forest reproductive material. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

- (a) The application should show all classes for which certification services are requested.
- (b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.
- (c) Applicant shall be responsible for payment of fees for certification services.
- (d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.
- (e) Certifying agency reserves the right to refuse certification service to applicant.
- (f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:

- (i) For subzone collection, areas shall be defined by legal description.
- (ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

(c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: Provided, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: Provided, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(iii) Audit class - the fee includes audit of applicant's field and conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, package identification, storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	\$(24.79) <u>25.60/hr.</u>	\$(24.79) <u>25.60/hr.</u>	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$(0.82) <u>0.84/bu.</u>	\$(24.79) <u>25.60/hr.</u>	
Lots 6-10 bu.	\$(19.95) <u>20.60/lot</u>	\$(24.79) <u>25.60/hr.</u>	
Lots 0-5 bu.	\$(12.07) <u>12.46/lot</u>	\$(24.79) <u>25.60/hr.</u>	
Audit	None	\$(24.79) <u>25.60/hr.</u>	When billed

(b) Tree certification - ~~\$(24.79)~~ 25.60/hr.

Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totalling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at ~~\$(24.79)~~ 25.60/hr. payable when billed.

(d) OECD certification (certificates of provenance) - ~~\$(0.58)~~ 0.59 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

PERMANENT

WSR 03-06-015
PERMANENT RULES
POLLUTION LIABILITY
INSURANCE AGENCY

[Filed February 21, 2003, 9:36 a.m.]

Date of Adoption: February 19, 2003.

Purpose: Amend WAC 374-80-010 Authority and purpose, 374-80-040 Procedures, 374-80-050 Reimbursement, by removing all references to "informal advice and assistance" and replacing them with the wording of "technical assistance."

WAC 374-80-040(8) will also be amended to remove the requirement that a representative of the agency be present during all site sampling and assessment.

Citation of Existing Rules Affected by this Order: Amending WAC 374-80-010 Authority and purpose, 374-80-040 Procedures, and 374-80-050 Reimbursement.

Statutory Authority for Adoption: Chapter 70.148 RCW.

Adopted under notice filed as WSR 03-01-007 on December 5, 2002.

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 4, Repealed 0.

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

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

February 21, 2003

Russell E. Olsen

Environmental Specialist III

AMENDATORY SECTION (Amending WSR 97-20-094, filed 9/29/97, effective 10/30/97)

WAC 374-80-010 Authority and purpose. The purpose of this chapter is to establish a program for providing ~~((informal advice and))~~ technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a release from a heating oil tank is suspected.

AMENDATORY SECTION (Amending WSR 97-20-094, filed 9/29/97, effective 10/30/97)

WAC 374-80-040 Procedures. (1) The agency will provide, as resources permit, ~~((informal advice and))~~ technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a

release from an active or abandoned heating oil tank is suspected. ~~((Advice and))~~ Technical assistance regarding administrative ~~((and technical))~~ requirements may include observation of testing, site assessment, as well as review of the results of reports and other appropriate review activities approved by the director.

(2) Such ~~((advice and))~~ technical assistance will be provided only upon request by the owner of a heating oil tank. If the operator of a heating oil tank is not the owner, the operator must provide the agency with specific written authorization of the owner before ~~((advice and))~~ technical assistance is provided, or before a site is visited by a representative of the agency.

(3) To receive ~~((informal advice and))~~ technical assistance under this program, the owner or operator of an active or abandoned heating oil tank must submit an application, provided by the agency, requesting advice and assistance, and agreeing to the terms of the program.

(4) Upon receipt of a request for ~~((advice and))~~ technical assistance, the agency will provide the tank owner or operator:

(a) Information regarding procedures for the program;

(b) An application requesting ~~((advice and))~~ technical assistance;

(c) An agreement between the tank owner and the agency regarding the procedures and reimbursement requirements of the program;

~~((d) Sampling, testing and assessment protocol approved by the director; and~~

~~((e) Suggested service provider fee limits for labor, equipment and materials, and for sampling and testing)).~~

(5) ~~((Advice and))~~ Technical assistance provided under the program may include:

(a) Observation of sampling and testing, site assessment or other appropriate assessments scheduled by the tank owner;

(b) Interpretation of the results of testing and/or assessment(s);

(c) A report from PLIA to the heating oil tank owner of the results of testing and/or assessment(s); and

(d) Other appropriate activities approved by the director.

(6) The heating oil tank owner or operator will select a service provider to perform sampling and testing, site assessment or other appropriate assessments. The tank owner or operator will enter into an agreement with the service provider regarding scope or extent of work and fees for services.

(7) ~~((Advice and))~~ Technical assistance will be provided only if sampling and testing as well as site assessment are performed in accordance with sampling, testing and assessment protocol approved by the director.

~~((8) ((Advice and assistance will be provided only if a representative of the agency is present during any and all testing and site assessment activity to ensure that tests are properly conducted, samples properly taken and assessment activities correctly conducted.))~~ The original copy of the results of all testing and site assessment activities must be forwarded to the agency for review and evaluation.

(9) Upon completion of review and evaluation, the agency will, in writing, inform the heating oil tank owner of the results of review and assessment of data. The agency

report will note whether it appears there is or is not contamination present at the site. If contamination is discovered, the report will note whether or not the contamination appears to be a threat to human health and the environment. If the contamination does appear to be a threat to human health and the environment, the heating oil tank owner will be advised of the requirement for corrective action. The determination as to whether or not the contamination appears to be a threat to human health and the environment will be made in accordance with the terms and requirements of the Model Toxics Control Act (Chapter 70.105D RCW) and its regulations (Chapter 173-340 WAC).

AMENDATORY SECTION (Amending WSR 97-20-094, filed 9/29/97, effective 10/30/97)

WAC 374-80-050 Reimbursement. (1) The agency shall collect, from the heating oil tank owner or operator requesting (~~(advice and)~~) technical assistance, the costs incurred in providing such advice and assistance.

(2) Funds received by the agency from cost reimbursement must be deposited in the heating oil pollution liability trust account.

(3) Costs incurred that shall be covered in reimbursement may include travel costs and expenses associated with monitoring site assessment, review of reports and analyses and preparation of written opinions and conclusions. The fee for such (~~(advice and)~~) technical assistance will be \$350.00.

(4) The fee must be paid prior to the agency issuing its report of review and assessment of data.

WSR 03-06-024
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)
[Filed February 24, 2003, 3:27 p.m., effective July 1, 2003]

Date of Adoption: February 20, 2003.

Purpose: Adopting new WAC 388-71-0702 through 388-71-0776, Adult day services, and repealing WAC 388-15-650 through 388-15-662, effective July 1, 2003. These rules were revised to ensure that adult day services are provided within available funding as required by law. Rules are needed to clarify the purpose of adult day care/day health programs; to clarify or amend adult day care/day health services and eligibility requirements; to transfer adult day health eligibility determinations to department/area agency on aging (AAA) case managers; to clarify the status of adult day health centers as contracted providers; to clarify the hearing rights of clients and providers; to adopt program cost controls; to amend administrative requirements for contracting with the department/AAA; and to adopt or clarify such other rules as are necessary or appropriate to accomplish these purposes.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-15-650, 388-15-651, 388-15-652, 388-15-653, 388-15-654, 388-15-655, 388-15-656, 388-15-657,

388-15-658, 388-15-659, 388-15-660, 388-15-661, and 388-15-662.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A-.030.

Adopted under notice filed as WSR 03-01-010 on December 5, 2003 [2002].

Changes Other than Editing from Proposed to Adopted Version: Changes were made as a result of comments received, including: Text was added to WAC 388-71-0710 (1)(b) to allow additional methods for providers and department staff to verify Medicaid eligibility; and WAC 388-71-0776 amended to clarify that "WAC 388-71-0702 through 388-71-0776" are effective July 1, 2003.

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 38, Amended 0, Repealed 13.

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 38, Amended 0, Repealed 13.

Effective Date of Rule: July 1, 2003.

February 22, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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 03-08 issue of the Register.

WSR 03-06-038
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT

[Filed February 26, 2003, 2:11 p.m.]

Date of Adoption: February 18, 2003.

Purpose: The rules explain the requirements an individual must meet to be eligible for extended unemployment benefits. These include defining what work is considered suitable, the minimum job search requirements an individual must meet, and the penalties that an individual will incur for failing to accept or apply for suitable work.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-033, 192-16-036, 192-16-040, 192-16-042, 192-16-045, and 192-16-047.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under notice filed as WSR 03-01-103 on December 17, 2002.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 8, Amended 0, Repealed 6.

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

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

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

February 24, 2003

Dr. Sylvia P. Mundy
Commissioner

CHAPTER 192-240 EXTENDED BENEFITS

NEW SECTION

WAC 192-240-010 Regular shareable benefits defined. The term "regular shareable benefits" means regular benefits in excess of 26 times your weekly benefit amount that are paid during an extended benefit period.

NEW SECTION

WAC 192-240-015 How to apply for extended benefits. File your application for extended benefits by placing a telephone call to an unemployment claims telecenter. The commissioner can authorize other filing methods in unusual circumstances or for the convenience of the department.

NEW SECTION

WAC 192-240-020 Suitable work provisions—Regular shareable and extended benefits—RCW 50.22.020 (3) and (4). (1) An individual receiving benefits must be available for suitable work. Except as provided in subsection (2), any job is considered suitable for an individual receiving regular shareable or extended benefits unless:

(a) It is not within your capabilities;

(b) The position is vacant because of a labor dispute, working conditions are substantially less favorable than similar work in the area, or you would be required to join or resign from a union or labor organization (see RCW 50.20.110);

(c) The gross weekly pay is less than your weekly benefit amount, plus any supplemental unemployment benefits you receive from your former employer; or

(d) The job pays less than the higher of the federal or state minimum wage.

(2) If you can demonstrate that you have good prospects of returning to work in your customary occupation within a reasonably short period of time, suitable work is considered to be work in keeping with your prior work experience, education, or training. "Good prospects for work" means you have:

(a) A definite recall or hire date within four weeks; or

(b) A probable recall or hire date within four weeks, based on an extremely favorable position on a union out-of-work list, seasonal factors, or historical experience.

NEW SECTION

WAC 192-240-025 Failure to apply for or accept suitable work—RCW 50.22.020 (4)(b)—Regular shareable and extended benefits. (1) You will be denied regular shareable or extended benefits if you fail:

(a) To accept any offer of suitable work as defined in WAC 192-240-020; or

(b) To accept a referral, or to apply for suitable work, when referred by your local employment center, if the job was:

(i) Offered to you in writing, or

(ii) Listed with the department.

(2) The denial is for the week in which the refusal occurs and until you work in four weeks and earn four times your weekly benefit amount.

NEW SECTION

WAC 192-240-030 Job search requirements to receive regular shareable or extended benefits—RCW 50.22.020(5). (1) To be eligible for regular shareable or extended benefits, you must show evidence of a systematic and sustained effort to find work. Your efforts must be of a quality and frequency that clearly indicate you are making sincere efforts to immediately return to gainful employment.

(a) At a minimum, your efforts must include at least four job search contacts with employers during each week you claim benefits.

(b) If you are a member in good standing of a referral union, you must make three job search contacts each week in addition to contacting your union and complying with the union's requirements.

(i) Registration with another union local can constitute one job search contact if you are willing to travel or relocate to accept work in their jurisdiction.

(ii) You do not have to look for work that would jeopardize your union membership, but must look for other work you are capable of doing.

(iii) If you have been identified by the department as having good prospects of returning to work within four weeks because you have an extremely favorable position on the union out-of-work list, contact with your union each week fulfills the job search requirements of this section.

(2) Every week you file a claim for regular shareable or extended benefits, you must report your job search contacts to the department. For each job search contact you must report the date of the contact, the employer or union involved

and its place of business, the method of contact, the type of work sought, and the results of the contact.

(3) You must keep a record or log of your job search contacts which contains the information required by WAC 192-180-015.

(4) The department may review your job search activities at any time. You must provide the department with a copy of your job search log upon request. Employer contacts will be verified by the department as needed.

(5) The department will consider you to have met the job search requirements of this section and of RCW 50.22.020(5) for any week in which you participate in a training program that is approved by the commissioner.

(6) The job search requirements under this section and RCW 50.20.020(5) are waived for any week in which you are unable to conduct a job search because you are serving on jury duty. See RCW 50.20.117.

NEW SECTION

WAC 192-240-035 How to qualify for regular shareable or extended benefits after leaving work for marital or domestic reasons—RCW 50.22.020(7). If you were denied benefits because you left work for family reasons as provided in RCW 50.20.050(4), you could qualify for regular benefits either through work and earnings or by reporting in person to your local employment center for each of ten weeks. However, you are not eligible for regular shareable or extended benefits unless, after leaving work, you obtained work and earned wages of seven times your weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state or the federal government.

NEW SECTION

WAC 192-240-040 Penalties. (1) If you claim regular shareable or extended benefits during a week in which you failed to accept any offer of work, or failed to accept a referral or apply for any work as directed by the department:

(a) Benefits will be denied under RCW 50.20.080 if the work was suitable as defined by RCW 50.20.100 and RCW 50.20.110, and you did not have good cause for failing to apply for or accept work;

(b) If benefits are denied as provided in subsection (1)(a), you will also be denied benefits as provided in RCW 50.22.020;

(c) Benefits will be denied under only RCW 50.22.020 if the work was suitable as provided in that statute and WAC 192-240-020, but did not meet the provisions of RCW 50.20.100 and RCW 50.20.080.

(2) If you claim regular shareable or extended benefits during a week in which you failed to meet the job search requirements of WAC 192-240-030, benefits will be denied under RCW 50.22.020, except as provided in subsection (4).

(3) A denial of benefits under RCW 50.22.020 starts the week in which the failure occurs, and continues indefinitely until you show that:

(a) You have worked in at least four weeks; and

(b) You have earned at least four times your weekly benefit amount. The employment does not need to be covered by Title 50 RCW.

(4) If you fail to meet the job search requirements of WAC 192-240-030 because you are hospitalized for treatment of an emergency or life-threatening condition, benefits will be denied under RCW 50.20.010(3). The denial period is only for the week or weeks in which the hospitalization occurred.

NEW SECTION

WAC 192-240-045 Moving to a state in an extended benefit period. RCW 50.22.030(2) provides that you are only eligible for two weeks of extended benefit payments if you live in a state that is not in an extended benefit period. If you subsequently move to a state that is in an extended benefit period, you may be eligible for further extended benefit payments under RCW 50.22.020 beginning with the first full week in which you reside in that state.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 192-16-033	Interpretive regulation—Regular shareable benefits defined.
WAC 192-16-036	Interpretive regulation—Requalification for regular shareable, extended, or additional benefits under RCW 50.20.050(4).
WAC 192-16-040	Interpretive regulation—Good prospects of obtaining work within a reasonably short period of time under RCW 50.22.020(3)—Shareable, extended, or additional benefits.
WAC 192-16-042	Interpretive regulation—Failure to apply for or accept work under RCW 50.22.020 (4)(b)—Shareable, extended, or additional benefits.
WAC 192-16-045	Interpretive regulation—Disqualification for failing to accept an offer of or to apply for suitable work—Shareable, extended, or additional benefits.
WAC 192-16-047	Interpretive regulation—Interpretation of requirements of RCW 50.22.020(5)—Tangible evidence of a systematic and sustained effort to obtain work—Shareable, extended, or additional benefits.

PERMANENT

WSR 03-06-039
PERMANENT RULES
FOREST PRACTICES BOARD

[Filed February 26, 2003, 4:36 p.m.]

Date of Adoption: February 19, 2003.

Purpose: To adopt legislatively directed changes from 2SHB 2311, Washington Laws of 2002.

Citation of Existing Rules Affected by this Order: Amending chapter 222-21 WAC.

Statutory Authority for Adoption: RCW 76.09.040, 76.09.370, chapters 76.13 and 34.05 RCW.

Adopted under notice filed as WSR 02-22-051 on October 30, 2002.

Changes Other than Editing from Proposed to Adopted Version: (1) Delete a sentence in the easement contract language in WAC 222-21-030(1), B3.6 - the last sentence under "Multiple Entry Easements." This sentence is no longer relevant in the contract language because of the legislation eliminating the separate valuation methodology for multiple entry easements.

(2) Not delete scaling bureau log grade information from the tax return method of valuing forestry riparian easements (WAC 222-21-045). Originally suggested as a minor rule clarification, the agency has determined it would be substantive, and, therefore, cannot be included in this rule proposal, according to RCW 76.09.370(6).

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 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.

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

February 27 [26], 2003

Pat McElroy

Chair

AMENDATORY SECTION (Amending WSR 02-05-084, filed 2/20/02, effective 3/23/02)

WAC 222-21-010 Definitions. The following definitions apply to this chapter:

(1) "**Commercially reasonable harvest unit**" means a harvest area that meets the requirements of WAC 222-21-060.

(2) "**Completion of harvest**" means that the trees have been harvested from an area under an approved forest practices application and that further entry into that area by any

type of logging or slash treating equipment or method is not expected.

(3) "**Compliance costs**" includes the cost of preparing and recording the easement, and any business and occupation tax and real estate excise tax imposed because of entering into the easement.

(4) "**Danger tree**" means any qualifying timber reasonably perceived to pose an imminent danger to life or improved property.

(5) "**Easement premises**" means the geographic area designated in a forestry riparian easement, including the areas in which qualifying timber is located. Easement premises may be categorized as follows:

(a) **Riparian area easement premises** means riparian areas and areas upon which qualifying timber associated with riparian areas are located.

(b) **Other easement premises** means areas of land required to be left unharvested under rules adopted under RCW 76.09.055 or 76.09.370 including areas upon which other qualifying timber outside riparian areas is located and areas of land upon which uneconomic qualifying timber is located.

(6) "**Forestry riparian easement**" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(7) "**Hazardous substances**" means hazardous substances as defined in RCW 70.102.010(5), and 70.105D.020 (7), and solid waste as defined in RCW 70.95.030(22).

(8) "**High impact regulatory threshold**" means the threshold where the value of qualifying timber is greater than 19.1% (for timber in Western Washington) or 12.2% (for timber in Eastern Washington) of the value of the harvested timber and qualifying timber under the approved forest practices application covering the qualifying timber.

(9) "**Qualifying timber**" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under rules adopted under RCW 76.09.055 or 76.09.370 or that are made uneconomic to harvest by those rules, and for which the small forest landowner is willing to grant the state a forestry riparian easement. Qualifying timber is timber within or bordering a commercially reasonable harvest unit, or timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under these rules. Qualifying timber is categorized as follows:

(a) **Permanent qualifying timber** includes trees that shall not be harvested or damaged or removed from the easement premises during the term of the easement.

(i) Where permanent qualifying timber is in areas in which no harvest may take place, the easement shall describe the boundaries of the areas. No harvest of any tree within this area shall take place during the term of the easement.

(ii) Where permanent qualifying timber is located in areas in which selective harvest may take place, the permanent qualifying timber must be tagged for the duration of the easement.

(b) **Reserve qualifying timber** includes trees that may be harvested and removed but only in compliance with the

terms of the easement. Reserve qualifying timber shall be identified separately from the permanent qualifying timber.

(c) **Replacement qualifying timber** includes trees which, in the future, will be substituted for the reserve qualifying timber before the reserve qualifying timber may be harvested or removed from the property. Replacement qualifying timber will be selected from time to time pursuant to the provisions of the easement and will be subject to the terms and protections of the easement.

(d) **Uneconomic qualifying timber** includes trees made uneconomical to harvest. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(e) **Other qualifying timber outside riparian areas** includes trees that may not be harvested under forest practices rules adopted under RCW 76.09.055 or 76.09.370 for reasons other than protection of riparian functions. It includes without limitation trees that are unharvestable because of public safety concerns. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(10) **"Reimbursement"** means the repayment that the department shall provide to small forest landowners for the actual costs incurred for laying out the streamside buffers and marking the qualifying timber once a contract has been executed for the forestry riparian easement program.

(11) **"Riparian areas"** include the areas designated in a forestry riparian easement. Riparian areas include without limitation all riparian and other special management zones required by the forest practices rules for protection of aquatic resources and includes associated qualifying timber.

((11)) (12) **"Riparian function"** includes bank stabilization, recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic systems conditions.

((12)) (13) **"Small forest landowner"** means:

(a) A forest landowner meeting all of the following characteristics as of the date a forest practices application is received (see WAC 222-20-010(8)), or the date the landowner provides written notification to the small forest landowner office that the harvest is to begin, for which the forestry riparian easement is associated:

(i) Is an individual, partnership, corporate, or other non-governmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section;

(ii) Has a fee interest in the land and timber or has rights to harvest the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is received;

(iii) Has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the forest landowner as a small ((timber)) harvester under RCW 84.33.035(14); and

(iv) Certifies at the time the forest practices application is received that it does not expect to harvest from its own

lands more than the volume allowed by RCW 84.33.035(14) during the ten years following receipt of the application.

(b) A forest landowner whose prior three-year average harvest exceeds the limit of RCW 84.33.035(14), or who expects to exceed this limit during the ten years following receipt of the forest practices application, may still qualify as a small forest landowner if that landowner establishes to the small forest landowner office reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses. (Note: The small forest landowner office will establish a board manual governing these exceptions.)

(c) A landowner may still qualify as a small forest landowner if the landowner is unable to obtain an approved forest practices application for timber harvest for any of his or her land because of restrictions under the forest practices rules adopted under RCW 76.09.055 or 76.09.370.

((13)) (14) **"Small forest landowner office"** is an office within the department described in RCW 76.13.110, and it shall be a resource and focal point for small landowner concerns and policies and shall have significant expertise regarding the management of small forest holdings and government programs applicable to such holdings, and the forestry riparian easement program.

((14)) (15) **"Uneconomic to harvest"** means that a harvest area meets the requirements of WAC 222-21-065.

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

WAC 222-21-030 Document standards. (1) **Riparian easement.** The riparian easement document must be substantially in the following form, but may be modified by the small forest landowner office wherever necessary to accomplish the purposes of RCW 76.13.120.

(This version assumes ownership of land and trees)

FORESTRY RIPARIAN EASEMENT

THIS GRANT OF A FORESTRY RIPARIAN EASEMENT is made on this _____ day of _____ 20____, by [a _____ corporation, limited liability company, partnership, limited partnership, limited liability partnership] [husband and wife] [individual][or others as appropriate] having an address at ("Grantor"), to and in favor of the State of Washington, acting by and through the Department of Natural Resources ("Grantee").

1.0 RECITALS AND PURPOSE

1.1 This Easement is intended to implement the goals of the Forest Practices Salmon Recovery Act, ESHB 2091, sections 501 through 504, chapter 4, Laws of 1999 ("Salmon Recovery Act"). The goals include avoiding the further erosion of the small forest landowners' economic viability and willingness or ability to keep the lands in forestry use which would reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, through the establishment of a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

1.2 This Easement is intended to protect the Qualifying Timber and riparian functions associated with the qualifying timber located on the Easement Premises as provided by the terms of this Easement as set forth in Exhibit B while preserving all lawful uses of the Easement Premises by Grantor consistent with the Easement objectives, and to provide Grantee with the ability to enforce the terms thereof.

1.3 The Easement Premises and Qualifying Timber are located, as described in Exhibit A; that the encumbrances, if any, are as set forth in Exhibit A; that all Exhibits referenced herein and attachments thereto are incorporated into this Easement as part of this Easement; and that the Grantor wishes to execute this Forestry Riparian Easement.

2.0 CONVEYANCE AND CONSIDERATION

2.1 In consideration of the mutual covenants contained herein, including without limitation the monetary consideration set forth in subsection 2.2 below, the Grantor does hereby voluntarily warrant and convey to the Grantee a Forestry Riparian Easement under the Salmon Recovery Act, which Easement shall remain in full force and effect from the date hereof until it expires on (month, date, year) [50 years from the date the complete and accurate forest practices application is submitted], which Easement shall consist of the rights and restrictions expressly set forth herein.

2.2 In consideration of this Easement, Grantee shall pay to Grantor the sum of _____ dollars (\$____.00).

IN WITNESS WHEREOF Grantor and Grantee have executed this instrument on the day and year written.

GRANTOR:

_____ Date: _____

By: _____

GRANTEE:

State of Washington

PERMANENT

By and Through the Department of Natural Resources

_____ Date: _____

(Title)

(insert form of acknowledgement, as appropriate)

EXHIBIT A

A1 DESCRIPTION AND LOCATION OF QUALIFYING TIMBER

The Qualifying Timber includes the following categories of trees located within the Easement Premises:

[List the categories relevant to particular Easement, i.e., Permanent, Reserve, Replacement, Uneconomic, or Other Qualifying Timber.] The Qualifying Timber is located as shown in the documentation attached hereto as Attachment A-1.

A2 DESCRIPTION AND LOCATION OF EASEMENT PREMISES

The Easement Premises is *[insert description using the standards developed under Section 504(9)(b) of the Salmon Recovery Act including the categories relevant to particular Easement, i.e., Riparian Area and Other Easement Premises]* as shown in the documentation attached hereto as Attachment A-2 and is located in *[insert legal subdivision/lot, etc., in which the Easement Premises exists.]*

A3 BASELINE IDENTIFICATION, DESCRIPTION AND DOCUMENTATION OF PROPERTY, EASEMENT PREMISES AND QUALIFYING TIMBER

The parties agree that the current use, condition of the Easement Premises and the condition of the Qualifying Timber are documented in the inventory of their relevant features and identified in Attachment A-3 ("Baseline Documentation"), and that this documentation provides, collectively, an accurate representation at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

EXHIBIT B

FORESTRY RIPARIAN EASEMENT TERMS AND CONDITIONS

B1 DEFINITIONS

The terms used in this Easement, including without limitation the following, are defined by the forest practices rules incorporated in Attachment B-1 to this Exhibit.

- "Danger Tree"**
- "Easement Premises"**
- "Qualifying Timber"**
- "Hazard Substances"**
- "Riparian Areas"**
- "Riparian Function"**

B2 RIGHTS OF GRANTEE ***[Subsection B2.4 should be included only for multiple entry Easements.]***

To accomplish the purposes of this Easement, the following rights are conveyed to Grantee by this Easement:

B2.1 To enforce the terms of this Easement as provided in subsection **B9**.

B2.2 To enter upon the Easement Premises, or to allow Grantee's agents or any experts consulted by Grantee in exercising its rights under this Easement to enter upon the Easement Premises in order to evaluate Grantor's compliance with this Easement, and to otherwise enforce the terms of this Easement.

B2.3 To convey, assign, or otherwise transfer Grantee's interests herein to another agency of the State of Washington, as provided for and limited by Section 504 of the Salmon Recovery Act.

B2.4 Where harvest of Reserve Qualifying Timber is allowed during the term of this Easement, to approve Replacement Qualifying Timber that will be protected by this Easement as provided in subsection **B3.5**.

B3 RESTRICTIONS ON GRANTOR ***[Subsection B3.6 should be included only for multiple entry Easements.]***

B3.1 Inconsistent Uses of Riparian Easement Premises

Any use of, or activity on, the Easement Premises inconsistent with the purposes and terms of this Easement, including without limitation converting to a use incompatible with growing timber, is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in, or permit any such use or activity.

B3.2 Property Outside the Easement Premises

Grantor may change its use of the property on which the Easement lies to any lawful use. Grantor shall provide Grantee sixty (60) days notice prior to changing the use of the property as a courtesy to Grantee.

B3.3 Qualifying Timber

Grantor shall not engage in any activity which would result in the cutting of Qualifying Timber or the removal of that timber from the Easement Premises, except as provided in this Easement. The parties further agree that use, harvest, and treatment of the Qualifying Timber are restricted according to the forest practices rules in Attachment B-1.

B3.4 Danger Trees and Salvage

Grantor may cut a Danger Tree, which shall be left in place within the Easement Premises or moved by Grantor inside the Easement Premises. Grantor shall notify DNR within seven (7) days that a Danger Tree has been felled. Grantor shall not engage in any activities pertaining to salvage of Qualifying Timber including without limitation blowdown except as provided for in the forest practices rules.

B3.5 Harvest of Reserve Qualifying Timber and Designation of Replacement Qualifying Timber on Riparian Area Easement Premises

Grantor shall not, during the term of this Easement, harvest or remove any Reserve Qualifying Timber except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of Reserve Qualifying Timber, except that where a permit or approval is required from any governmental entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark Reserve Qualifying Timber and Replacement Qualifying Timber, where Replacement Qualifying Timber is required, for review by Grantee. Grantor's thirty (30) days written notice to Grantee is effective only after both Reserve Qualifying Timber and Replacement Qualifying Timber (if required) are marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest and remove the Reserve Qualifying Timber. If Grantee does object and gives Grantor written notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest or remove Reserve Qualifying Timber until the objection is resolved. If Reserve Qualifying Timber is to be removed but Replacement Qualifying Timber is required to be left standing for the balance of the term of this Easement, then Grantor shall mark the Replacement Qualifying Timber and, if approved by Grantee, such Timber shall be considered Qualifying Timber under this Easement. A new Exhibit A shall be prepared along with a supplement to this Easement, executed by Grantor and Grantee, and recorded.

B3.6 Multiple Entry Easements

Grantor shall not, during the term of this Easement, make multiple entry harvests except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of timber, except that where a permit or approval is required from any government entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark timber to be removed for review by Grantee. Grantor's thirty (30) day written notice to Grantee is effective only after the timber to be removed is marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest. If Grantee does object and gives Grantor notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest until the objection is resolved. ((Valuation methodology for multiple entry easements shall be in accordance with WAC 222-21-045(3).))

B4 RESERVED RIGHTS

Other than specifically provided herein, Grantor is not restricted in its use of the Easement Premises.

B5 PUBLIC ACCESS

No right of public access to or across, or any public use of, the Easement Premises or the property on which it lies is conveyed by this Easement.

B6 COSTS, LIABILITIES, TAXES, AND INDEMNIFICATION

B6.1 Costs, Legal Requirements, and General Liabilities

Except as is expressly placed on Grantee herein, Grantor retains full responsibility for the Qualifying Timber and Easement Premises. Grantor shall keep the Qualifying Timber and Easement Premises free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantor remains responsible for obtaining all permits required by law.

B6.2 Taxes and Obligations

Grantor shall remain responsible for payment of taxes or other assessments imposed on the Easement Premises or the Qualifying Timber. Grantor shall furnish Grantee with satisfactory evidence of payment upon request.

B6.3 Hold Harmless**B6.3.a Grantor**

To the extent permitted by law, Grantor hereby releases and agrees to hold harmless, indemnify, and defend Grantee and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantor; (b) a breach by Grantor of its obligations under subsection **B3**; (c) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law or requirement by Grantor in any way affecting, involving, or relating to the Easement Premises or the Qualifying Timber; (d) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantor.

B6.3.b Grantee

To the extent permitted by law, Grantee hereby releases and agrees to hold harmless, indemnify and defend Grantor and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantee; or (b) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantee.

B7 SUBSEQUENT TRANSFERS**B7.1 Grantee**

Grantee may assign, convey, or otherwise transfer its interest as evidenced in this Easement, but only to another agency of the State of Washington under any circumstances in which it determines, in its sole discretion, that such transfer is in the best interests of the state. Grantee shall give written notice to Grantor of the same within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.2 Grantor

Grantor may assign, convey, or otherwise transfer without restriction its interest in the Easement Premises or the Qualifying Timber identified in Exhibit A hereto. Grantor agrees to incorporate the restrictions of the Easement in any deed or other legal instrument by which Grantor divests itself of all or a portion of its interests in the Easement Premises or Qualifying Timber. Grantor shall give written notice to the Grantee of the assignment, conveyance, or other transfer of all or a portion of its interest in the Easement Premises or the Qualifying Timber within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.3 Termination of Grantor's Rights and Obligations

The Grantor's personal rights and obligations under this Easement terminate upon transfer of the Grantor's interest in the property on which the Easement lies or the Qualifying Timber, except that liability under the Easement for acts or omissions occurring prior to transfer shall survive transfer.

B8 DISPUTE RESOLUTION

The parties may at any time by mutual agreement use any nonbinding alternative dispute resolution mechanism with a qualified third party acceptable to Grantor and Grantee. Grantor and Grantee shall share equally the costs charged by the third party. The existence of a dispute between the parties with respect to this Easement, including without limitation the belief by one party that the other party is in breach of its obligations hereunder, shall not excuse either party from continuing to fully perform its obligations under this Easement. The dispute resolution provided for in this subsection is optional, not obligatory, and shall not be required as a condition precedent to any remedies for enforcement of this Easement.

B9 ENFORCEMENT**B9.1 Remedies**

Either party may bring any action in law or in equity in the superior court for the county in which the Easement Premises are located or in Thurston County (subject to venue change under law) to enforce any provision of this Easement, including without limitation, injunctive relief (permanent, temporary, or ex parte, as appropriate) to prohibit a breach of this Easement, enforce the rights and obligations of this Easement, restore Qualifying Timber cut or removed in violation of this Easement or for damages. Grantee may elect to pursue some or all of the remedies provided herein.

B9.1.a Damages and Restoration

If Grantor cuts or removes (or causes another to cut or remove) Qualifying Timber from the Easement Premises in violation of this Easement, Grantee shall be entitled to damages, or restoration. Damages for the cutting of Qualifying Timber or the removal of Qualifying Timber from the Easement Premises in violation of the terms of this Easement may be up to triple stumpage value times the proportion of the original compensation. The maximum amount of damages shall be calculated according to the following formula:

Where:

Sv = The stumpage value of the Qualifying Timber that is cut or removed from the Easement Premises at the time the damage was done;

C = The compensation paid by the state to the Grantor at the time the Easement became effective;

Vq = The original value of Qualifying Timber at the time the Easement became effective as calculated in WAC 222-21-050.

$$\text{Maximum Damages} = 3 * S_v * (C / V_q)$$

In addition the Grantor shall pay interest on the amount of the damages at the maximum interest rate allowable by law.

Grantee's rights to damages under this section shall survive termination. Restoration of Qualifying Timber may include either replanting or replacing trees or both, as determined by Grantee, in its sole discretion, to be appropriate. Replanting shall be by nursery transplant seedlings approved by Grantee with subsequent silvicultural treatment including without limitation weed control and fertilization approved by Grantee. Replacing trees shall be accomplished by designation of replacement trees of the size and species acceptable to Grantee. If replacement trees are designated to replace the Qualifying Timber cut or removed in violation of the terms of this Easement, the designated trees shall be thereafter treated as Qualifying Timber under this Easement.

B9.1.b Injunctive Relief. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement may be inadequate and that Grantee may be entitled to injunctive relief, both prohibitive and mandatory, in addition to other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of providing either actual damages or the inadequacy of otherwise available legal remedies.

B9.1.c Relationship to Remedies in Other Laws. The remedies provided for in this section are in addition to whatever other remedies the state may have under other laws including without limitation the Forest Practices Act. Nothing in this Easement shall be construed to enlarge, diminish or otherwise alter the authority of the state to administer state law.

B9.2 Costs of Enforcement

The costs, including reasonable attorneys' fees, of enforcing this Easement shall be borne by Grantee unless Grantee prevails in a judicial action to enforce the terms of this Easement, in which case costs shall be borne by Grantor, provided that nothing herein shall make Grantor liable for costs incurred by Grantee in taking enforcement actions pursuant to other state laws.

B9.3 Forbearance/Waiver

Enforcement of this Easement against the Grantor is at the sole discretion of the Grantee, and vice versa. Any forbearance by either party to exercise its rights hereunder in the event of a breach by the other party shall not be deemed a waiver by the forbearing party of the term being breached or of a subsequent breach of that term or any other term or of any other of the forbearing party's rights under this Easement.

B9.4 Waiver of Certain Defenses

Grantor hereby waives any defense of laches, estoppel, or prescription.

B9.5 Acts Beyond Grantor's Control

Nothing herein shall be construed to entitle Grantee to bring any action or claim against Grantor on account of any change in the condition of the Easement Premises or of the Qualifying Timber that was not within Grantor's control, including without limitation fire, flood, storms, insect and disease outbreaks, earth movement, or acts of trespassers, that Grantor could not reasonably have anticipated and prevented, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Premises or Qualifying Timber resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees, at Grantee's option, to join in any suit, to assign its right of action to Grantee, or to appoint Grantee its attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

B10 CONSTRUCTION AND INTERPRETATION**B10.1 Controlling Law**

Interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

B10.2 Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purposes of this Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid. The parties acknowledge that each has had an opportunity to have this Easement reviewed by an attorney and agree that the terms shall not be presumptively construed against either party.

B10.3 Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

B11 AMENDMENT

This Easement may be jointly amended. The amendments shall be in writing and signed by authorized representatives. Grantee shall record any such amendments in a timely fashion in the official records of ____ County, Washington. All amendments shall be consistent with the purposes of this Easement.

B12 TERMINATION

Grantee may unilaterally terminate this Easement if it determines, in its sole discretion, that termination is in the best interest of the State of Washington. Grantee shall provide thirty (30) days written notice to Grantor of such termination.

B13 EXTINGUISHMENT

If circumstances arise that render the purpose of this Easement impossible to accomplish, this Easement can only be extinguished, in whole or in part, by mutual agreement of the parties or through judicial proceedings brought by one of the parties. Grantee shall be entitled to the value of the Easement as such value is determined pursuant to forest practices rules governing extinguishment or eminent domain, if no rule for extinguishment exists.

B14 CONDEMNATION

If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, Grantee shall be entitled to compensation in accordance with the forest practices rules.

B15 NOTICE

Notices given pursuant or in relation to this Easement shall be in writing and delivered personally or by first class mail (postage prepaid), addressed as follows:

(a) If to Grantor:

(b) If to Grantee:

Washington State Department of Natural Resources
 Small Forest Landowner Office
 DNR-Forest Practices Division
 P.O. Box 47012
 Olympia, WA 98504-7012

If either party's address changes during the term of this Easement, that party shall notify the other party of the change.

Any notice required to be given hereunder is considered as being received: (i) If delivery in person, upon personal receipt by the person to whom it is being given; or (ii) if delivered by first class U.S. mail and properly addressed, three (3) days after deposit into the U.S. mail; or (iii) if sent by U.S. mail registered or certified, upon the date receipt is acknowledged by the recipient.

B16 RECORDATION

Grantee shall record this instrument in timely fashion in the official records of County, Washington and may rerecord it at any time as may be required to preserve its rights in this Easement.

B17 GENERAL PROVISIONS

B17.1 Severability

If any provision in this Easement, or the application hereof to any person or circumstance, is found to be invalid, the remainder of this Easement, or the application hereof to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

B17.2 Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to the Easement. This instrument supersedes all other and prior discussions, negotiations, understandings, or agreements of the parties. No alteration or variation of this instrument shall be binding unless set forth in an amendment to this instrument consistent with subsection **B11**.

B17.3 Successors and Assigns

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective successors and assigns and shall continue as a servitude running with the property on which the Easement lies for the term of this Easement set forth in subsection **2.1**.

PERMANENT

B17.4 No Forfeiture

Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

B17.5 Counterparts

The parties may execute this instrument in two or more counterparts which shall, in the aggregate, be signed by both parties. Each counterpart shall be deemed an original as against the party that has signed it. In the event of any disparity between counterparts produced, the recorded counterpart shall be controlling.

B17.6 References to Statutes and Rules

Except as otherwise specifically provided, any references in this Easement to any statute or rule shall be deemed to be a reference to such statute or rule in existence at the time the action is taken or the event occurs.

B17.7 Adherence to Applicable Law

Any activity pertaining to or use of the Easement Premises or Qualifying Timber shall be consistent with applicable federal, state, or local law including chapter 76.09 RCW, the Forest Practices Act, chapter 36.70A RCW, the Growth Management Act, chapter 90.58 RCW, the Shoreline Management Act, chapter 75.20 RCW, Construction Projects in State Waters Act ("Hydraulics Code"), the Endangered Species Act (16 U.S.C. Sec. 1531, et seq.), and the Clean Water Act (33 U.S.C. Sec. 1251, et seq.), and rules adopted pursuant to these statutes (including all rules adopted under Section 4(d) of the Endangered Species Act).

(2) **Forestry riparian easement application.** The following items are required for a complete forestry riparian easement application:

- (a) A certification by the small forest landowner that he or she meets the qualifications of a small forest landowner;
- (b) The small forest landowners' timber tax identification number and permission to access harvest information at the department of revenue;
- (c) All forest practices application numbers for the commercially reasonable harvest units and the associated qualifying timber on the property;
- (d) The dates and areas of all planned future harvest entries on the easement premises;
- (e) A preliminary litigation guarantee or similar report from a title company for the tax parcels that contain the easement premises;
- (f) A description of past and current uses of the easement premises;
- (g) Any information not specifically listed that the small forest landowner office needs to evaluate the easement and eligibility of the small forest landowner.

(3) **Baseline documentation.** The baseline documentation must describe the features and current uses on the easement premises and the qualifying timber. The information provided by the small forest landowner in subsection (2) of this section is considered part of the baseline documentation. In addition, the department will provide documentation that includes, but is not limited to:

- (a) Cruise information consistent with the standards and methods in WAC 222-21-040;

- (b) An assessment to determine site condition and potential liabilities associated with the proposed riparian easement (see the board manual (~~(en)~~) section 17 for procedures for conducting assessment); and

- (c) A description of the easement consistent with WAC 222-21-035.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WAC 222-21-035 Description of easement. The easement premises and qualifying timber must be described as follows;

- (1) Range, township, section, and parcel number;
- (2) Forest practice base map of proposed harvest, other forest practice activities and easement;
- (3) 1:400 map of the easement premises indexed either to ~~((+))~~ one legal land survey point or ~~((2))~~ two geopositional system points; and
- (4) Traverse of the easement premises tied to subsection (3) of this section. (See the board manual section 17 for standards of traverse.)
- (5) Where the department does not have satisfactory access to the easement premises, the landowner must designate the access route on the forest practice application base map.

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

WAC 222-21-040 Timber cruises. (1) This section is designed to establish methods and standards for cruises of qualifying timber for the proposed forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) The following standards will be used for the timber cruises:

(a) The purpose of the timber cruise is to determine the volume by species and grade sufficient to value the qualifying timber.

(b) Additional trees left voluntarily by the small forest landowner may be noted, but are not included in the cruise volume.

(c) The cruise method will be a 100 percent inventory of qualifying timber on the proposed easement premises. The inventory will include species, diameter class, grade, and any other information necessary to determine valuation of the easement. (See the board manual for specific cruise standards.)

(d) A sampling cruise method may be used for easement premises under certain circumstances. (See the board manual section 17 for standards for sampling cruise method.)

AMENDATORY SECTION (Amending WSR 02-05-084, filed 2/20/02, effective 3/23/02)

WAC 222-21-045 Valuation. (1) This section is designed to establish methods and standards for valuation of forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) **The small forest landowner office will calculate the fair market value** of the forestry riparian easement as of the date of receipt of the forest practices application associated with the qualifying timber, or the date the landowner provides written notification to the small forest landowner office that the harvest is to begin. Data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091 will be used and adjusted to the applicable date. For easements with an approved forest practices application, the small forest landowner must indicate whether valuation will be calculated using method (a) or (b) of this subsection. Only method (a) of this subsection is available for qualifying timber for which an approved application for timber harvest cannot be obtained because of restrictions under the forest practices rules under WAC 222-21-061. In either method (a) or (b) of this subsection, the time adjustment index will be based on log price changes. The small forest landowner office will determine the specific log species and/or sorts and the log price reporting service to use after consultation with the small forest landowner advisory committee established under RCW 76.13.110(4) and the department of revenue. The small forest landowner office will gen-

erate an index that reflects the time adjustments using information and data obtained from a log price reporting service determined by the department in consultation with the small forest landowner committee.

(a) **Stumpage value determination.** The small forest landowner office will create and maintain value tables to determine stumpage value of the qualifying timber. These tables will be created using a method coordinated with the department of revenue. The values will closely approximate the stumpage value for logs that would be sold in the ordinary course of business for the date of receipt of the forest practices application. The landowner must provide the small forest landowner office with:

(i) The reference for the stumpage value table and any other needed information for use of the table (see the board manual section 17 for details); and

(ii) Any information the small forest landowner would like the department to consider in its cruise and valuation of the qualifying timber.

(b) **Small harvester tax return.** The landowner must provide mill or buyer information to the department on the sale breakdown. This includes:

(i) The volume and scaling bureau log grades of each species harvested;

(ii) The amount received for each species; and

(iii) The actual harvesting and marketing costs as defined in the department of revenue small harvester instructions.

The price received for the timber is adjusted to the applicable date using the time adjustment index and then the average logging and hauling cost per MBF is subtracted to arrive at the stumpage value. The value of the qualifying timber is determined by multiplying the time adjusted stumpage value of each species in the harvest unit by the net volume for each corresponding species in the inventory of qualifying timber. A residual value approach is used to determine the value of species in the easement, which are not present in the harvest area. The prices for species not present in the harvest unit are based on the delivered log price report approved by the small forest landowner office that corresponds closest to the date of the forest practices application, minus the average logging and hauling costs.

(3) ~~(Reduced valuation.~~

~~(a) For an easement that allows one or more harvests of qualifying timber during the term of the easement, a reduced valuation rate will be applied to the values obtained using either method in subsection (2) of this section. The reduced rate adjusts the values for reserve and replacement qualifying timber. The rate is based on the proportionate economic value lost to the small forest landowner from the regulatory requirements and adjusted for future harvest options during the term of the easement.~~

~~(b) The value of the qualifying timber that may be harvested during the term of the easement will be reduced based on the following formula. Variables will include:~~

~~(i) The 29 or more trees in the inner zone;~~

~~(ii) The outer zone leave trees;~~

~~(iii) Other regulatory requirements.~~

$$\text{Reduced valuation rate} = \frac{1 - \left(\frac{1}{(1 + I)^N} \right)}{1 - \left(\frac{1}{(1 + I)^{50}} \right)}$$

$$\text{Compensation for easement} = (HIO * TV) + \left(\frac{t * TV}{2} \right)$$

Where:

- I — ~~Is the rate of return on 30-year treasury bills, as reported by the Federal Reserve Statistical Release H15 less the rate of increase in the Consumer Price Index for all urban consumers as published by the U.S. Department of Labor Bureau of Labor Statistics for the previous 12 months less the anticipated rate of growth expected on the portion of the easement subject to reentry, but not less than zero or greater than 6 percent.~~
- N — ~~The single time limit established by the small forest landowner office.~~

~~(e) The reduced rate will not be applied to the department of revenue tax data values if the landowner does not intend to reenter the easement area during the length of the 50 year easement. The harvest at the time of the reentry is not required to meet the requirements in WAC 222-21-060 (5) and (6).) Removal of any qualifying timber before the expiration of the easement must be in accordance with the forest practices rules and the terms of the easement. There shall be no reduction in compensation for reentry.~~

AMENDATORY SECTION (Amending WSR 02-05-084, filed 2/20/02, effective 3/23/02)

WAC 222-21-050 Payment of compensation. (1) The compensation offered to the small forest landowner will be 50% of the fair market value of the qualifying timber established under the process described in WAC 222-21-045, plus the compliance and reimbursement costs, subject to the following exceptions:

(a) If the high impact regulatory threshold is exceeded for an area covered by an approved forest practices application, then the compensation offered will be increased to 100% for the value of the qualifying timber where the high impact regulatory threshold is exceeded. Use the following calculation:

Where:

Vq = value of qualifying timber;

Vh = value of harvested timber;

t = high impact of regulatory threshold (19.1% for Western Washington, 12.2% for Eastern Washington);

TV = total value of all timber covered under FPA = Vq + Vh; and

HIO - high impact override = (Vq/TV)-t;

See Section 17 of board manual for example.

(b) All compensation is subject to available funding.

(2) If funding is not available, the small forest landowner office will maintain a priority list for compensation. Priority will be based on (a) date of receipt of forest practice application and (b) date of receipt of completed harvest status questionnaire.

(3) Reimbursement costs for easement layout are subject to the work being acceptable to the department. The small forest landowner office shall determine how the reimbursement costs will be calculated. The small forest landowner office will send the small forest landowner a notice of compensation decision within 60 days of completion of the timber cruise.

(4) Compensation for a forestry riparian easement associated with an approved forest practices application will not be paid until:

(a) The department has documented completion of harvest;

(b) The department has verified that there has been compliance with the rules requiring leave trees in the easement area;

(c) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and

(d) The forestry riparian easement has been executed and delivered to the department.

(5) Compensation for a forestry riparian easement for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under these rules adopted under RCW 76.09.055 or 76.09.370 will not be paid until:

(a) The department has verified that there has been compliance with the rules requiring leave trees in the easement area; and

(b) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and

(c) The forestry riparian easement has been executed and delivered to the department.

PERMANENT

WSR 03-06-042
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 27, 2003, 3:36 p.m., effective April 1, 2003]

Date of Adoption: February 27, 2003.

Purpose: WACs in some programs are being amended to clarify that earnable compensation (or compensation earn-

able) does not include the amount that an employer pays for health benefits for the member. At the same time, the Department of Retirement Systems attempted to make these rules easier to understand.

Citation of Existing Rules Affected by this Order: Amending WAC 415-104-299, 415-104-3402, 415-104-385, 415-108-443, 415-108-475, 415-110-443, 415-110-475, 415-112-445, and 415-112-480.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: For WAC 415-104-299, 415-104-3402, and 415-104-385 is chapter 41.26 RCW; for WAC 415-108-443 and 415-108-475 is chapter 41.40 RCW; for WAC 415-110-443 and 415-110-475 is chapter 41.35 RCW; and for WAC 415-112-445 and 415-112-480 is chapter 41.32 RCW.

Adopted under notice filed as WSR 03-01-051 on December 11, 2002.

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 9, Repealed 0.

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

Effective Date of Rule: April 1, 2003.

February 27, 2003

John Charles

Director

AMENDATORY SECTION (Amending WSR 99-16-075, filed 8/3/99, effective 9/3/99)

WAC 415-104-299 Basic salary table. The following table ~~((is provided as a quick reference guide to help you characterize payments under LEOFF Plan I and LEOFF Plan H))~~ will help you determine whether certain types of payments are basic salary under LEOFF Plan 1 or 2. Be sure to ~~((turn to))~~ read the referenced rule to ensure that you have correctly identified the payment in question. The department determines basic salary based upon the nature of the payment, not the name applied to it. See WAC 415-104-311 (Plan 1) and WAC 415-104-360 (Plan 2).

PERMANENT

Type of Payment	LEOFF ((H)) 1 Basic Salary?	LEOFF ((H)) 2 Basic Salary?
Additional Duty Pay	Yes - WAC 415-104-3205	Yes - WAC 415-104-360
Allowances (i.e. uniform)	No - WAC 415-104-3404	No - WAC 415-104-390
Basic Monthly Rate	Yes - WAC 415-104-3200	Yes - WAC 415-104-360
Cafeteria Plans	No - WAC 415-104-3303	Yes - WAC 415-104-367
Deferred Wages Attached to Position	Yes - WAC 415-104-3201(1)	Yes - WAC 415-104-363(1)
Deferred Wages not attached to a Position	No - WAC 415-104-3306	No - WAC 415-104-363(2)
Disability Payments	No - WAC 415-104-340	No - WAC 415-104-380
Education Attainment Pay	No - WAC 415-104-3301	Yes - WAC 415-104-375
Employer taxes/contributions	No - WAC 415-104-3401	No - WAC 415-104-383
Fringe Benefits, including insurance	No - WAC 415-104-3402	No - WAC 415-104-385
Illegal Payments	No - WAC 415-104-3403	No - WAC 415-104-387
Leave Cash Outs/Severance	No - WAC 415-104-3304	No - WAC 415-104-401
Longevity	Yes - WAC 415-104-311	Yes - WAC 415-104-375
Overtime	No - WAC 415-104-3305	Yes - WAC 415-104-370
Paid Leave	Yes - WAC 415-104-3203	Yes - WAC 415-104-373
Payments in Lieu of Excluded Items	No - WAC 415-104-350	No - WAC 415-104-405
Performance Bonuses	No - WAC 415-104-3302	Yes - WAC 415-104-377
Retroactive Salary Increase	Yes - WAC 415-104-3202	Yes - WAC 415-104-365
Reimbursements	No - WAC 415-104-3404	No - WAC 415-104-390
Retirement or Termination Bonuses	No - WAC 415-104-3406	No - WAC 415-104-395
Shift Differential	Yes - WAC 415-104-3204	Yes - WAC 415-104-379
Special Salary or Wages	No - WAC 415-104-330	Yes - WAC 415-104-375
Standby Pay	No - WAC 415-104-3405	No - WAC 415-104-393
Tuition/Fee Reimbursement	No - WAC 415-104-3404	No - WAC 415-104-390
((Worker's)) Workers' Compensation	Not Applicable	No - WAC 415-104-380

AMENDATORY SECTION (Amending WSR 97-01-016, filed 12/6/96, effective 1/6/97)

WAC 415-104-3402 Fringe benefits are not LEOFF Plan ((F)) 1 basic salary. Fringe benefits provided by an employer are not a salary or wage, and therefore do not qualify as basic salary for LEOFF Plan ((F)) 1. Fringe benefits include but are not limited to:

(1) Employer retirement contributions;

(2) Any type of insurance such as medical, dental, or life insurance; ~~((2))~~ and any employer contribution ~~((by an employer))~~ to meet the premium or charge for ~~((such plan or))~~ the insurance; or

(3) Any payments by the employer into a private fund to provide health or welfare benefits for members and/or their dependents.

AMENDATORY SECTION (Amending WSR 97-01-016, filed 12/6/96, effective 1/6/97)

WAC 415-104-385 Fringe benefits are not LEOFF Plan ((H)) 2 basic salary. Fringe benefits provided by an employer are not a salary or wage and therefore do not qual-

ify as basic salary for LEOFF Plan ((H)) 2. Fringe benefits include, but are not limited to:

(1) Employer retirement contributions;

(2) Any type of insurance such as medical, dental or life insurance; ~~((2))~~ and any employer contribution to meet the premium or charge for ~~((such plan or))~~ the insurance; or

(3) Any ~~((payments by the))~~ employer payments into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), ~~((except for))~~ with the exception of compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-104-367.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-108-443 PERS reportable compensation table. The following table will help you determine whether certain types of payments are reportable compensation under PERS Plans 1, 2, or 3. Be sure to read the referenced rule to ensure that you have correctly identified the payment in question. The department determines reportable compensation ~~((earnable))~~ based upon the nature of the payment, not the name applied to it. See WAC 415-108-445.

Type of Payment	PERS 1 Reportable Compensation?	PERS 2 or 3 Reportable Compensation?
Annual Leave Cash Outs	Yes - WAC 415-108-456	No - WAC 415-108-456
Assault Pay (State Emp.)	Yes - WAC 415-108-468	Yes - WAC 415-108-468
Base Rate	Yes - WAC 415-108-451	Yes - WAC 415-108-451
Car Allowances	No - WAC 415-108-485 ¹	No - WAC 415-108-485
Cafeteria Plans	Yes - WAC 415-108-455	Yes - WAC 415-108-455
Deferred Wages	Yes - WAC 415-108-459	Yes - WAC 415-108-459
Disability Payments	No - WAC 415-108-477	No - WAC 415-108-477
Disability: Salary lost while on disability leave	Yes - WAC 415-108-468 RCW 41.40.038	Yes - WAC 415-108-468 RCW 41.40.038
Employer Provided Vehicle	No - WAC 415-108-480 ²	No - WAC 415-108-480
Employer taxes/contributions	No - WAC 415-108-459	No - WAC 415-108-459
Fringe Benefits, <u>including insurance</u>	No - WAC 415-108-475	No - WAC 415-108-475
Illegal Payments	No - WAC 415-108-482	No - WAC 415-108-482
Legislative Leave	Yes - WAC 415-108-464	Yes - WAC 415-108-464
Longevity/Education Attainment Pay	Yes - WAC 415-108-451	Yes - WAC 415-108-451
Nonmoney Maintenance	Yes - WAC 415-108-470 ³	No - WAC 415-108-470
Optional Payments	No - WAC 415-108-483	No - WAC 415-108-483
Payments in Lieu of Excluded Items	No - WAC 415-108-463	No - WAC 415-108-463
Performance Bonuses	Yes - WAC 415-108-453	Yes - WAC 415-108-453

¹A portion of the value of an employer car allowance may be reportable((;)). See WAC 415-108-485.

²A portion of the value of an employer provided vehicle may be reportable in Plan ((F)) 1 only((;)). See WAC 415-108-480.

³A portion of the value of nonmoney maintenance provided may be reportable in Plan ((F)) 1 only((;)). See WAC 415-108-470.

PERMANENT

Type of Payment	PERS 1 Reportable Compensation?	PERS 2 or 3 Reportable Compensation?
Retroactive Salary Increase	Yes - WAC 415-108-457	Yes - WAC 415-108-457
Reimbursements	No - WAC 415-108-484	No - WAC 415-108-484
Reinstatement Payments	Yes - WAC 415-108-467	Yes - WAC 415-108-467
Retirement or Termination Bonuses	No - WAC 415-108-487	No - WAC 415-108-487
Severance Pay - Earned Over Time	Yes - WAC 415-108-458	No - WAC 415-108-458
Severance Pay - Not Earned Over Time	No - WAC 415-108-488	No - WAC 415-108-488
Shared Leave - State Emp.	Yes - WAC 415-108-468	Yes - WAC 415-108-468
Shared Leave - Local Government Employees	No - WAC 415-108-468	No - WAC 415-108-468
Sick Leave Cash Outs - State Employees	No - WAC 415-108-456	No - WAC 415-108-456
Sick Leave Cash Out - Local Government Employees	Yes - WAC 415-108-456	No - WAC 415-108-456
Standby Pay	Yes - WAC 415-108-469	Yes - WAC 415-108-469
Time Off with Pay	Yes - WAC 415-108-456 WAC 415-108-465	Yes - WAC 415-108-456 WAC 415-108-465
Union Leave ⁴	Yes - WAC 415-108-466	Yes - WAC 415-108-466
((Worker's)) Workers' Compensation	No - WAC 415-108-479	No - WAC 415-108-479

⁴Only specific types of union leave are reportable((;)). See WAC 415-108-466.

AMENDATORY SECTION (Amending WSR 99-14-008, filed 6/24/99, effective 7/25/99)

WAC 415-108-475 Fringe benefits. ~~((Payments made by an employer to a third party to provide benefits for an employee are not part of the employee's salary or wage. Those payments are not reportable compensation. Examples of these types of payments are insurance premiums (other than those made under bona fide cafeteria plans, see WAC 415-108-455) and matching and nonmatching employer contributions to a benefit plan.~~

Note: Mandatory salary deferrals are salary, not benefits. Such payments are reportable see WAC 415-108-459.

Example: ~~An employer makes matching payments to employees who participate in a deferred compensation plan. This is not a mandatory salary deferral for purposes of PERS reportable compensation. Since the employer matching payment (employer match) is made contingent upon employee plan participation, it is not payment for services rendered. Therefore, it is a fringe benefit that is not reportable compensation under PERS.)~~

Fringe benefits provided by an employer are not a salary or wage, and therefore are not reportable compensation. Fringe benefits include, but are not limited to:

- (1) Employer retirement contributions;
- (2) Any type of insurance such as medical, dental or life insurance; and any employer contribution to meet the premium or charge for the insurance; or
- (3) Any employer payments into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), with the exception of compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-108-459.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-443 SERS reportable compensation table. The following table ((is provided as a quick reference guide to help you characterize payments under SERS Plan 2 and SERS Plan 3)) will help you determine whether certain types of payments are reportable compensation under SERS Plan 2 or 3. Be sure to ((turn to)) read the referenced rule to ensure that you have correctly identified the payment in question. The department determines reportable compensation ((earnable)) based upon the nature of the payment, not the name applied to it. See WAC 415-110-445.

Type of Payment	SERS Plan 2 and Plan 3 Reportable Compensation?
Annual Leave Cash Outs	No - WAC 415-110-456
Assault Pay	No - WAC 415-110-468
Base Rate	Yes - WAC 415-110-451
Car Allowances	No - WAC 415-110-485
Cafeteria Plans	Yes - WAC 415-110-455
Deferred Wages	Yes - WAC 415-110-459
Disability Payments	No - WAC 415-110-477
Disability Retirees	No - RCW 41.35.440/ RCW 41.35.690 (until requirements are met)
Disability: Salary lost while on disability leave	Yes - WAC 415-110-468 RCW 41.35.070
Employer Provided Vehicle	No - WAC 415-110-480
Employer Contributions	No - WAC 415-110-459
Fringe Benefits, including insurance	No - WAC 415-110-475
Illegal Payments	No - WAC 415-110-482
Legislative Leave	Yes - WAC 415-110-464
Longevity/Education Attainment Pay	Yes - WAC 415-110-451
Nonmoney Maintenance	No - WAC 415-110-470
Optional Payments	No - WAC 415-110-483
Payments in Lieu of Excluded Items	No - WAC 415-110-463
Performance Bonuses	Yes - WAC 415-110-453
Retroactive Salary Increase	Yes - WAC 415-110-457
Reimbursements	No - WAC 415-110-484
Reinstatement Payments	Yes - WAC 415-110-467
Retirement or Termination Bonuses	No - WAC 415-110-487
Severance Pay - Earned Over Time	No - WAC 415-110-458
Severance Pay - Not Earned Over Time	No - WAC 415-110-488
Shared Leave - School/ ESD Employees	Yes - WAC 415-110-468
Sick Leave Cash Outs - School/ESD Employees	No - WAC 415-110-456
Standby Pay	Yes - WAC 415-110-469
Time Off With Pay	Yes - WAC 415-110-456 WAC 415-110-465
Union Leave	Yes - WAC 415-110-466 ¹¹
((Worker's)) Workers' Compensation	No - WAC 415-110-479

¹¹ Only specific types of union leave are reportable. See WAC 415-110-466.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-475 Fringe benefits. ~~((Payments made by an employer to a third party to provide benefits for an employee are not part of the employee's salary or wage. Those payments are not reportable compensation. Examples of these types of payments are insurance premiums (other than those made under bona fide cafeteria plans, see WAC 415-110-455) and matching and nonmatching employer contributions to a benefit plan.~~

Note: ~~Mandatory salary deferrals are salary, not benefits. Such payments are reportable, see WAC 415-110-459.~~

Example: ~~An employer makes matching payments to employees who participate in a deferred compensation plan. This is not a mandatory salary deferral for purposes of SERS reportable compensation. Since the employer matching payment (employer match) is made contingent upon employee plan participation, it is not payment for services rendered. Therefore, it is a fringe benefit that is not reportable compensation under SERS.))~~

Fringe benefits provided by an employer are not a salary or wage, and therefore are not reportable compensation. Fringe benefits include, but are not limited to:

- (1) Employer retirement contributions;
- (2) Any type of insurance such as medical, dental or life insurance; and any employer contribution to meet the premium or charge for the insurance; or
- (3) Any employer payments into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), with the exception of compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-110-455.

AMENDATORY SECTION (Amending WSR 98-09-059, filed 4/17/98, effective 5/18/98)

WAC 415-112-445 TRS reportable compensation table. ~~The following table ((is provided as a quick reference guide to help you characterize payments under Plan I, Plan II and Plan III)) will help you determine whether certain types of payments are reportable compensation under TRS Plan 1, 2, or 3. Be sure to ((turn to)) read the referenced rule to ensure that you have correctly identified the payment in question. The department determines ((earnable)) reportable compensation based upon the nature of the payment, not the name applied to it((-)). See WAC 415-112-450.~~

PERMANENT

Type of Payment	TRS ((F)) 1 Reportable Compensation?	TRS ((H/H)) 2/3 Reportable Compensation?
Annual Leave Cash Outs	Yes - WAC 415-112-4605	No - WAC 415-112-4605
Base Contract	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Car Allowances	No - WAC 415-112-41301 ¹	No - WAC 415-112-41301
Cafeteria Plans	Yes - WAC 415-112-4604	Yes - WAC 415-112-4604
Deferred Wages	Yes - WAC 415-112-4609	Yes - WAC 415-112-4609
Disability Payments	No - WAC 415-112-482	No - WAC 415-112-482
Employer Provided Vehicle	No - WAC 415-112-413 ²	No - WAC 415-112-413
Evening/Summer School	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Extracurricular Contracts	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Employer taxes/contributions	No - WAC 415-112-4609	No - WAC 415-112-4609
Fringe Benefits, including insurance	No - WAC 415-112-480	No - WAC 415-112-480
Illegal Payments	No - WAC 415-112-485	No - WAC 415-112-485
Legislative Leave	Yes - WAC 415-112-471	Yes - WAC 415-112-471
Longevity/Education Attainment Pay	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Nonmoney Maintenance	Yes - WAC 415-112-412 ³	No - WAC 415-112-412
Optional Payments	No - WAC 415-112-487	No - WAC 415-112-487
Payments in Lieu of Excluded Items	No - WAC 415-112-470	No - WAC 415-112-470
Performance Bonuses	Yes - WAC 415-112-4603	Yes - WAC 415-112-4603
Retroactive Salary Increase	Yes - WAC 415-112-4607	Yes - WAC 415-112-4607

¹A portion of the value of an employer car allowance may be reportable in Plan ((F)) 1 only((;)). See WAC 415-112-41301.

²A portion of the value of an employer provided vehicle may be reportable in Plan ((F)) 1 only((;)). See WAC 415-112-413.

³A portion of the value of nonmoney maintenance provided may be reportable in Plan ((F)) 1 only((;)). See WAC 415-112-412.

Type of Payment	TRS ((F)) 1 Reportable Compensation?	TRS ((H/H)) 2/3 Reportable Compensation?
Reimbursements	No - WAC 415-112-489	No - WAC 415-112-489
Reinstatement Payments	Yes - WAC 415-112-477	Yes - WAC 415-112-477
Retirement or Termination Bonuses	No - WAC 415-112-490	No - WAC 415-112-490
Severance Pay - Earned Over Time	Yes - WAC 415-112-4608	No - WAC 415-112-4608
Severance Pay - Not Earned Over Time	No - WAC 415-112-491	No - WAC 415-112-491
Sick Leave Cash Outs	No - WAC 415-112-4605	No - WAC 415-112-4605
Supplemental Contracts	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601 ⁴
Time Off with Pay	Yes - WAC 415-112-473 WAC 415-112-4605	Yes - WAC 415-112-473 WAC 415-112-4605
Union Leave ⁵	Yes - WAC 415-112-475	Yes - WAC 415-112-475
((Worker's)) Workers' Compensation	No - WAC 415-112-483	No - WAC 415-112-483

⁴ Reportable only if member is employed in an eligible position.

⁵ Only specific types of union leave are reportable((;)). See WAC 415-112-475.

PERMANENT

AMENDATORY SECTION (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

~~WAC 415-112-480 Fringe benefits. ((Payments made by an employer to a third party to provide benefits for an employee are not part of the employee's salary or wage. Those payments are not reportable compensation. Examples of these types of payments are insurance premiums (other than those made under bona fide cafeteria plans, see WAC 415-112-4604) and employer retirement contributions.)) Fringe benefits provided by an employer are not a salary or wage, and therefore are not reportable compensation. Fringe benefits include, but are not limited to:~~

~~(1) Employer retirement contributions;~~

~~(2) Any type of insurance such as medical, dental or life insurance; and any employer contribution to meet the premium or charge for the insurance; or~~

~~(3) Any employer payments into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), with the exception of compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-112-4604.~~

WSR 03-06-043
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 27, 2003, 3:37 p.m., effective April 1, 2003]

Date of Adoption: February 27, 2003.

Purpose: This rule explains how the Department of Retirement Systems makes excess compensation determinations under RCW 41.50.150.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.50.150.

Adopted under notice filed as WSR 03-01-050 on December 10, 2002.

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

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

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

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

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

Effective Date of Rule: April 1, 2003.

February 27, 2003

John Charles

Director

NEW SECTION

WAC 415-02-140 What is excess compensation and how is it calculated? (1) What is excess compensation? Excess compensation refers to certain payments from an employer to an employee, if the payment is used in the calculation of the employee's retirement allowance. If used in the calculation of an employee's retirement allowance, the following payments are excess compensation:

(a) A cash out of unused annual leave in excess of two hundred forty hours;

(b) A cash out of other forms of leave, including sick leave and holiday leave;

(c) A payment for a personal expense, if the payment qualifies as reportable compensation in the employee's own retirement system;

(d) That portion of any payment, such as an overtime or incentive payment, that exceeds twice the employee's regular rate of pay for the period of time that the overtime or incentive payment applies; and

(e) Any termination or severance payment.

(2) How is the amount of excess compensation calculated? The department:

(a) Determines the increased amount of retirement benefits related to the excess compensation;

(b) Obtains the actuarial factor based on age for the monthly benefit per one dollar of accumulation to defined benefit plan (see WAC 415-02-340);

(c) Divides the benefit increase due to excess compensation by the actuarial factor; and

(d) Uses the result for the excess compensation billing.

(3) How does the payment of excess compensation affect employers? The department will bill an employer for any increase in an employee's retirement benefit resulting from the excess compensation. The employer must pay the present value of the amount by which the employee's pension is increased.

(4) Examples:

(a) Example 1: Excess compensation arising from cash out of sick leave (PERS Plan 1):

Denise is a 59 year old public employees' retirement system Plan 1 member and retires with thirty years of service. She will be cashing out \$8,000 in sick leave. Denise earned her two highest years of pay during her last two years of employment; therefore, the department will use these years to compute her average final compensation (AFC).

Year 1 - \$59,000 Salary

Year 2 - \$61,000 Salary + \$8,000 sick leave cash out

Q: Did Denise receive excess compensation?

A: Yes. Under subsection (1)(b) of this section, the \$8,000 sick leave cash out is excess compensation.

Q: Does the excess compensation increase Denise's retirement allowance?

A: Yes. Denise's retirement allowance increases by \$200/month as shown:

Without the excess compensation (cash out):

AFC = $(\$59,000 + \$61,000)/2 = \$60,000$
 Retirement allowance = $2\% \times \$60,000 \times 30 \text{ years} = \$36,000/\text{year}$
 (\$3,000/month)

With the excess compensation (cash out):

AFC = $(\$59,000 + \$61,000 + \$8,000)/2 = \$64,000$
 Retirement allowance = $2\% \times \$64,000 \times 30 \text{ years} = \$38,400/\text{year}$
 (\$3,200/month)

Difference in retirement allowances:

$\$3,200/\text{month} - \$3,000/\text{month} = \$200/\text{month}$

Q: How much must the employer pay to fund the additional retirement costs?

A: The employer must pay \$24,565.50, as shown:

Using an annuity factor of 0.0081415¹:

$$\frac{\$200/\text{month}}{0.0081415} = \$24,565.50$$

¹Based on Denise's age of 59. The factor can be found in the table in WAC 415-02-340.

(b) Example 2: Excess compensation arising from cash out of leave (TRS Plan 1):

George is a teachers' retirement system Plan 1 member who has 28 years of service and is retiring at age 55 from a school district. The collective bargaining agreement provides two days of personal holiday leave per year and allows for the cash out at retirement of any unused balance of personal holiday leave. Personal leave days are defined as "other forms of leave" under subsection (1)(b) of this section. The following example shows the computation of excess compensation:

Year 1 - \$52,500 Salary
Year 2 - \$54,000 Salary + \$900 for four days of personal leave cash out

Q: Did George receive excess compensation?

A: Yes. Under subsection (1)(b) of this section, the \$900 leave cash out is excess compensation.

Q: Does the excess compensation increase George's retirement allowance?

A: Yes. George's retirement allowance increases by \$21/month as shown:

Without the excess compensation (cash out):

AFC = $(\$52,500 + \$54,000)/2 = \$53,250$
 Retirement allowance = $2\% \times \$53,250 \times 28 \text{ years} = \$29,820$
 (\$2,485/month)

With the excess compensation (cash out):

AFC = $(\$52,500 + \$54,000 + \$900)/2 = \$53,700$
 Retirement allowance = $2\% \times \$53,700 \times 28 \text{ years} = \$30,072$
 (\$2,506/month)

Difference in retirement allowances:

$\$2,506/\text{month} - \$2,485/\text{month} = \$21/\text{month}$

Q: How much must the employer pay to fund the additional retirement costs?

A: The employer must pay \$2,802.28, as shown:

Using an annuity factor of 0.0074939²:

$$\frac{\$21/\text{month}}{0.0074939} = \$2,802.28$$

²Based on George's age of 55. The factor can be found in the table in WAC 415-02-340.

(c) Example 3: Excess compensation from bonus.

Susan is retiring at age 65 in PERS Plan 2. She worked on a special project in February. Her employer awarded Susan with a bonus for February of \$15,083.33. The department will compute Susan's excess compensation as follows:

Year 1 - \$59,000 Salary
Year 2 - \$61,000 Salary + \$15,083.33 bonus for services provided in the month of February.

Q: Is there excess compensation?

A: Yes. There is \$4,916.67 in excess compensation, as shown:

Regular monthly rate:	$\$61,000/12 = \$5,083.33/\text{month}$
Twice February's monthly rate:	$2 \times \$5,083.33 = \$10,166.66$
Excess compensation:	$\$15,083.33 - \$10,166.66 = \$4,916.67$

Q: Does the excess compensation increase Susan's retirement allowance?

A: Yes. It increases by \$122.91/month, as shown:

Without excess compensation (portion of bonus):

AFC = $(\$59,000 + \$61,000 + \$15,083.33 - \$4,916.67)/2 = \$65,083.33$
 Retirement allowance = $2\% \times \$65,083.33 \times 30 \text{ years} = \$39,050/\text{year}$ (\$3,254.17/month)

With the excess compensation (portion of bonus):

AFC = $(\$59,000 + \$61,000 + \$15,083.33)/2 = \$67,541.67$
 Retirement allowance = $2\% \times \$67,541.67 \times 30 \text{ years} = \$40,525/\text{year}$ (\$3,377.08/month)

Difference in retirement allowances:

$\$3,377.08/\text{month} - \$3,254.17/\text{month} = \$122.91/\text{month}$

Q: How much must the employer pay to fund the additional retirement costs?

A: The employer must pay \$16,962.93, as shown:

PERMANENT

Using an annuity factor of 0.0072458:

$$\frac{\$122.91/\text{month}}{0.0072458} = \$16,962.93$$

WSR 03-06-044
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 27, 2003, 3:38 p.m., effective April 1, 2003]

Date of Adoption: February 27, 2003.

Purpose: The Department of Retirement Systems (DRS) adopted a number of changes to its actuarial Washington Administrative Code (WAC), effective September 1, 2002 (WSR 02-18-048) to implement new actuarial projections from the Office of the State Actuary (OSA). DRS is now making additional enhancements to the actuarial WACs. These new WACs explain how DRS determines age and cost of living adjustments in calculating various benefits for the retirement plans that DRS administers.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: Chapter 41.45 RCW.

Adopted under notice filed as WSR 03-02-041 on December 24, 2002.

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 2, Amended 0, Repealed 0.

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

Effective Date of Rule: April 1, 2003.

February 27, 2003

John Charles
 Director

NEW SECTION

WAC 415-02-310 How does the department use my age in calculating benefits? This section provides an overview of the several different ways in which the department uses age in calculating benefits. The department may use your age to determine your retirement date, early retirement factors to apply, survivor factors, or cost of living adjustment factors.

(1) **Present value:** The department uses a rounding method to determine your age when calculating what your future lifetime monthly benefit is worth in present-day dol-

lars. If the number of months in your age is under six months, the department will round down. If the number is six months or more, the department will round up. See WAC 415-02-340 for more information about the present value calculations.

Example 1:

At the time that the department is calculating Sharon's age in making a present value calculation, Sharon is 55 years, 5 months and 26 days old. The department will round down and use 55 as Sharon's age.

Example 2:

At the time that the department is calculating Donna's age in making a present value calculation, Donna is 54 years and 7 months old. The department will round up and use 55 as Donna's age.

(2) **Early retirement:** The department uses the difference between your "fully eligible retirement date" and your actual retirement date in calculating any actuarial reductions to your benefits. See WAC 415-02-320 for more information about early retirement.

(a) **Step 1: Determine the fully eligible retirement date.**

(i) The department first calculates the date on which you would have been fully eligible to retire.

(ii) **All plans (except for LEOFF Plan 1, TRS Plan 1, WSPRS Plans 1 and 2, JRF and JRS):** You can retire the first day of the month following your meeting the age requirement for retirement if you are otherwise eligible.

Example: Jake was born on May 12, 1934. On May 12, 1999, Jake reaches age 65 and has met the age requirement for retirement. Provided that he is otherwise eligible, Jake's retirement date is June 1, 1999.

(iii) **LEOFF Plan 1, TRS Plan 1, WSPRS Plans 1 and 2, JRF, and JRS:** If a retirement date other than the first of the month is allowed, you can retire on the day you meet the age requirement, or the following day (depending on the plan).

Example: If Jake is a member of this type of plan, he could retire May 12th or 13th, 1999 (his birthday or the day after his birthday).

(b) **Step 2: Determine the difference.** The department next calculates the difference between your fully eligible retirement date and your actual retirement date by subtracting the actual retirement year and month from the fully eligible retirement year and month. (Days are not used in the calculation.)

(i) **Example:**

Fully eligible date:	06/01/99
Minus actual retirement date:	08/01/95
Difference:	3 years, 10 months

PERMANENT

(ii) Example:

Fully eligible date: 05/25/99
 Minus actual retirement date: 08/01/95
 Difference: 3 years, 9 months

(c) **Step 3: Determine the early retirement factor.** The department uses the difference calculated in step 2 to determine the early retirement factor (ERF) used to calculate your benefit as described in WAC 415-02-320.

(3) **Optional COLA Factor for PERS Plan 1 and TRS Plan 1.** The department uses the rounding method described in the "present value" subsection in this section to calculate your age when determining the optional COLA factor. See WAC 415-02-360 for a description of the optional COLA factor calculation.

(4) **Calculating age to use in determining the survivor option factor.** At retirement, if you select a survivor option, the department must calculate the difference between your age and your beneficiary's age. See WAC 415-02-380 for more information about survivor options.

(a) **Step 1:** The department calculates your age and your beneficiary's age at the time of your retirement.

(b) **Step 2:** The department rounds the ages, using the same method described in the "present value" subsection in this section.

(c) **Step 3:** The department subtracts your beneficiary's age from your age.

Example:

Member's age: 60
 Minus beneficiary's age: 49
 11

Result: The department will use the survivor option factor for a beneficiary who is 11 years younger than the member.

Example:

Member's age: 65
 Minus beneficiary's age: 67
 -2

Result: The department will use the survivor option factor for a beneficiary who is two years older than the member.

(5) Terms used

- (a) JRF - Judicial retirement fund.
- (b) JRS - Judicial retirement system.
- (c) LEOFF - Law enforcement officers' and fire fighters' system.
- (d) PERS - Public employees' retirement system.
- (e) SERS - School employees' retirement system.
- (f) TRS - Teachers' retirement system.
- (g) WSPRS - Washington state patrol retirement system.

NEW SECTION

WAC 415-02-350 What are cost of living adjustments (COLA) and how are they calculated? (1) What is a cost of living adjustment (COLA)? A retiree's, beneficiary's, or ex-spouse's benefit is a fixed amount. The benefit's

value can change in the years after retirement because of inflation or other factors. A COLA automatically adjusts benefits based on the cost of living changes.

(2) **What retirement plans include COLAs?** With one exception, all retirement plans that the department administers provide one or more of the types of COLAs listed in subsection (3) of this section. The judges retirement fund (JRF) (chapter 2.12 RCW) does not provide a COLA.

(3) **What are the types of COLAs?**

(a) **Auto COLA**

The auto COLA is an option members can select at retirement. Members who choose this option have their benefits actuarially reduced at retirement to provide for an automatic annual adjustment in the benefit for the members' lives. The auto COLA has no age requirement and is based on the annual Consumer Price Index (CPI)¹ change up to a maximum of 3% times the monthly benefit. The annual adjustment for the uniform COLA is independent from the auto COLA or any other COLA.

¹CPI for the Seattle-Tacoma-Bremerton, Washington area for urban wage earners and clerical workers compiled by the Bureau of Labor Statistics, United States Department of Labor.

(b) **Base COLA**

The base COLA is applied in July (April for LEOFF Plan 1) of each year and adjusts the benefit based on the change in the CPI for Seattle.

(c) **Uniform COLA**

The uniform COLA is an annual adjustment to the benefit, based on years of service, payable to:

(i) Retirees, beneficiaries, or ex-spouses age 66 or older who have been retired for at least one year by July 1st of each year; and

(ii) Retirees, beneficiaries, or ex-spouses of any age whose retirement is calculated under the minimum formula.

(4) **How are COLAs calculated?** The retirement statutes for all department administered systems explain how the COLAs are calculated. Refer to the following table to find your plan:

RETIREMENT SYSTEM	PLAN	COLA TYPE	STATUTE
JUDICIAL		Base	RCW 2.10.170
LEOFF	Plan 1	Base	RCW 41.26.240
LEOFF	Plan 2	Base	RCW 41.26.440
PERS	Plan 1	Uniform	RCW 41.40.197
PERS	Plan 1	Optional Auto	RCW 41.40.188 (1)(c)
PERS	Plan 2	Base	RCW 41.40.640
PERS	Plan 3	Base	RCW 41.40.840
SERS	Plans 2 and 3	Base	RCW 41.35.210
TRS	Plan 1	Uniform	RCW 41.32.489
TRS	Plan 1	Optional Auto	RCW 41.32.530 (1)(d)
TRS	Plan 2	Base	RCW 41.32.770
TRS	Plan 3	Base	RCW 41.32.845
WSPRS	Plans 1 and 2	Base	RCW 43.43.260

PERMANENT

(5) Who provides the amounts used in the calculations?

(a) The amount of change for each COLA is provided annually by the office of the state actuary (OSA) to the department. Questions concerning how a specific amount is calculated should be directed to OSA.

(b) Based upon the amounts that OSA provides, the department calculates the COLA applied to a benefit.

(c) Questions concerning eligibility and COLA formulas should be directed to the department. Please see WAC 415-06-100 for information on contacting the department.

WSR 03-06-046
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 28, 2003, 8:22 a.m.]

Date of Adoption: February 25, 2003.

Purpose: These rules are being modified to: (1) Provide a clear explanation of circumstances under which client benefits will continue when there is disagreement with how the department counted the months on cash assistance towards the time limit; and (2) explain under what circumstances the department will change the number of months that count against the time limit.

Citation of Existing Rules Affected by this Order: Amending WAC 388-484-0005.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 78.08A.340.

Adopted under notice filed as WSR 02-17-110 on August 21, 2002.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

February 25, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-12-068, filed 5/31/02, effective 6/1/02)

WAC 388-484-0005 There is a five year (sixty-month) time limit for TANF, SFA and GA-S cash assistance. (1) What is the sixty-month time limit?

(a) You can receive cash assistance for temporary assistance for needy families (TANF), state family assistance (SFA), and general assistance for pregnant women (GA-S) for a lifetime limit of sixty months. The time limit applies to cash assistance provided by any combination of these programs, and whether or not it was received in consecutive months.

(b) If you receive cash assistance for part of the month, it counts as a whole month against the time limit.

(c) If you have received cash assistance from another state on or after August 1, 1997, and it was paid for with federal TANF funds, those months will count against your time limit.

(d) The time limit does not apply to diversion cash assistance, support services, food assistance or Medicaid.

(2) When did the sixty-month time limit go into effect?

The sixty-month time limit applies to cash assistance received on or after August 1, 1997 for TANF and SFA. Although the GA-S program no longer exists, the time limit applies to GA-S cash assistance received from May 1, 1999 through July 31, 1999.

(3) Does the time limit apply to me?

The sixty-month time limit applies to you for any month in which you are a parent or other relative as defined in WAC 388-454-0010, or a minor parent emancipated through court order or marriage.

(4) Do any exceptions to the time limits apply to me?

The department does not count months of assistance towards the sixty-month time limit if you are:

(a) ~~((A nonneedy))~~ An adult caretaker ((relative)), as described in WAC 388-454-0005 through 488-454-0010, who is not a member of the assistance unit and you are receiving cash assistance on behalf of a child;

(b) An unemancipated pregnant or parenting minor living in a department approved living arrangement as defined by WAC 388-486-0005; or

(c) An American Indian or Native Alaskan adult and you are living in Indian country, as defined under 18 U.S.C. 1151, or an Alaskan Native village and you are receiving TANF, SFA, or GA-S cash assistance during a period when at least fifty percent of the adults living in Indian country or in the village were not employed. See WAC 388-484-0010.

(5) What happens if a member of my assistance unit has received sixty months of TANF, SFA, and GA-S cash benefits?

Once any adult or emancipated minor in the assistance unit has received sixty months of cash assistance, the entire assistance unit becomes ineligible for TANF or SFA cash assistance, unless you are eligible for an extended period of cash assistance called a TANF/SFA time limit extension under WAC 388-484-0006.

WSR 03-06-047

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed February 28, 2003, 8:23 a.m.]

(6) What can I do if I disagree with how the department has counted my months of cash assistance?

(a) If you disagree with how ~~((the department has))~~ we counted your months of cash assistance, you may ask for a hearing within ninety days of ~~((receiving notice of the count))~~ the date we sent you a letter telling you how many months we are counting.

(b) ~~((If your cash assistance is terminated after sixty months and you ask for a hearing as provided under chapter 388-02 WAC, your cash assistance will be continued during the course of your initial administrative appeal. You may be required to repay up to sixty days of cash assistance if the department's decision is found to be correct as described in WAC 388-410-0001(3)(b)))~~ You will get continued benefits (the amount you were getting before the change) if:

(i) You have used all sixty months of benefits according to our records;

(ii) Your cash assistance payment has been changed to a Child SafetyNet Payment, as described in WAC 388-310-1650; and

(iii) You ask for a hearing within the ten-day notice period, as described in chapter 388-458 WAC.

(c) If you get continued benefits and the administrative law judge (ALJ) agrees with our decision, you may have to pay back the continued benefits after the hearing, as described in chapter 388-410 WAC.

(7) Does the department ever change the number of months that count against my time limit?

We change the number of months we count in the following situations:

(a) You repay an overpayment for a month where you received benefits but were not eligible for any of the benefits you received. We subtract one month for each month that you completely repay. If you were eligible for some of the benefits you received, we still count that month against your time limit.

(b) We did not close your grant on time when the division of child support (DCS) collected money for you that was over your grant amount two months in a row, as described in WAC 388-422-0030.

(c) An ALJ decides at a fair hearing that we should change the number of months we count.

(d) You start getting worker's compensation payments from the department of labor and industries (L&I) and your L&I benefits have been reduced by the payments we made to you.

(e) You participated in the excess real property (ERP) program in order to get assistance and we collected the funds when your property sold.

(f) Another state gave us incorrect information about the number of months you got cash assistance from them.

Date of Adoption: February 22, 2003.

Purpose: To incorporate contract language into rule, remove Level B services from the program, update and clarify current policy, and repeal WAC 388-550-3401. The program will continue to provide acute PM&R (physical medicine and rehabilitation) services while removing references to Level A and B services.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-550-3401; and amending WAC 388-550-2501, 388-550-2511, 388-550-2521, 388-550-2531, 388-550-2541, 388-550-2551, 388-550-2561, and 388-550-3381.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Other Authority: 42 C.F.R. 482.56.

Adopted under notice filed as WSR 02-24-072 on December 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: The follow changes from the proposed to the adopted rules as a result of comments received. Deleted text is lined out and new text is underlined.

WAC 388-550-2531(2) A hospital that applies to become an MAA-approved acute PM&R facility...

WAC 388-550-2561 (2)(a)(i) Be eligible under one of the programs listed in WAC 388-550-2521, subject to the restrictions and limitations listed in that section.

WAC 388-550-2561(6) ~~The acute PM&R facility staff~~ A facility intending to transfer a client to an MAA-approved acute PM&R facility, and/or an acute PM&R facility requesting an extension of stay for a client, must: (a) Discuss MAA's authorization decision with the client and/or the client's family legal representative; and (b) Document in the client's medical record that MAA's decision was discussed with the client and/or the client's family legal representative.

WAC 388-550-3381(2) ~~Inpatient acute~~ Acute PM&R room and board includes, but is not limited to:

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 8, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.
February 22, 2003
Bonita H. Jacques
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2501 Acute physical medicine and rehabilitation (acute PM&R) program—General. Acute physical medicine and rehabilitation (acute PM&R) is a twenty-four-hour inpatient comprehensive program of integrated medical and rehabilitative services provided during the acute phase of a client's rehabilitation. ~~((#))~~ The medical assistance administration (MAA) requires prior authorization ((by medical assistance administration (MAA))-) for acute PM&R services. (See WAC 388-550-2561 for prior authorization requirements.)

(1) ~~((A multidisciplinary))~~ An interdisciplinary team coordinates individualized ((client)) acute PM&R services at an MAA-approved rehabilitation facility to achieve the following for ((the)) a client:

- (a) Improved health and welfare; and
- (b) Maximum physical, social, psychological and educational or vocational potential.

(2) MAA determines ~~((the))~~ and authorizes a length of stay based on ((individual cases and)):

- (a) The client's acute PM&R needs; and
- (b) Community standards of care for acute PM&R services.

(3) When MAA's authorized acute period of rehabilitation ends, the provider transfers the client to a more appropriate level of care. Therapies may continue to help the client achieve maximum potential through other MAA programs such as:

- (a) Home health services ~~((see subchapter II of chapter 388-551 WAC))~~;
- (b) Nursing facilities ~~((see chapter 388-97 WAC); or~~
- ~~(c) Outpatient hospital services (see chapter 388-550 WAC))~~;
- (c) Outpatient physical, occupational, and speech therapies; or
- (d) Neurodevelopmental centers.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2511 Acute PM&R definitions. The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to ~~((this subchapter. Defined words and phrases are bolded in the text. In case of any conflicts))~~ the acute PM&R program. If conflicts occur, this section prevails for this subchapter.

"Accredit" (or "Accreditation") ~~((is))~~ means a term used by nationally recognized health organizations, such as CARF, to state a facility meets community standards of medical care.

"Acute" means an intense medical episode, not longer than ~~((two))~~ three months.

"Acute physical medicine and rehabilitation (acute PM&R)" means a comprehensive inpatient rehabilitative program coordinated by ~~((a multidisciplinary))~~ an interdisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four-hour specialized nursing services and an intense level of therapy for ((a diagnostic category)) specific medical conditions for which the client shows significant potential for functional improvement.

"Administrative day" means a day of a hospital stay in which an acute inpatient level of care is no longer necessary, and noninpatient hospital placement is appropriate.

"Administrative day rate" means the statewide Medicaid average daily nursing facility rate as determined by the department.

"CARF((®))" is the official name for The Rehabilitation Accreditation Commission of Tucson, Arizona. CARF is a national private agency that develops and maintains current, "field-driven" (community) standards through surveys and accreditations of rehabilitation facilities.

~~((Level A services mean hospital-based acute rehabilitation services for medically stable clients with conditions that require complex nursing, medical and therapy needs as listed in WAC 388-550-2551(2). Such conditions include, but are not limited to, traumatic brain injuries, spinal cord injuries, and complicated bilateral amputations.~~

~~((Level B services mean hospital or nursing facility-based acute rehabilitation services for medically stable clients with new or exacerbated multiple sclerosis, mild head injuries, spinal cord injuries following the removal of the thoracic lumbar sacral orthosis (TLSO), and other medical conditions that require less complex nursing, medical and therapy needs as listed in WAC 388-550-2551(3).))~~

"Rehabilitation Accreditation Commission, The" - See "CARF."

"Survey" or "review" means an inspection conducted by a federal, state, or private agency to evaluate and monitor a facility's compliance with acute PM&R program requirements.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2521 Client eligibility requirements for acute PM&R services. ~~((1))~~ Clients in any of the following medical programs are eligible to receive acute PM&R Level A and Level B services:

- (a) Children's health (V);
- (b) Categorically needy program (CNP);
- (c) Categorically needy program—qualified Medicare beneficiary (CNP-QMB);
- (d) General assistance—determination pending for disability (GAX);
- (e) Limited casualty program—medically needy program (LCP-MNP); and
- (f) Medically needy program—qualified Medicare beneficiary (MNP-QMB).

(2) Clients in any of the following programs may receive only Level A hospital-based services:

(a) ~~Medically indigent program (MIP) emergency hospital-based and emergency transportation services. These clients may only receive services when:~~

(i) ~~They are transferred directly from an acute hospital stay; and~~

(ii) ~~The client's acute PM&R needs are directly related to the emergency medical need for the hospital stay;~~

(b) ~~General assistance unemployable (GAU - No out-of-state care);~~

(c) ~~CNP - emergency medical only;~~

(d) ~~LCP-MNP - emergency medical only; and~~

(e) ~~Alcoholism and drug addiction treatment and support act (ADATSA) (GAW).~~

(3) ~~Clients in programs not listed in this section are not covered for acute PM&R services. See WAC 388-529-0100 and 388-529-0200 for scope of medical coverage.~~

(4) ~~If a client is enrolled in an MAA Healthy Options managed care plan at the time of acute care admission, that plan pays for and coordinates acute PM&R services as appropriate) (1) Only a client who is eligible for one of the following programs may receive acute PM&R services, subject to the restrictions and limitations in this section and WAC 388-550-2501, 388-550-2511, 388-550-2531, 388-550-2541, 388-550-2551, 388-550-2561, 388-550-3381, and other published rules:~~

(a) ~~Categorically needy program (CNP);~~

(b) ~~CNP - Children's health insurance program (CNP-CHIP);~~

(c) ~~Limited casualty program - Medically needy program (LCP-MNP);~~

(d) ~~CNP - Emergency medical only;~~

(e) ~~LCP-MNP - Emergency medical only;~~

(f) ~~General assistance unemployable (GAU - No out-of-state care);~~

(g) ~~Alcoholism and drug addiction treatment and support act (ADATSA); and~~

(h) ~~Medically indigent program (MIP) - Emergency hospital-based and emergency transportation services only when:~~

(i) ~~The client is transferred directly from an acute hospital stay; and~~

(ii) ~~The client's acute PM&R needs are directly related to the emergency medical condition that qualified the client for MIP.~~

(2) ~~If a client is enrolled in an MAA Healthy Options managed care plan at the time of acute care admission, that plan pays for and coordinates acute PM&R services as appropriate.~~

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2531 Requirements for becoming an ((MAA Level A or B)) acute PM&R provider. (((1) To provide acute PM&R services to medical assistance clients, a provider obtains MAA approval for the facility. To obtain MAA approval for the facility, the provider must:

(a) **Submit a letter of request;**

(b) ~~Include evidence that confirms the requirements listed in subsection (2) and (3) of this section are met; and~~

(c) ~~Send the letter and documentation to:~~

~~Acute PM&R Program Manager~~

~~Division of Health Services Quality Support~~

~~Medical Assistance Administration~~

~~PO Box 45506~~

~~Olympia WA 98504-5506~~

(2) ~~In order to be approved by MAA as a Level A provider, a hospital must be:~~

(a) ~~Medicare certified;~~

(b) ~~Accredited by the joint commission on accreditation of hospital organizations (JCAHO);~~

(c) ~~Licensed by department of health (DOH) as an acute care hospital (as defined by DOH in WAC 246-310-010, Definitions);~~

(d) ~~CARF accredited for comprehensive integrated inpatient rehabilitation programs; and~~

(e) ~~Operating per the standards set by DOH, excluding the certified rehabilitation registered nurse (CRRN) requirement, in either:~~

(i) ~~WAC 246-976-830, Level I trauma rehabilitation designation; or~~

(ii) ~~WAC 246-976-840, Level II trauma rehabilitation designation.~~

(3) ~~In order to be approved by and contracted with MAA as a Level B provider, a facility must be:~~

(a) ~~Medicare certified;~~

(b) ~~Licensed by DOH as an acute care hospital (as defined by DOH in WAC 246-310-010, Definitions) or nursing facility;~~

(c) ~~CARF accredited for comprehensive integrated inpatient rehabilitation programs;~~

(d) ~~Contracted under MAA's selective contracting program, if in a selective contracting area, unless exempted from the requirement by MAA; and~~

(e) ~~Operating per the standards set by DOH in WAC 246-976-840, Level II trauma rehabilitation designation, excluding the CRRN requirement.~~

(4) ~~To obtain conditional contract approval, the applying facility must meet the criteria in subsections (1), (2) and/or (3) of this section, excluding the CARF accreditation requirement listed in section (2)(e) and (3)(e) of this section. The facility must:~~

(a) ~~Actively operate under CARF standards; and~~

(b) ~~Have begun the process of obtaining full CARF accreditation.~~

(5) ~~MAA will revoke a conditional contract approval if the facility does not obtain full CARF accreditation within twelve months of the conditional approval date by MAA)) (1)~~

~~Only an in-state or border area hospital may apply to become a medical assistance administration (MAA)-approved acute PM&R facility. To apply, MAA requires the hospital provider to submit a letter of request to:~~

~~Acute PM&R Program Manager~~

~~Division of Medical Management - Medical Operations~~

~~Medical Assistance Administration~~

~~PO Box 45506~~

~~Olympia, WA 98504-5506~~

(2) A hospital that applies to become an MAA-approved acute PM&R facility must provide MAA with documentation that confirms the facility is all of the following:

- (a) A Medicare-certified hospital;
- (b) Accredited by the Joint Commission on Accreditation of Hospital Organizations (JCAHO);
- (c) Licensed by the department of health (DOH) as an acute care hospital as defined under WAC 246-310-010;
- (d) CARF accredited as a comprehensive integrated inpatient rehabilitation program or as a pediatric family centered rehabilitation program, unless subsection (3) of this section applies;
- (e) Contracted under MAA's selective contracting program, if in a selective contracting area, unless exempted from the requirements by MAA; and
- (f) Operating per the standards set by DOH (excluding the certified rehabilitation registered nurse (CRRN) requirement) in either:

(i) WAC 246-976-830, Level I trauma rehabilitation designation; or

(ii) WAC 246-976-840, Level II trauma rehabilitation designation.

(3) A hospital not yet accredited by CARF:

(a) May apply for or be awarded a twelve-month conditional written approval by MAA if the facility:

(i) Provides MAA with documentation that it has started the process of obtaining full CARF accreditation; and

(ii) Is actively operating under CARF standards.

(b) Is required to obtain full CARF accreditation within twelve months of MAA's conditional approval date. If this requirement is not met, MAA sends a letter of notification to revoke the conditional approval.

(4) A hospital qualifies as an MAA-approved acute PM&R facility when:

(a) The facility meets all the applicable requirements in this section;

(b) MAA's clinical staff has conducted a facility site visit; and

(c) MAA provides written notification that the facility qualifies to be reimbursed for providing acute PM&R services to eligible medical assistance clients.

(5) MAA-approved acute PM&R facilities must meet the general requirements in chapter 388-502 WAC, Administration of medical programs—Providers.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2541 Quality of care ((for acute PM&R clients through audits and reviews)). (1) To ensure quality of care, the medical assistance administration (MAA) may conduct ((an on-site review)) reviews (e.g., post-pay, on-site) of any MAA-approved acute PM&R facility. ((See WAC 388-501-0130, Administrative controls, for additional information on audits conducted by department staff.))

(2) ((In addition, MAA-approved Level B nursing facilities are subject to regular on-site surveys conducted by the department's aging and adult services administration (AASA):)) A provider of acute PM&R services must act on any report of substandard care or violation of the facility's

medical staff bylaws and CARF standards. The provider must have and follow written procedures that:

(a) Provide a resolution to either a complaint or grievance or both; and

(b) Comply with applicable CARF standards for adults or pediatrics as appropriate.

(3) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

(a) The department of health (DOH);

(b) The Joint Commission on Accreditation of Health-care Organizations (JCAHO);

(c) CARE;

(d) MAA; or

(e) Other agencies with review authority for MAA programs.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2551 How ((MAA determines)) a client ((placement in Level A or B)) **qualifies for acute PM&R services.** ((1) At the time of authorization, MAA determines the most appropriate client placement on a case-by-case basis:

(a) In the level of care (level A or B);

(b) In the least restrictive environment; and

(c) At the lowest cost to MAA.

(2) Examples of client conditions suitable for Level A placement include:

(a) Cognitive and/or motor deficits;

(b) Brain damage from infectious brain diseases;

(c) Quadriplegia or paraplegia;

(d) Skin flap grafts for decubitus ulcers that need close observation by a surgeon, when the client is ready to mobilize or be upright in a chair;

(e) Extensive burns requiring complex medical care and debridement;

(f) Bilateral limb loss requiring close observation when the client has complex medical needs;

(g) Multiple trauma with complicated orthopedic conditions and neurological deficits; or

(h) Stroke with resulting hemiplegia or severe cognitive deficits, including speech and swallowing deficits requiring close observation with radiological examination.

(3) Examples of client conditions suitable for Level B placement include:

(a) New strokes when medically stable;

(b) Newly diagnosed or recently exacerbated multiple sclerosis with new loss of function;

(c) New mild head injury when medically stable; or

(d) Spinal cord injuries following the removal of a thoracic lumbar sacral orthosis after the client's first phase of acute rehabilitation)) (1) To qualify for acute PM&R services, a client must meet one of the conditions in subsection (2) of this section and have:

(a) Extensive or complex medical needs, nursing needs, and therapy needs; and

(b) A recent or new onset of a condition that causes an impairment in two or more of the following areas:

- (i) Mobility and strength;
- (ii) Self-care/ADLs (activities of daily living);
- (iii) Communication; or
- (iv) Cognitive/perceptual functioning.

(2) To qualify for acute PM&R services, a client must meet the conditions in subsection (1) of this section and have a new or recent onset of one of the following conditions:

- (a) Brain injury caused by trauma or disease.
- (b) Spinal cord injury resulting in:
 - (i) Quadriplegia; or
 - (ii) Paraplegia.
- (c) Extensive burns.
- (d) Bilateral limb loss.
- (e) Stroke or aneurysm with resulting hemiplegia or cognitive deficits, including speech and swallowing deficits.

(f) Multiple trauma (after the client is cleared to bear weight) with complicated orthopedic conditions and neurological deficits.

(g) Severe pressure ulcers after skin flap surgery for a client who:

- (i) Requires close observation by a surgeon; and
- (ii) Is ready to mobilize or be upright in a chair.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2561 MAA's **prior authorization requirements for ((authorizing)) acute PM&R services.** ~~((1) The patient care coordinator or the attending physician must call the MAA clinical consultation team before admitting an MAA client.~~

~~(2) The patient care coordinator or attending physician must provide to MAA objective information showing that:~~

~~(a) Acute PM&R treatment would effectively enable the client to obtain a greater degree of self-care, independence, or both;~~

~~(b) The client's medical condition requires that intensive twenty-four-hour inpatient comprehensive acute PM&R services be provided in an MAA-approved acute PM&R facility; and~~

~~(c) The client suffers from severe disabilities including, but not limited to, motor and/or cognitive deficits.~~

~~(3) Clients must be medically stable and show evidence that they are physically and cognitively ready to participate in the rehabilitation program. They must be willing and capable to participate at least three hours per day, seven days per week, in acute PM&R activities.~~

~~(4) For extension of authorization, the facility's rehabilitation staff must provide adequate medical justification, including significant observable improvement in the client's condition, to MAA prior to the expiration of the initial approved stay. If MAA denies the extension, the client must be transferred to an appropriate lower level of care as defined in WAC 388-550-2501(3).~~

~~(5) MAA may authorize administrative day reimbursement for clients who do not meet requirements described in this section, or who stay in the facility longer than the community standard's length of stay. The administrative day rate~~

~~is the statewide Medicaid average daily nursing facility rate as determined by the department)) (1) The medical assistance administration (MAA) requires prior authorization for acute PM&R services. The acute PM&R provider of services must obtain prior authorization:~~

~~(a) Before admitting a client to the rehabilitation unit; and~~

~~(b) For an extension of stay before the client's current authorized period of stay expires.~~

~~(2) For an initial admit:~~

~~(a) A client must:~~

~~(i) Be eligible under one of the programs listed in WAC 388-550-2521, subject to the restrictions and limitations listed in that section;~~

~~(ii) Require acute PM&R services as determined in WAC 388-550-2551;~~

~~(iii) Be medically stable and show evidence of physical and cognitive readiness to participate in the rehabilitation program; and~~

~~(iv) Be willing and capable to participate at least three hours per day, seven days per week, in acute PM&R activities.~~

~~(b) The acute PM&R provider of services must:~~

~~(i) Submit a request for prior authorization to the MAA clinical consultation team by fax, electronic mail, or telephone as published in MAA's acute PM&R billing instructions; and~~

~~(ii) Include sufficient medical information to justify that:~~
~~(A) Acute PM&R treatment would effectively enable the client to obtain a greater degree of self-care and/or independence;~~

~~(B) The client's medical condition requires that intensive twenty-four-hour inpatient comprehensive acute PM&R services be provided in an MAA-approved acute PM&R facility; and~~

~~(C) The client suffers from severe disabilities including, but not limited to, neurological and/or cognitive deficits.~~

~~(3) For an extension of stay:~~

~~(a) A client must meet the conditions listed in subsection (2)(a) of this section and have observable and significant improvement; and~~

~~(b) The acute PM&R provider of services must:~~

~~(i) Submit a request for the extension of stay to the MAA clinical consultation team by fax, electronic mail, or telephone as published in MAA's acute PM&R billing instructions; and~~

~~(ii) Include sufficient medical information to justify the extension and include documentation that the client's condition has observably and significantly improved.~~

~~(4) If MAA denies the request for an extension of stay, the client must be transferred to an appropriate lower level of care as described in WAC 388-550-2501(3).~~

~~(5) The MAA clinical consultation team approves or denies authorization for acute PM&R services for initial stays or extensions of stay based on individual circumstances and the medical information received. MAA notifies the client and the acute PM&R provider of a decision.~~

~~(a) If MAA approves the request for authorization, the notification letter includes:~~

~~(i) The number of days requested;~~

(ii) The allowed dates of service;

(iii) An MAA-assigned authorization number;

(iv) Applicable limitations to the authorized services;

and

(v) MAA's process to request additional services.

(b) If MAA denies the request for authorization, the notification letter includes:

(i) The number of days requested;

(ii) The reason for the denial;

(iii) Alternative services available for the client; and

(iv) The client's right to request a fair hearing. (See subsection (7) of this section.)

(6) A facility intending to transfer a client to an MAA-approved acute PM&R facility, and/or an acute PM&R facility requesting an extension of stay for a client, must:

(a) Discuss MAA's authorization decision with the client and/or the client's legal representative; and

(b) Document in the client's medical record that MAA's decision was discussed with the client and/or the client's legal representative.

(7) A client who does not agree with a decision regarding acute PM&R services has a right to a fair hearing under chapter 388-02 WAC. After receiving a request for a fair hearing, MAA may request additional information from the client and the facility, or both. After MAA reviews the available information, the result may be:

(a) A reversal of the initial MAA decision;

(b) Resolution of the client's issue(s); or

(c) A fair hearing conducted per chapter 388-02 WAC.

(8) MAA may authorize administrative day(s) for a client who:

(a) Does not meet requirements described in subsection (3) of this section;

(b) Stays in the facility longer than the "community standards length of stay"; or

(c) Is waiting for a discharge destination or a discharge plan.

(9) MAA does not authorize acute PM&R services for a client who:

(a) Is deconditioned by a medical illness or by surgery;

or
(b) Has loss of function primarily as a result of a psychiatric condition(s); or

(c) Has had a recent surgery and has no complicating neurological deficits. Examples of surgeries that do not qualify a client for inpatient acute PM&R services without extenuating circumstances are:

(i) Single amputation;

(ii) Single extremity surgery; and

(iii) Spine surgery.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-3381 (~~How MAA pays~~) **Payment methodology for acute PM&R** (~~facilities for Level A~~) **services and administrative day services. The medical assistance administration's (MAA's) payment methodology**

for acute PM&R services provided by hospital-based acute PM&R facilities is described in this section.

~~(1) ((A-Level-A)) MAA pays a rehabilitation facility ((is paid by MAA)) according to((~~

~~(a)) the individual hospital's current ratio of costs-to-charges as described in WAC 388-550-4500, Payment method—RCC((; and~~

~~(b) MAA's fee schedule as described in WAC 388-550-6000, Payment—Outpatient hospital services)).~~

~~(2) ((Level A inpatient)) Acute PM&R room and board includes, but is not limited to:~~

~~(a) Facility use;~~

~~(b) Medical social services;~~

~~(c) Bed and standard room furnishings; and~~

~~(d) Dietary and nursing services.~~

~~(3) When MAA authorizes administrative day(s) for a client as described in WAC 388-550-2561(8), MAA reimburses the facility:~~

~~(a) The administrative day rate; and~~

~~(b) For pharmaceuticals prescribed in the client's use during the administrative portion of the client's stay.~~

~~(4) The department pays for transportation services provided to a client receiving acute PM&R services in a hospital-based facility according to chapter 388-546 WAC.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-550-3401

How MAA pays acute PM&R facilities for Level B services.

WSR 03-06-048

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed February 28, 2003, 8:25 a.m., effective April 1, 2003]

Date of Adoption: February 22, 2003.

Purpose: Adopting new WAC 388-513-1364 Evaluating the transfer of assets made on or after April 1, 2003, for long-term care (LTC) services, and amending WAC 388-561-0001 Definitions.

As a cost-saving measure, the department is changing the way penalty periods are determined when a long-term care client transfers assets without adequate consideration. Partial months will now be included in the penalty period determination. To establish clear policy on sole-benefit trusts as they affect a client's eligibility for long-term care program services.

Citation of Existing Rules Affected by this Order: Amending WAC 388-561-0001.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Adopted under notice filed as WSR 03-02-055 on December 26, 2002.

Changes Other than Editing from Proposed to Adopted Version: The text of the adopted rule varies from the text of the proposed rule. The changes (other than editing changes) are as follows (additions are identified by underline and deletions are identified by ~~strikethrough~~):

New WAC 388-513-1364:

Effective date of rule has been changed from March 1, 2003, to April 1, 2003, throughout the text.

Subsection (1) The Department ~~disregards~~ does not apply a penalty period to the following transfers by the client, if they meet the conditions described:

Subsection (1)(e) The transfer of an asset ~~other than the home~~, if the transfer meets the conditions described in subsection (4), and the asset is transformed:

(i) ~~To the client's spouse or~~ To another person for the sole benefit of the spouse;

(ii) From the client's spouse to another person for the sole benefit of the spouse;

(iii) ~~To the client's child who meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c), or~~ To a trust established for the sole benefit of this child the client's child who meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c); or

Subsection (1)(f) The asset is transferred to the client's spouse or to the client's child, if the child meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c).

Subsection (2) The department ~~disregards~~ does not establish a period of ineligibility for the transfer of an asset to a family member prior to the current period of institutional status ~~and does not establish a period of ineligibility, if:~~

(a) The transfer is in exchange for care services the family member provided the client;

(b) The client has a documented need for the care services provided by the family member;

(c) The care services provided by the family member are allowed under the Medicaid state plan or the department's waived services;

(d) The care services provided by the family member do not duplicate those that another party is being paid to provide;

(e) The FMV of the asset transferred is comparable to the FMV of the care services provided;

(f) The time for which care services are claimed is reasonable based on the kind of services provided;

~~(g) Compensation has been paid as the care services were performed or with no more time delay than one month between the provision of the service and payment; and~~

~~(h) There is a written agreement:~~

~~(i) Describing the terms of the exchange;~~

~~(ii) Stating that the transfer of an asset is considered payment for the care services provided; and~~

~~(iii) Signed by the client and family member prior to the date the provision of services began.~~

Subsection (4) The department considers the transfer of an asset or the establishment of a trust to be for the sole benefit of a person described in subsection (1)(e), if the transfer or trust:

(a) Is established by a legal document that makes the transfer irrevocable; ~~and~~

(b) Provides that no individual or entity except the spouse, blind or disabled child, or disabled individual can benefit from the assets transferred in any way, whether at the time of the transfer or at any time during the life of the primary beneficiary; and

~~(c) Produces a tangible benefit as defined in WAC 388-513-0001; and Provides for spending all assets involved for the sole benefit of the individual on a basis that is actuarially sound based on the life expectancy of that individual or the term of the trust, whichever is less; and~~

~~(d) Is paid out in equal monthly installments or budgeted as if paid out in equal monthly installments within the actuarial life expectancy of the beneficiary.~~ The requirements in subsection (4)(c) of this section do not apply to trusts described in WAC 388-561-0100 (5)(a) and (b).

Subsection (5) ~~If the transfer or trust does not meet the criteria described in (4)(a), (b), (c), and (d), the asset or trust will be considered available when determining eligibility.~~

Subsections (6), (7), (8), (9), (10), and (11) have been renumbered, respectively, as (5), (6), (7), (8), (9), and (10).

Added definition of:

"For the sole benefit of" means that for a transfer to a spouse, blind or disabled child, or disabled individual, the transfer is arranged in such a way that no individual or entity except the spouse, blind or disabled child, or disabled individual can benefit from the assets transferred in any way, whether at the time of the transfer or at any time during the life of the primary beneficiary.

"Sole-benefit trust" means an irrevocable trust established for the sole benefit of a spouse, blind or disabled child, or disabled individual. In a sole-benefit trust no one but the individual named in the trust receives benefit from the trust in any way either at the time the trust is established or at any time during the life of the primary beneficiary in the future. A sole-benefit trust may allow for reasonable costs to trustees for management of the trust and reasonable costs for investment of trust funds.

~~"Tangible benefits" means an asset that is producing income consistent with its fair market value (FMV), which is used for the sole benefit of a spouse, blind or disabled child, or disabled individual.~~

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Effective Date of Rule: April 1, 2003.

February 22, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-513-1364 Evaluating the transfer of an asset made on or after April 1, 2003 for long-term care (LTC) services. This section describes how the department evaluates the transfer of an asset made on or after April 1, 2003, by a client who is applying or approved for LTC services. The department must consider whether a transfer made within a specified time before the month of application requires a penalty period in which the client is not eligible for these services. Refer to WAC 388-513-1365 for rules used to evaluate the transfer of an asset made before April 1, 2003.

(1) The department does not apply a penalty period to the following transfers by the client, if they meet the conditions described:

(a) Gifts or donations totaling one thousand dollars or less in any month;

(b) The transfer of an excluded resource described in WAC 388-513-1360 with the exception of the client's home, unless the transfer of the client's home meets the conditions described in subsection (1)(d);

(c) The transfer of an asset for less than fair market value (FMV), if the client can provide evidence to the department of one of the following:

(i) An intent to transfer the asset at FMV or other adequate compensation;

(ii) The transfer is not made to qualify for LTC services;

(iii) The client is given back ownership of the asset;

(iv) The denial of eligibility would result in an undue hardship.

(d) The transfer of ownership of the client's home, if it is transferred to the client's:

(i) Spouse; or

(ii) Child, who:

(A) Meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c); or

(B) Is less than twenty-one years old; or

(C) Lived in the home for at least two years immediately before the client's current period of institutional status, and provided care that enabled the client to remain in the home; or

(iii) Brother or sister, who has:

(A) Equity in the home; and

(B) Lived in the home for at least one year immediately before the client's current period of institutional status.

(e) The transfer of an asset, if the transfer meets the conditions described in subsection (4), and the asset is transferred:

(i) To another person for the sole benefit of the spouse;

(ii) From the client's spouse to another person for the sole benefit of the spouse;

(iii) To trust established for the sole benefit of the client's child who meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c);

(iv) To a trust established for the sole benefit of a person who is sixty-four years old or younger and meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c); or

(f) The asset is transferred to the client's spouse or to the client's child, if the child meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c).

(2) The department does not establish a period of ineligibility for the transfer of an asset to a family member prior to the current period of institutional status, if:

(a) The transfer is in exchange for care services the family member provided the client;

(b) The client has a documented need for the care services provided by the family member;

(c) The care services provided by the family member are allowed under the Medicaid state plan or the department's waived services;

(d) The care services provided by the family member do not duplicate those that another party is being paid to provide;

(e) The FMV of the asset transferred is comparable to the FMV of the care services provided;

(f) The time for which care services are claimed is reasonable based on the kind of services provided; and

(g) Compensation has been paid as the care services were performed or with no more time delay than one month between the provision of the service and payment.

(3) The department considers the transfer of an asset in exchange for care services given by a family member that does not meet the criteria as described under subsection (2) as the transfer of an asset without adequate consideration.

(4) The department considers the transfer of an asset or the establishment of a trust to be for the sole benefit of a person described in subsection (1)(e), if the transfer or trust:

(a) Is established by a legal document that makes the transfer irrevocable;

(b) Provides that no individual or entity except the spouse, blind or disabled child, or disabled individual can benefit from the assets transferred in any way, whether at the time of the transfer or at any time during the life of the primary beneficiary; and

(c) Provides for spending all assets involved for the sole benefit of the individual on a basis that is actuarially sound based on the life expectancy of that individual or the term or the trust, whichever is less; and

(d) The requirements in subsection (4)(c) of this section do not apply to trusts described in WAC 388-561-0100 (5)(a) and (b).

(5) If a client or the client's spouse transfers an asset within the look-back period described in WAC 388-513-1365 without receiving adequate compensation, the result is a penalty period in which the client is not eligible for LTC services. If a client or the client's spouse transfers an asset on or after April 1, 2003, the department must establish a penalty period as follows:

(a) If a single or multiple transfers are made within a single month, then the penalty period:

(i) Begins on the first day of the month in which the transfer is made; and

(ii) Ends on the last day of the number of whole days found by dividing the total uncompensated value of the assets by the statewide average daily private cost for nursing facilities at the time of application.

(b) If multiple transfers are made during multiple months, then the transfers are treated as separate events and multiple penalty periods are established that:

(i) Begin on the latter of:

(A) The first day of the month in which the transfer is made; or

(B) The first day after any previous penalty period has ended and end on the last day of the whole number of days as described in subsection (5)(a)(ii).

(6) If an asset is sold, transferred, or exchanged, the portion of the proceeds:

(a) That is used within the same month to acquire an excluded resource described in WAC 388-513-1360 does not affect the client's eligibility;

(b) That remain after an acquisition described in subsection (6)(a) becomes an available resource as of the first day of the following month.

(7) If the transfer of an asset to the client's spouse includes the right to receive a stream of income not generated by a transferred resource, the department must apply rules described in WAC 388-513-1330 (6) through (8).

(8) If the transfer of an asset for which adequate compensation is not received is made to a person other than the client's spouse and includes the right to receive a stream of income not generated by a transferred resource, the length of the penalty period is determined and applied in the following way:

(a) The total amount of income that reflects a time frame based on the actuarial life expectancy of the client who transfers the income is added together;

(b) The amount described in subsection (8)(a) is divided by the statewide average daily private cost for nursing facilities at the time of application; and

(c) A penalty period equal to the number of whole days found by following subsections (5)(a) and (b) and (8)(a) and (b) is applied that begins on the latter of:

(i) The first day of the month in which the client transfers the income; or

(ii) The first day of the month after any previous penalty period has ended.

(9) A penalty period for the transfer of an asset that is applied to one spouse is not applied to the other spouse, unless:

(a) Both spouses are receiving LTC services; and

(b) A division of the penalty period between the spouses is requested.

(10) If a client or the client's spouse disagrees with the determination or application of a penalty period, that person may request a hearing as described in chapter 388-02 WAC.

AMENDATORY SECTION (Amending WSR 01-06-043, filed 3/5/01, effective 5/1/01)

WAC 388-561-0001 Definitions. "Annuitant" means a person or entity that receives the income from an annuity.

"Annuity" means a policy, certificate or contract that is an agreement between two parties in which one party pays a lump sum to the other, and the other party agrees to guarantee payment of a set amount of money over a set amount of time. The annuity may be purchased at one time or over a set period of time and may be bought individually or with a group. It may be revocable or irrevocable. The party guaranteeing payment can be an:

(1) Individual; or

(2) Insurer or similar body licensed and approved to do business in the jurisdiction in which the annuity is established.

"Beneficiary" means an individual(s) designated in the trust who benefits from the trust. The beneficiary can also be called the grantee. The beneficiary and the grantor may be the same person.

"Designated for medical expenses" means the trustee may use the trust to pay the medical expenses of the beneficiary. The amount of the trust that is designated for medical expenses is considered an available resource to the beneficiary. Payments are a third party resource.

"Disbursement" or "distribution" means any payment from the principal or proceeds of a trust, annuity, or life estate to the beneficiary or to someone on their behalf.

"Discretion of the trustee" means the trustee may decide what portion (up to the entire amount) of the principal of the trust will be made available to the beneficiary.

"Exculpatory clause" means there is some language in the trust that legally limits the authority of the trustee to distribute funds from a trust if the distribution would jeopardize eligibility for government programs including Medicaid.

"For the sole benefit of" means that for a transfer to a spouse, blind or disabled child, or disabled individual, the transfer is arranged in such a way that no individual or entity except the spouse, blind or disabled child, or disabled individual can benefit from the assets transferred in any way, whether at the time of the transfer or at any time during the life of the primary beneficiary.

"Grantor" means an individual who uses his assets or funds to create a trust. The grantor may also be the beneficiary.

"Income beneficiary" means the person receiving the payments may only get the proceeds of the trust. The principal is not available for disbursements. If this term is used, the principal of the trust is an unavailable resource.

"Irrevocable" means the legal instrument cannot be changed or terminated in any way by anyone.

"Life estate" means an ownership interest in a property only during the lifetime of the person(s) owning the life estate. In some cases, the ownership interest lasts only until the occurrence of some specific event, such as remarriage of the life estate owner. A life estate owner may not have the legal title or deed to the property, but may have rights to possession, use, income and/or selling their life estate interest in the property.

"Principal" means the assets that make up the entity. The principal includes income earned on the principal that

has not been distributed. The principal is also called the corpus.

"Proceeds" means the income earned on the principal. It is usually interest, dividends, or rent. When the proceeds are not distributed, they become part of the principal.

"Pooled trust" means a trust meeting all of the following conditions:

- (1) It contains funds of more than one disabled individual, combined for investment and management purposes;
- (2) It is for the sole benefit of disabled individuals (as determined by SSA criteria);
- (3) It was created by the disabled individuals, their parents, grandparents, legal guardians, or by a court;
- (4) It is managed by a nonprofit association with a separate account maintained for each beneficiary; and
- (5) It contains a provision that upon the death of the individual, for any funds not retained by the trust, the state will receive all amounts remaining in the individual's separate account up to the total amount of Medicaid paid on behalf of that individual.

"Revocable" means the legal instrument can be changed or terminated by the grantor, or by petitioning the court. A legal instrument that is called irrevocable, but that can be terminated if some action is taken, is revocable for the purposes of this section.

"Sole-benefit trust" means an irrevocable trust established for the sole-benefit of a spouse, blind or disabled child, or disabled individual. In a sole-benefit trust no one but the individual named in the trust receives benefit from the trust in any way either at the time the trust is established or at any time during the life of the primary beneficiary. A sole-benefit trust may allow for reasonable costs to trustees for management of the trust and reasonable costs for investment of trust funds.

"Special needs trust" means ((a)) an irrevocable trust meeting all of the following conditions:

- (1) It is for the sole benefit of a disabled individual (as determined by SSA criteria) under sixty-five years old;
- (2) It was created by the individual's parent, grandparent, legal guardian, or by a court; and
- (3) It contains a provision that upon the death of the individual, the state will receive the amounts remaining in the trust up to the total amount of Medicaid paid on behalf of the individual.

"Testamentary trust" means a trust created by a will from the estate of a deceased person. The trust is paid out according to the will.

"Trust" means property (such as a home, cash, stocks, or other assets) is transferred to a trustee for the benefit of the grantor or another party. The department includes in this definition any other legal instrument similar to a trust. For annuities, refer to WAC 388-561-0200.

"Trustee" means an individual, bank, insurance company or any other entity that manages and administers the trust for the beneficiary.

"Undue hardship" means the client would be unable to meet shelter, food, clothing, and health care needs if the department applied the transfer of assets penalty.

WSR 03-06-049
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed February 28, 2003, 8:26 a.m.]

Date of Adoption: February 22, 2003.

Purpose: To correct incorrect cross-references in WAC 388-531-0050 Physician-related services definitions, in "acute care" and "experimental." The cross-reference to WAC 388-246-27-015 [248-27-015] in "acute care" is obsolete; when this rule was proposed as WSR 02-18-101 on September 3, 2002, the correct cross-reference was WAC 246-327-0101. However, after this rule was proposed, chapter 246-327 WAC was repealed and replaced by chapter 246-335 WAC; therefore the cross-reference that was proposed is no longer correct and is changed to WAC 246-335-015. The cross-reference to WAC 388-531-0500 in "experimental" is incorrect due to a typographical error, and is changed to WAC 388-531-0550.

Citation of Existing Rules Affected by this Order: Amending WAC 388-531-0050.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 02-18-101 on September 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: Editing change in cross-reference in "acute care;" proposed text referred to WAC 246-327-010 which has been repealed. Replaced with reference to WAC 246-335-015 which replaced the repealed rule.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

February 22, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

WAC 388-531-0050 Physician-related services definitions. The following definitions and abbreviations and those found in WAC 388-500-0005, apply to this chapter.

Defined words and phrases are bolded the first time they are used in the text.

"Acquisition cost" means the cost of an item excluding shipping, handling, and any applicable taxes.

"Acute care" means care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status ((WAC 248-27-015)). See also WAC 246-335-015.

"Acute physical medicine and rehabilitation (PM&R)" means a comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 388-550-2501).

"Add-on procedure(s)" means secondary procedure(s) that are performed in addition to another procedure.

"Admitting diagnosis" means the medical condition responsible for a hospital admission, as defined by ICD-9-M diagnostic code.

"Advanced registered nurse practitioner (ARNP)" means a registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

"Aging and adult services administration (AASA)" means the administration that administers directly or contracts for long-term care services, including but not limited to nursing facility care and home and community services. See WAC 388-15-202.

"Allowed charges" means the maximum amount reimbursed for any procedure that is allowed by MAA.

"Anesthesia technical advisory group (ATAG)" means an advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

"Base anesthesia units (BAU)" means a number of anesthesia units assigned to a surgical procedure that includes the usual pre-operative, intra-operative, and post-operative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

"Bundled services" means services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

"Bundled supplies" means supplies which are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

"By report (BR)" means a method of reimbursement in which MAA determines the amount it will pay for a service that is not included in MAA's published fee schedules. MAA may request the provider to submit a "report" describing the nature, extent, time, effort, and/or equipment necessary to deliver the service.

"Call" means a face-to-face encounter between the client and the provider resulting in the provision of services to the client.

"Cast material maximum allowable fee" means a reimbursement amount based on the average cost among suppliers for one roll of cast material.

"Certified registered nurse anesthetist (CRNA)" means an advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the National Certification and scope of practice.

"Children's health insurance plan (CHIP)," see chapter 388-542 WAC.

"Clinical Laboratory Improvement Amendment (CLIA)" means regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

"Conversion factors" means dollar amounts MAA uses to calculate the maximum allowable fee for physician-related services.

"Covered service" means a service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

"CPT," see "current procedural terminology."

"Critical care services" means physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

"Current procedural terminology (CPT)" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Diagnosis code" means a set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.

"Emergency medical condition(s)" means a medical condition(s) that manifests itself by acute symptoms of sufficient severity so that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

"Emergency services" means medical services required by and provided to a patient experiencing an emergency medical condition.

"Estimated acquisition cost (EAC)" means the department's best estimate of the price providers generally and currently pay for drugs and supplies.

"Evaluation and management (E&M) codes" means procedure codes which categorize physician services by type of service, place of service, and patient status.

"Expedited prior authorization" means the process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to MAA which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

"Experimental" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of safety and effectiveness. See WAC ((388-531-0500)) 388-531-0550. A service is not "experimental" if the service:

- (1) Is generally accepted by the medical profession as effective and appropriate; and
- (2) Has been approved by the FDA or other requisite government body, if such approval is required.

"Fee-for-service" means the general payment method MAA uses to reimburse providers for covered medical services provided to medical assistance clients when those services are not covered under MAA's healthy options program or children's health insurance program (CHIP) programs.

"Flat fee" means the maximum allowable fee established by MAA for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

"Geographic practice cost index (GPCI)" as defined by Medicare, means a Medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

"Global surgery reimbursement," see WAC 388-531-1700.

"HCPCS Level II" means a coding system established by the HCFA to define services and procedures not included in CPT.

"Health Care Financing Administration (HCFA)" means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for the Medicare and Medicaid programs.

"Health Care Financing Administration Common Procedure Coding System (HCPCS)" means the name used for the Health Care Financing Administration codes made up of CPT and HCPCS level II codes.

"Health care team" means a group of health care providers involved in the care of a client.

"Hospice" means a medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

"ICD-9-CM," see "International Classification of Diseases, 9th Revision, Clinical Modification."

"Informed consent" means that an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

- (1) Disclosed and discussed the client's diagnosis; and
- (2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and
- (3) Given the client a copy of the consent form; and
- (4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and
- (5) Given the client oral information about all of the following:
 - (a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and
 - (b) Alternatives to the procedure including potential risks, benefits, and consequences; and
 - (c) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital admission" means an acute hospital stay for longer ((then)) than twenty-four hours when the medical care record shows the need for inpatient care beyond twenty-four hours. All admissions are considered inpatient hospital admissions, and are paid as such, regardless of the length of stay, in the following circumstances:

- (1) The death of a client;
- (2) Obstetrical delivery;
- (3) Initial care of a newborn; or
- (4) Transfer to another acute care facility.

"International Classification of diseases, 9th Revision, Clinical Modification (ICD-9-CM)" means the systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alpha-numerical designations (coding).

"Investigational" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of benefit for a particular condition. A service is not "investigational" if the service:

- (1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or
- (2) Is supported by an overall balance of objective scientific evidence, in which the potential risks and potential benefits are examined, demonstrating the proposed service to be of greater overall benefit to the client in the particular circumstance than another, generally available service.

"Life support" means mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

"Limitation extension" means a process for requesting and approving reimbursement for covered services whose proposed quantity, frequency, or intensity exceeds that which MAA routinely reimburses. Limitation extensions require prior authorization.

"Maximum allowable fee" means the maximum dollar amount that MAA will reimburse a provider for specific services, supplies, and equipment.

"Medically necessary," see WAC 388-500-0005.

"Medicare Physician Fee Schedule Data Base (MPFSDB)" means the official HCFA publication of the

Medicare policies and RVUs for the RBRVS reimbursement program.

"Medicare Program Fee Schedule for Physician Services (MPFSPS)" means the official HCFA publication of the Medicare fees for physician services.

"Medicare Clinical Diagnostic Laboratory Fee Schedule" means the fee schedule used by Medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

"Mentally incompetent" means a client who has been declared mentally incompetent by a federal, state, or local court.

"Modifier" means a two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Outpatient" means a client who is receiving medical services in other than an inpatient hospital setting.

"Peer-reviewed medical literature" means medical literature published in professional journals that submit articles for review by experts who are not part of the editorial staff. It does not include publications or supplements to publications primarily intended as marketing material for pharmaceutical, medical supplies, medical devices, health service providers, or insurance carriers.

"Physician care plan" means a written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

"Physician standby" means physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

"Physician's current procedural terminology," see "CPT, current procedural terminology."

"PM&R," see acute physical medicine and rehabilitation.

"Podiatric service" means the diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

"Pound indicator (#)" means a symbol (#) indicating a CPT procedure code listed in MAA fee schedules that is not routinely covered.

"Preventive" means medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

"Prior authorization" means a process by which clients or providers must request and receive MAA approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited

prior authorization and limitation extension are forms of prior authorization.

"Professional component" means the part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

"Prognosis" means the probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

"Prolonged services" means face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

"Provider," see WAC 388-500-0005.

"Radioallergosorbent test" or "RAST" means a blood test for specific allergies.

"RBRVS," see resource based relative value scale.

"RVU," see relative value unit.

"Reimbursement" means payment to a provider or other MAA-approved entity who bills according to the provisions in WAC 388-502-0100.

"Reimbursement steering committee (RSC)" means an interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"Relative value guide (RVG)" means a system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

"Relative value unit (RVU)" means a unit which is based on the resources required to perform an individual service or intervention.

"Resource based relative value scale (RBRVS)" means a scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

"RBRVS RVU" means a measure of the resources required to perform an individual service or intervention. It is set by Medicare based on three components - physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

"RSC RVU" means a unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

"Stat laboratory charges" means charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

"State unique procedure codes" means procedure codes established by the RSC to define services or procedures not contained in CPT or HCPCS level II.

"Sterile tray" means a tray containing instruments and supplies needed for certain surgical procedures normally

done in an office setting. For reimbursement purposes, tray components are considered by HCFA to be nonroutine and reimbursed separately.

"**Technical advisory group (TAG)**" means an advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"**Technical component**" means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

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 03-06-053

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 28, 2003, 3:45 p.m.]

Date of Adoption: February 28, 2003.

Purpose: To permanently adopt the millennium edition of the Manual on Uniform Traffic Control Devices, June 2001 version.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-95-020, 468-95-025, 468-95-030, 468-95-035, 468-95-037, 468-95-040, 468-95-050, 468-95-055, 468-95-060, 468-95-070, 468-95-080, 468-95-090, and 468-95-100; and amending WAC 468-95-010.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 47.36.030.

Adopted under notice filed as WSR 03-03-029 on January 9, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 27, Amended 1, Repealed 13; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

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

February 28, 2003

John F. Conrad

Assistant Secretary

AMENDATORY SECTION (Amending Order 127, filed 12/21/90, effective 1/21/91)

WAC 468-95-010 General. (~~The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), 1988 edition, and future revisions approved by the Federal Highway Administrator, except as modified by the department of transportation herein, as the national standard for all highways open to public travel, published by the U.S. Department of Transportation, Federal Highway Administration, was duly adopted by Administrative Order No. of the Secretary of Transportation dated~~) The June 2001 Millennium Edition of the Manual on Uniform Streets and Highway for Streets and Highways (MUTCD), published by the Federal Highway Administration and approved by the Federal Highway Administrator as the national standard for all highways open to public travel, was duly adopted by the Washington state secretary of transportation. The manual includes in part many illustrations, some of which depend on color for proper interpretation. The code reviser has deemed it inexpedient to convert these regulations and illustrations to the prescribed form and style of WAC and therefore excludes them from publication. (~~Copies of the MUTCD may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~) The document is available for public inspection at the headquarters office and all ((~~district~~)) region offices of the Washington state department of transportation. Further, each city, town, and county engineering office in the state will have a copy of the MUTCD, with revisions and modifications for Washington, in its possession.

NEW SECTION

WAC 468-95-110 Parking for the disabled in urban areas. Pursuant to RCW 46.61.581 the following modifications to the MUTCD are established:

(1) A paragraph is added to the standard of MUTCD Section 2B.35, Design of Parking, Standing, and Stopping Signs: A parking space or stall for a physically disabled person shall be indicated by a vertical sign with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120 and the notice State Disabled Parking Permit Required.

(2) A second Standard is added to MUTCD Section 2B.36 to read: Signs indicating a parking space or stall for a physically disabled person shall be installed between thirty-six and eighty-four inches off the ground.

NEW SECTION

WAC 468-95-120 Traffic signal signs. Pursuant to RCW 46.61.055 amend the second Standard of MUTCD Section 2B.40 to read:

The NO TURN ON RED sign (R10-11a, R10-11b) shall be used to prohibit any right turn on red; or a left turn on red from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn.

PERMANENT

NEW SECTION

WAC 468-95-130 High occupancy vehicle signs. Amend the fourth paragraph of the Standard of MUTCD Section 2B.50 to read:

For concurrent-flow HOV lanes, ground-mounted HOV signs (R3-11) shall be located at intervals based on engineering judgment. Overhead HOV signs (R3-14) should be used to supplement the ground-mounted HOV signs (R3-11) at intervals based on an engineering study.

NEW SECTION

WAC 468-95-140 Signing to regional shopping centers. Pursuant to RCW 47.36.270 a regional shopping center may be signed as a supplemental guide sign destination from state highways in accordance with the applicable sections of MUTCD Part II-D, Guide Signs - Conventional Roads and Part II-E Guide Signs - Freeways and Expressways, and in accordance with subsections (1) through (8) of this section.

- (1) There shall be at least 500,000 square feet of leasable retail floor space;
- (2) There shall be at least three major department stores owned by national or regional retail chain organizations;
- (3) The center shall be located within one highway mile of the state highway;
- (4) The center shall generate at least 9,000 daily one-way vehicle trips to the center;
- (5) Sufficient sign space as specified in the MUTCD shall be available for installation;
- (6) Supplemental follow-through directional signing is required on county roads or city streets at key motorist decision points, if the center is not clearly visible from the point of exit from the state highway. The required supplemental follow-through directional signs shall be installed by the city or county prior to the installation of signs on the state highway;
- (7) Signing on the state highway to a county road or city street that bears the name of the regional shopping center fulfills the statutory requirements for signing to those centers;
- (8) The costs of materials and labor for fabricating, installing, and maintaining regional shopping center signs shall be borne by the center.

NEW SECTION

WAC 468-95-150 No passing zone markings. Amend the third Standard of MUTCD Section 3B.02, to read:

On two-way, two- or three-lane roadways where centerline markings are installed, no-passing zones shall be established at vertical curves and other locations where an engineering study indicates that passing must be prohibited because of inadequate sight distances or other special conditions.

On two-way, two- and three-lane roadways where centerline markings are installed, no-passing zones shall be established at horizontal curves where an engineering study indicates passing must be prohibited because of inadequate sight distances or other special conditions. A January 17, 2007, compliance date is established.

On three-lane roadways where the direction of travel in the center lane transitions from one direction to the other, a no-passing buffer zone shall be provided in the center lane as shown in Figure 3B-4. A lane transition shall be provided at each end of the buffer zone.

The buffer zone shall be a median island consisting of a lane transition in each direction and a minimum of a 15 m (50 ft) buffer zone. In areas where no-passing zones are required because of limited passing sight distances, the buffer zone shall be the distances between the beginnings of the no-passing zones in each direction.

NEW SECTION

WAC 468-95-160 Other yellow longitudinal markings. Amend the second Standard of MUTCD Section 3B.03 to read:

If a continuous median island formed by pavement markings separating travel in opposite directions is used, the island may be formed by two single normal solid yellow lines, a combination of two single normal solid yellow lines with yellow crosshatching between the lines with a total width not less than eighteen inches, two sets of double solid yellow lines, or a solid yellow line not less than eighteen inches in width. All other markings in the median island area shall be yellow, except crosswalk markings, which shall be white (see MUTCD Section 3B.17).

NEW SECTION

WAC 468-95-170 White lane line markings. Amend the third Standard of MUTCD Section 3B.04 to read:

Where crossing is prohibited, the lane line markings shall consist of two normal solid white lines or a single wide white line, supplemented with lane change prohibition signing.

NEW SECTION

WAC 468-95-180 Other white longitudinal pavement markings. Amend MUTCD Section 3B.05, to change the dimensions shown on Figure 3B-10 for drop lane markings from 3' markings with a 9' gap to 3' markings with a 12' gap.

NEW SECTION

WAC 468-95-190 Pavement edge lines and raised pavement markers supplementing other markings. Pursuant to RCW 47.36.280, the Standard in MUTCD Section 3B.07, is revised as follows:

Edge lines shall be used on all interstate highways, on rural multilane divided highways, on all principal arterials and minor arterials within urbanized areas, except when curb or sidewalk exists, and may be used on other classes of roads. Jurisdictions shall conform to these requirements at such time that it undertakes to renew or install permanent markings on new or existing roadways. The lines shall be white except that on the left edge of each roadway of divided streets and highways and one-way roadway in the direction of travel, the lines shall be yellow.

These standards shall be in effect, as provided in this section, unless the legislative authority of the local governmental body finds that special circumstances exist affecting vehicle and pedestrian safety that warrant a site-specific variance.

Pursuant to RCW 47.36.280, the first paragraph under Option of MUTCD Section 3B.13 is revised to read as follows:

Raised pavement markers may also be used to supplement other markings for channelizing islands or approaches to other objects. The general use of raised pavement markers along right edge lines is strongly discouraged because they can cause steering difficulties and make bicyclists lose control of their vehicles. Raised or recessed pavement markers may be used along right edge lines on the taper in lane transition sections, on approaches to objects and within channelization at intersections. Raised or recessed pavement markers can only be used along right edge lines at other locations where an engineering study has determined the markers are essential to preserving pedestrian, bicycle, and motor vehicle safety. At the initiation of the engineering study, local bicycling organizations, the regional member of the state bicycling advisory committee, or the WSDOT bicycle and pedestrian program manager shall be notified of the study for review and comment. Positioning and spacing of the markers in such cases must be determined by engineering judgment taking into consideration their effect on bicycle, pedestrian, and motor vehicle safety. Other applications of raised or recessed pavement markers along right edge lines of arterials are considered to be nonconforming with this section. Cities and counties shall remove nonconforming raised pavement markings at the time that they prepare to resurface roadways, or earlier at their option.

These standards shall be in effect, as provided in this section, unless the legislative authority of the local governmental body finds that special circumstances exist affecting vehicle and pedestrian safety that warrant a site-specific variance.

NEW SECTION

WAC 468-95-200 Approach markings for obstructions. Amend the first Standard of MUTCD Section 3B.10 to read:

Pavement markings shall be used to guide traffic away from fixed obstructions within a paved roadway. Approach markings for bridge supports, refuge islands, median islands, and channelization islands (except channelization islands formed by paint stripes or raised pavement markers) shall consist of a diagonal line or lines extending from the centerline or the lane line to a point 0.3 to 0.6 m (1 to 2 ft) to the right side, or to both sides, of the approach end of the obstruction (see Figure 3B-13).

Amend the third Standard of MUTCD Section 3B.10 to read:

If traffic is required to pass only to the right of the obstruction, the markings shall consist of a no-pass marking, approaching the obstruction, at least twice the length of the diagonal portion as determined by the appropriate taper formula (see Figure 3B-13).

Modify MUTCD Figure 3B-13, Item a - Center of two-lane road, to show a single no-pass marking on the approach to the obstruction.

NEW SECTION

WAC 468-95-210 Raised pavement markers substituting for pavement markings. Amend the first sentence in the first Standard of MUTCD Section 3B.14 to read:

If raised pavement markers are substituted for broken line markings, a group of 3 to 5 markers equally spaced at no greater than N/8 (see Section 3A.06), or at the one-third points of the line segment if N is other than 12 m (40 ft), with a least one retroreflective or internally illuminated marker used per group.

NEW SECTION

WAC 468-95-220 Stop line locations. Amend the second Guidance of MUTCD Section 3B.16 to read:

Stop or yield lines, where used, should ordinarily be placed four feet in advance of and parallel to the nearest crosswalk line. In the absence of a marked crosswalk, the stop or yield line should be placed at the desired stopping point, in no case less than 4 feet from the nearest edge of intersecting roadway.

Stop lines at midblock signalized locations should be placed at least 40 feet in advance of the nearest signal indication (see MUTCD Section 4D.15).

NEW SECTION

WAC 468-95-230 Crosswalk markings. Amend the second Guidance in MUTCD Section 3B.17 to read:

If used, the diagonal or longitudinal lines should form a 24-inch wide marking pattern consisting of two 8-inch wide markings separated by an 8-inch wide gap or a 24-inch wide solid marking pattern. The marking patterns should be spaced 12 to 60 inches apart but with the maximum gap between marking patterns not to exceed 2.5 times the marking pattern width. Longitudinal marking patterns should be located to avoid the wheel paths and should be oriented parallel with the wheel paths.

NEW SECTION

WAC 468-95-240 Preferential lane longitudinal markings for motorized vehicles. Amend the second Standard of MUTCD Section 3B.23, item C.1 to read:

A double solid wide white line or a single wide white line, supplemented with lane change prohibition signing where crossing is prohibited (see Figure 3B-25b and 3B-25c).

Amend the second Standard of MUTCD Section 3B.23, item D.4 to read:

A single dotted normal white line or a single dotted wide white line is permitted for any vehicle to perform a right turn maneuver (see Figure 3B-25b).

Amend all references in Table 3B-2 for double wide white line to allow single solid wide white line, each with lane change prohibition signing.

Amend the callout in figure 3B-25 for a SINGLE DOTTED NORMAL WHITE on the approach to the limited access exit, side-street, or commercial entrance to say SINGLE DOTTED NORMAL WHITE or SINGLE DOTTED WIDE WHITE.

NEW SECTION

WAC 468-95-250 Meaning of signal indications. Pursuant to RCW 46.61.055, amend the second paragraph of the Standard of MUTCD Section 4D.04, item C.1 to read:

Vehicle operators facing a steady circular red signal may, after stopping, proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by a competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area.

Pursuant to RCW 46.61.055, amend the MUTCD Section 4D.04, item C.2 to read:

Vehicle operators facing a steady red arrow indication may, after stopping, proceed to make a right turn from a one-way or two-way street or into a one-way street carrying traffic in the direction of the right turn, or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn, unless a sign posted by a competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area.

NEW SECTION

WAC 468-95-260 Application of steady signal indications. Pursuant to RCW 46.61.055, amend MUTCD Section 4D.05, item D to read:

A steady RED ARROW signal indication shall be displayed when it is intended to prohibit vehicular traffic from entering the intersection or other controlled area to make the indicated turn when regulatory signing is in place prohibiting such movement. Pedestrians directed by a pedestrian signal head may enter the intersection or other controlled area.

NEW SECTION

WAC 468-95-270 Meaning of lane-use control indications. Pursuant to RCW 46.61.072, amend MUTCD Section 4J.02 paragraph B to read:

A steady YELLOW X or a flashing RED X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change

is being made, and to avoid occupying that lane when a steady RED X is displayed.

NEW SECTION

WAC 468-95-280 Operation of lane-use control signals. Pursuant to RCW 46.61.072, in MUTCD Section 4J.04, amend the first sentence of the first paragraph after item G to read:

A moving condition in one direction shall be terminated either by the immediate display of a RED X signal indication or by a YELLOW X signal indication followed by a RED X signal indication or a flashing RED X indication followed by a RED X indication.

NEW SECTION

WAC 468-95-290 County road signing. Pursuant to RCW 36.75.300, there is added to Part 5 of the MUTCD, the following regulation pertaining to signing of county roads:

The legislative authority of each county may by resolution classify and designate portions of county roads as primitive roads where the designated road portion:

- (1) Is not classified as part of the county primary road system, as provided for in RCW 36.86.070;
- (2) Has a gravel or earth driving surface; and
- (3) Has an average annual daily traffic of 100 or fewer vehicles.

Any road designated as a primitive road shall be marked with a PRIMITIVE ROAD sign at all places where the primitive road portion begins or connects with a highway other than a primitive road.

A sign with the caption CAUTION - NO WARNING SIGNS may be installed on the same post with the PRIMITIVE ROAD sign, and may be individually erected at intermediate points along the road section if conditions warrant. In addition, a sign with the caption NEXT. . . MILES may be installed on the same post below the CAUTION - NO WARNING SIGNS sign.

NEW SECTION

WAC 468-95-300 Temporary traffic control. Amend MUTCD Section 6C.04, Table 6C-1 and MUTCD Section 6H.01, Table 6H-3 to read:

Sign Spacing (1)		
Freeways & Expressways	55/70 MPH	1500' ± or per MUTCD
Rural Highways	60/65 MPH	1000' ±
Rural Roads	45/55 MPH	500' ±
Rural Roads & Urban Arterials	35/40 MPH	350' ±
Rural Roads, Urban Streets, Residential Business Districts	25/30 MPH	200' ± (2)
Urban Streets	25 MPH or less	100' ± (2)

(1) All spacing may be adjusted to accommodate interchange ramps, at-grade intersections, and driveways.

PERMANENT

(2) This spacing may be reduced in urban areas to fit roadway conditions.

NEW SECTION

WAC 468-95-310 Temporary pavement markings. Amend the first Support of MUTCD Section 6F.66 to read:

Temporary pavement markings are those that may be used until it is practical and possible to install permanent pavement markings that meet MUTCD standards. Normally, it should not be necessary to leave temporary pavement markings in place for more than 2 weeks, except on roadways being paved with bituminous surface treatment (BST) and having traffic volumes under 2,000 ADT. All temporary pavement markings, including pavement markings for no-passing zones, shall conform to the requirements of Sections 3A and 3B.

Amend the first Guidance of MUTCD Section 6F.66 to read:

For temporary situations of 14 calendar days or less, for a two-lane or three-lane road, no-passing zones may be identified by using W 14-3 No Passing Zone signs (see Section 2C.32) rather than pavement markings (see Section 3B.02). Signs may also be used in lieu of pavement markings on low-volume roads for longer periods, when this practice is in keeping with the state's or other highway agency's policy. These signs should be placed in accordance with Sections 2B.24 and 2B.25.

NEW SECTION

WAC 468-95-320 School advance warning sign (S-1). Amend MUTCD Section 7B.08, Figure 7B-1 by deleting the words SCHOOL PROPERTY LINE and replacing with the words SCHOOL GROUNDS. Amend MUTCD Section 7B.08, Figure 7B-1 to show the school zone 300 feet on either side of the marked school crosswalk.

NEW SECTION

WAC 468-95-330 School speed limit assembly (S4-1, S4-2, S4-3, S4-4, S5-1). Pursuant to RCW 46.61.440 delete the first Guidance paragraph and add the following paragraph to the first Standard of MUTCD Section 7B.11:

The reduced school speed zone shall begin at a point 90 m (300 ft) in advance of the crosswalk and end at a point 90 m (300 ft) after the crosswalk. These distances may be modified to fit the field conditions by regulation.

NEW SECTION

WAC 468-95-340 School speed limit assembly (S4-1, S4-2, S4-3, S4-4, S5-1). Amend the Option to the second Standard of MUTCD Section 7B.11 to read:

The School Speed Limit assembly shall be either a fixed-message sign assembly or a changeable message sign. The fixed-message School Speed Limit assembly shall consist of a top plaque (S4-3) with the legend SCHOOL, a Speed Limit (R2-1) sign, and a bottom plaque (S4-1, S4-2, S4-4, or S4-

501) indicating the specific periods of the day and/or days of the week that the special school speed limit is in effect.

NEW SECTION

WAC 468-95-350 When children are present. Amend MUTCD Section 7B.11 by adding the following supplemental paragraph to the second Standard:

The supplemental or lower panel of a School Speed Limit 20 sign which reads When Children are Present shall indicate to the motorist that the 20 mile per hour school speed limit is in force under any of the following conditions:

(1) School children are occupying or walking within the marked crosswalk.

(2) School children are waiting at the curb or on the shoulder of the roadway and are about to cross the roadway by way of the marked crosswalk.

(3) School children are present or walking along the roadway, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted school speed limit zone extending 300 feet, or other distance established by regulation, in either direction from the marked crosswalk.

NEW SECTION

WAC 468-95-360 Crosswalk markings. Amend the second Guidance of MUTCD Section 7C.03 to read:

If used, the diagonal or longitudinal lines should form a 24-inch wide marking pattern consisting of two 8-inch wide markings separated by an 8-inch wide gap or a 24-inch wide solid marking pattern. The marking patterns should be spaced 12 to 60 inches apart but with the maximum gap between marking patterns not to exceed 2.5 times the marking pattern width. Longitudinal marking patterns should be located to avoid the wheel paths and should be oriented parallel with the wheel paths.

NEW SECTION

WAC 468-95-370 Pavement markings for obstructions. Amend MUTCD Section 9C.07, Figure 9C.07, to show a normal solid white line instead of a wide solid white line.

NEW SECTION

WAC 468-95-400 Sign borders. The following MUTCD sections are adopted as modified herein, until Revision 2 to the June 2001 Millennium Edition of the MUTCD is adopted by the Washington state secretary of transportation:

(1) **Section 2A.15, Sign Borders**

Amend the Standard to read:

Unless specifically stated otherwise, each sign illustrated herein shall have a border of the same color as the legend, at or just inside the edge. The corners of all sign borders shall be rounded, except for STOP signs.

Amend the Guidance to read:

A dark border on a light background should be set in from the edge, while a light border on a dark background should extend to the edge of the panel. A border for 750 mm (30 in) signs with a light background should be from 13 to 19

mm (0.5 to 0.75 in) in width, and 13 mm (0.5 in) from the edge. For similar size signs with a light border, a border width of 25 mm (1 in) should be used. For other sizes, the border width should be of similar proportions, but should not exceed the stroke-width of the major lettering of the sign. On signs exceeding 1800 x 3000 mm (72 x 120 in) in size, the border should be 50 mm (2 in) wide. For signs larger than 1800 x 3000 mm (72 x 120 in), the border should be 75 mm (3 in) wide. Where practical, the corners of the sign should be rounded parallel to the border, except for STOP sign corners which are not rounded.

(2) Section 2A.19, Lateral Offset

Change the first Standard to read:

For overhead sign supports (cantilever or sign bridges), the minimum lateral offset from the edge of the shoulder (or if no shoulder exists, from the edge of the pavement) to the near edge of the supports shall be 1.8 m (6 ft).

Overhead sign supports shall have a barrier or crash cushion to shield them if they are within the clear zone.

Roadside-mounted sign supports shall be breakaway, yielding, or shielded with a longitudinal barrier or crash cushion if within the clear zone.

(3) Section 2C.04 Page 2C-4, Table 2C-2, Warning Sign Sizes

Replace the table with the following:

Table 2C-2. Warning Sign Sizes

Description						
Shape	Sign Series	Conventional Roads	Expressways	Freeways	Minimum	Oversized
Diamond	W1, W2, W7, W8, W9, W11, W14, W15-1, W17-1	750 x 750 (30 x 30)	900 x 900 (36 x 36)	1200 x 1200 (48 x 48)	600 x 600 (24 x 24)	
Diamond	W3, W4, W5, W6, W8-3, W10, W12	900 x 900 (36 x 36)	1200 x 1200 (48 x 48)	1200 x 1200 (48 x 48)	750 x 750 (30 x 30)	
Rectangular	W1 - Arrows	1200 x 600 (48 x 24)			900 x 450 (36 x 18)	1500 x 750 (60 x 30)
Rectangular	W1 - Chevron	450 x 600 (18 x 24)	750 x 900 (30 x 36)	900 x 1200 (36 x 48)	300 x 450 (12 x 18)	
	W7-4	1950 x 1200 (78 x 48)	1950 x 1200 (78 x 48)	1950 x 1200 (78 x 48)		
	W7-4a, b, c	1950 x 1500 (78 x 60)	1950 x 1500 (78 x 60)	1950 x 1500 (78 x 60)		
	W10-9, W10-10	750 x 225 (30 x 9)				
	W12-2P	2100 x 600 (84 x 24)	2100 x 600 (84 x 24)	2100 x 600 (84 x 24)		
	W13, W25	600 x 750 (24 x 30)	900 x 1200 (36 x 48)	1200 x 1500 (48 x 60)	600 x 750 (24 x 30)	1200 x 1500 (48 x 60)
Pennant	W14-3	900 x 1200 x 1200 (36 x 48 x 48)			750 x 1000 x 1000 (30 x 40 x 40)	1200 x 1600 x 1600 (48 x 64 x 64)
Circular	W10-1	900 (36) Dia.	1200 (48) Dia.		750 (3) Dia.	1200 (48) Dia.

- Note: 1. Larger signs may be used when appropriate.
 2. Dimensions are shown in millimeters followed by inches in parentheses and are shown as width x height.

(4) Section 2C.05, Table 2C-4, Guidelines for Advance Placement of Warning Signs (English Units).

Replace the table and notes with the following:

PERMANENT

**Table 2C-4. Guidelines for Advance Placement of Warning Signs
(English Units)**

Posted or 85th Percentile Speed	Advance Placement Distance ¹								
	Condition A: Speed reduction and lane changing in heavy traffic ²	Condition B: Deceleration to the listed advisory speed (mph) for the condition ⁴							
		0 ³	10	20	30	40	50	60	70
20 mph	225 ft	N/A ⁵	N/A ⁵	–	–	–	–	–	–
25 mph	325 ft	N/A ⁵	N/A ⁵	N/A ⁵	–	–	–	–	–
30 mph	450 ft	N/A ⁵	N/A ⁵	N/A ⁵	–	–	–	–	–
35 mph	550 ft	N/A ⁵	N/A ⁵	N/A ⁵	N/A ⁵	–	–	–	–
40 mph	650 ft	125 ft	N/A ⁵	N/A ⁵	N/A ⁵	–	–	–	–
45 mph	750 ft	175 ft	125 ft	N/A ⁵	N/A ⁵	N/A ⁵	–	–	–
50 mph	850 ft	250 ft	200 ft	150 ft	100 ft	N/A ⁵	–	–	–
55 mph	950 ft	325 ft	275 ft	225 ft	175 ft	100 ft	N/A ⁵	–	–
60 mph	1100 ft	400 ft	350 ft	300 ft	250 ft	175 ft	N/A ⁵	–	–
65 mph	1200 ft	475 ft	425 ft	400 ft	350 ft	275 ft	175 ft	N/A ⁵	–
70 mph	1250 ft	550 ft	525 ft	500 ft	425 ft	350 ft	250 ft	150 ft	–
75 mph	1350 ft	650 ft	625 ft	600 ft	525 ft	450 ft	350 ft	250 ft	100 ft

Notes: ¹The distances are adjusted for a sign legibility distance of 50 m (175 ft) for Condition A. The distances for Condition B have been adjusted for a sign legibility distance of 75 m (250 ft), which is appropriate for an alignment warning symbol sign.

²Typical conditions are locations where the road user must use extra time to adjust speed and change lanes in heavy traffic because of a complex driving situation. Typical signs are Merge, Right Lane Ends, etc. The distances are determined by providing the driver a PIEV time of 14.0 to 14.5 seconds for vehicle maneuvers (2001 AASHTO Policy, Exhibit 3-3, Decision Sight Distance, Avoidance Maneuver E) minus the legibility distance of 50 m (175 ft) for the appropriate sign.

³Typical condition is the warning of a potential stop situation. Typical signs are Stop Ahead, Yield Ahead, Signal Ahead, and Intersection Advance Warning signs. The distances are based on the 2001 AASHTO Policy, Stopping Sight Distance, Exhibit 3-1, providing a PIEV time of 2.5 seconds, a deceleration rate of 3.4 m/second² (11.2 ft/second²), minus the sign legibility distance of 50 m (175 ft).

⁴Typical conditions are locations where the road user must decrease speed to maneuver through the warned condition. Typical signs are Turn, Curve, Reverse Turn, or Reverse Curve. The distance is determined by providing a 2.5 second PIEV time, a vehicle deceleration rate of 3 m/second² (10 ft/second²), minus the sign legibility distance of 75 m (250 ft).

⁵No suggested minimum distances are provided for these speeds, as the placement location is dependent on-site conditions and other signing to provide an adequate advance warning for the driver.

(5) Section 2C.27 CROSS TRAFFIC DOES NOT STOP Plaque (W4-4)

Replace the entire Section text with the following:

Option:

The CROSS TRAFFIC DOES NOT STOP (W4-4) plaque (see Figure 2C-9) may be used in combination with a STOP sign when engineering judgment indicates that drivers frequently misinterpret the intersection to be a multi-way stop condition.

Standard:

If the W4-4 plaque is used, it shall be installed below the STOP sign.

(6) Section 2C.28 Merge Signs (W4-1, W4-1a)

W4-2 Lane End sign is included in MUTCD Revision 2 Section 2C.30.

(7) Section 2C.34 Intersection Warning Signs (W2-1 through W2-6)

Amend the section to read:

Option:

A Cross Road (W2-1) symbol, Side Road (W2-2 or W2-3) symbol, T-Symbol (W2-4), or Y-Symbol (W2-5) sign (see Figure 2C-9) may be used in advance of an intersection to indicate the presence of an intersection and the possibility of turning or entering traffic. The relative importance of the intersecting roadways may be shown by different widths of lines in the symbol.

The Circular Intersection (W2-6) symbol sign accompanied by an educational word message plaque may be installed in advance of a circular intersection.

An advance street name plaque (see Section 2C.45) may be installed below an Intersection Warning sign.

Guidance:

The Intersection Warning sign should illustrate and depict the general configuration of the intersecting roadway, such as cross road, side road, T-intersection, or Y-intersection. Where the side roads are not opposite of each other, the symbol for the intersection should indicate a slight offset.

Intersection Warning signs, other than the Circular Intersection symbol (W2-6) sign should not be used on approaches controlled by STOP signs, YIELD signs, signals, or where Junction signing (see Sections 2D.13 and 2D.28) or advance route turn assembly signs (see Section 2D.29) are

PERMANENT

present. The Circular Intersection symbol (W2-6) sign should be installed on the approach to a roundabout intersection controlled by a YIELD sign.

(8) Section 2C.37 Crossing Signs (W11-1, W11-2, W11-3, W11-4, W16-7P)

Rename and replace the entire section with the following:

Section 2C.37 Nonvehicular Signs (W11-1, W11-2, W11-3, W11-4, W11-11, W11-14, W11-14a, W11-15)

Option:

Nonvehicular signs (see Figure 2C-10) may be used to alert road users in advance of locations where unexpected entries into the roadway or shared use of the roadway by pedestrians, bicyclists, golf carts, animals, horse-drawn vehicles, and other crossing activities might occur.

Support:

These conflicts might be relatively confined, or might occur randomly over a segment of roadway.

Option:

When used in advance of a crossing, Nonvehicular warning signs may be supplemented with supplemental plaques (see Section 2C.39) with the legend AHEAD, XX METERS (XX FEET), or NEXT XX KILOMETERS (NEXT XX MILES) to provide advance notice to road users of possible crossing activity.

Standard:

When used at the crossing, Nonvehicular warning signs shall be supplemented with a diagonal downward pointing arrow (W16-7) plaque (see Figure 2C-10) showing the location of the crossing.

Option:

The crossing location may be defined with crosswalk markings (see Section 3B.17). Pedestrian, Bicycle, School Advance Crossing, and School Crossing signs and their related supplemental plaques may have a fluorescent yellow-green background with a black legend and border.

Guidance:

When a fluorescent yellow-green background is used, a systematic approach featuring one background color within a zone or area should be used. Mixing standard yellow and fluorescent yellow-green backgrounds within a selected site area should be avoided.

Nonvehicular signs should be used only at locations where the crossing activity is unexpected or at locations not readily apparent.

(9) Section 2C.46 Dead End/No Outlet Plaques (W14-1P, W14-2P)

Amend the section to read:

Option:

DEAD END (W14-1P) or NO OUTLET (W14-2P) plaques (see Figure 2C-11) may be used in combination with Street Name (D3-1) signs (see Section 2D.38) to warn turning traffic that the cross street ends in the direction indicated by the arrow.

At locations where the cross street does not have a name, DEAD END or NO OUTLET plaques may be used alone in place of a street name sign.

(10) Section 3B.13 B1 Raised Pavement Markers Supplementing Other Markings

Under Guidance, amend the section to read:

B. Longitudinal Spacing

1. When supplementing solid line markings, raised pavement markers at a spacing no greater than N (see Section 3A.06) should be used, except when supplementing left edge line markings a spacing no greater than N/2 should be used. Raised markers should not supplement right edge line markings, unless they are spaced closely enough (no greater than 3 m (10 ft) apart) to approximate the appearance of a solid line.

2. When supplementing broken line markings, a spacing no greater than 3N should be used. However, when supplementing broken line markings identifying reversible lanes, a spacing no greater than N should be used.

3. When supplementing dotted line markings, a spacing appropriate for the application should be used.

4. When supplementing longitudinal line markings through at-grade intersections, one raised pavement marker for each short line segment should be used.

5. When supplementing edge line extensions through freeway interchanges, a spacing of N should be used.

(11) Section 3B.24 Markings for Roundabouts

Replace Figure 3B-27, Typical Markings for Roundabouts with Two Lanes, with the same figure in MUTCD Revision 2 available at <http://mutcd.fhwa.dot.gov/pdfs/millennium/pr2/3r2.pdf>. Page 69.

(12) Section 3B.25 General

Amend the section to read:

Support:

When used for guidance or regulation of traffic, colored pavements are traffic control devices. Colored pavements also are sometimes used to supplement other traffic control devices. Colored pavement located between crosswalk lines to emphasize the presence of the crosswalk is not considered to be a traffic control device.

Guidance:

Colored pavements used as traffic control devices should be used only where they contrast significantly with adjoining paved areas. Colors that degrade the contrast of white crosswalk lines, or that might be mistaken by road users as a traffic control application, should not be used for colored pavement located between crosswalk lines.

Standard:

Colored pavements shall not be used as a traffic control device, unless the device is applicable at all times. Colored pavements used as traffic control devices shall be limited to the following colors and applications:

A. Yellow shall be used only for flush or raised median islands separating traffic flows in opposite directions.

B. White shall be used for delineation on shoulders, and for flush or raised channelizing islands where traffic passes on both sides in the same direction of travel.

(13) Section 4D.18-2 Design, Illumination, and Color of Signal

Delete the entire last Guidance.

(14) Section 7A.04 Scope

Under the Standard, delete the second paragraph.

(15) Section 7B.01 Size of School Signs

Replace Table 7B-1 size of School Signs with the following figure:

Table 7B-1. Size of School Area Signs and Plaques

Sign Minimum	MUTCD Code	Conventional Roads		
		Standard	Special	
School Crossing	S1-1	750 x 750 mm (30 x 30 in)	900 x 900 mm (36 x 36 in)	1200 x 1200 mm (48 x 48 in)
School Bus Stop Ahead	S3-1	750 x 750 mm (30 x 30 in)	750 x 750 mm (30 x 30 in)	900 x 900 mm (36 x 36 in)
School Speed Limit Ahead	S4-5, S4-5a	750 x 750 mm (30 x 30 in)	900 x 900 mm (36 x 36 in)	1200 x 1200 mm (48 x 48 in)
School Speed Limit XX When Flashing (English)	S5-1	600 x 1200 mm (24 x 48 in)	900 x 1800 mm (36 x 72 in)	1200 x 2400 mm (48 x 96 in)
School Speed Limit XX When Flashing (Metric)	S5-1	600 x 1350 mm (24 x 54 in)	900 x 1950 mm (36 x 78 in)	1200 x 2550 mm (48 x 102 in)
End School Zone	S5-2	600 x 750 mm (24 x 30 in)	900 x 1125 mm (36 x 45 in)	1200 x 1500 mm (48 x 60 in)
Speed Limit (School Use) (English)	R2-1	600 x 750 mm (24 x 30 in)	900 x 1125 mm (36 x 45 in)	1200 x 1500 mm (48 x 60 in)
Speed Limit (School Use) (Metric)	R2-1	600 x 900 mm (24 x 36 in)	900 x 1275 mm (36 x 51 in)	1200 x 1650 mm (48 x 66 in)

Plaque Minimum	MUTCD Code	Conventional Roads		
		Standard	Special	
When Children Are Present	S4-2	600 x 250 mm (24 x 10 in)	900 x 375 mm (36 x 15 in)	1200 x 500 mm (48 x 20 in)
School	S4-3	600 x 200 mm (24 x 8 in)	900 x 300 mm (36 x 12 in)	1200 x 400 mm (48 x 16 in)
When Flashing	S4-4	600 x 250 mm (24 x 10 in)	900 x 375 mm (36 x 15 in)	1200 x 500 mm (48 x 20 in)
XXX FT or XXX M	W16-2	600 x 300 mm (24 x 12 in)	750 x 375 mm (30 x 15 in)	900 x 450 mm (36 x 18 in)
XXX FT or XXX M	W16-2a	600 x 450 mm (24 x 18 in)	750 x 525 mm (30 x 21 in)	900 x 600 mm (36 x 24 in)
Ahead	W16-9p	600 x 250 mm (24 x 10 in)	900 x 375 mm (36 x 15 in)	1200 x 500 mm (48 x 20 in)
Diagonal Arrow	W16-7	600 x 300 mm (24 x 12 in)	750 x 375 mm (30 x 15 in)	900 x 450 mm (36 x 18 in)

(16) Section 7B.07, Sign Color for School Warning Signs

Under Option D, amend the reference to the School Speed Limit sign (S5-1) to become a reference to the SCHOOL portion of the School Speed Limit sign (S5-1).

(17) Section 9B.04, Bicycle Lane Signs (R3-16, R3-17)

Amend the Standard to read:

The BIKE LANE (R3-17) sign (see Figure 9B-2) shall be used only in conjunction with marked bicycle lanes as described in Chapter 9C, and shall be placed at periodic intervals along the bicycle lanes.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 468-95-020 Parking for the disabled in urban areas.
- WAC 468-95-025 Signing to regional shopping centers.
- WAC 468-95-030 No passing zone markings.
- WAC 468-95-035 Pavement edgelines and raised pavement markers

PERMANENT

	supplementing other markings.
WAC 468-95-037	Stop line locations.
WAC 468-95-040	Meaning of signal indications.
WAC 468-95-050	Meaning of lane-use control indications.
WAC 468-95-055	"MUTCD Part VI."
WAC 468-95-060	When children are present.
WAC 468-95-070	Meaning of signal indications.
WAC 468-95-080	Functions.
WAC 468-95-090	County road signing.
WAC 468-95-100	Compliance dates.

Effective Date of Rule: April 1, 2003.

February 28, 2003
 Alan E. Rathbun
 Assistant Director

AMENDATORY SECTION (Amending WSR 02-09-040, filed 4/12/02, effective 1/1/03)

WAC 308-20-210 Cosmetology, barber, manicurist, esthetician, salon/shop, booth renter, mobile operator and personal service operator fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Examination application	\$ 25.00
Examination retake	25.00
Renewal per year	((25.00)) <u>20.00</u>
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00
Instructor:	
Examination application	30.00
Examination retake	30.00
Renewal, per year	((25.00)) <u>20.00</u>
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	30.00
Manicurist:	
Examination application	25.00
Examination retake	25.00
Renewal per year	((25.00)) <u>20.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Esthetician:	
Examination application	25.00
Examination retake	25.00
Renewal per year	((25.00)) <u>20.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00

WSR 03-06-054

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed February 28, 2003, 4:18 p.m., effective April 1, 2003]

Date of Adoption: February 28, 2003.

Purpose: To amend chapter 308-20 WAC, Cosmetologists, barbers, manicurists, and estheticians. The department has reviewed the rule noted and recommends amending with new reduced fee levels, which will still allow for a sufficient level of revenue to defray the costs of administering the program.

Citation of Existing Rules Affected by this Order: Amending WAC 308-20-210 Cosmetology, barber, manicurists, estheticians, salon/shop, booth renter, mobile operator and personal service operator fees.

Statutory Authority for Adoption: RCW 18.16.030 and 43.24.086.

Adopted under notice filed as WSR 03-03-119 on January 22, 2003.

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.

PERMANENT

Title of Fee	Fee
Barber:	
Examination application	25.00
Examination retake	25.00
Renewal per year	((25.00)) <u>20.00</u>
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Out-of-state application	25.00
School:	
License application	175.00
Renewal per year	((185.00)) <u>175.00</u>
Late renewal penalty	175.00
Duplicate	15.00
Curriculum review	15.00
Salon/shop:	
Application	50.00
Renewal	((60.00)) <u>50.00</u>
Late renewal penalty	50.00
Duplicate license	15.00
Booth renter:	
Application	50.00
Renewal	((60.00)) <u>50.00</u>
Late renewal penalty	50.00
Duplicate license	15.00
Mobile operator:	
Application	50.00
Renewal	((60.00)) <u>50.00</u>
Late renewal penalty	50.00
Duplicate license	15.00
Personal service operator:	
Application	50.00
Renewal	((60.00)) <u>50.00</u>
Late renewal penalty	50.00
Duplicate license	15.00

WSR 03-06-062
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed March 3, 2003, 9:00 a.m.]

Date of Adoption: February 27, 2003.
 Purpose: To change our definition of asbestos-containing waste material to exclude nonfriable material.
 Citation of Existing Rules Affected by this Order: Amending Regulation III, Sections 4.01 and 4.05.
 Statutory Authority for Adoption: Chapter 70.94 RCW.
 Adopted under notice filed as WSR 03-03-128 on January 22, 2003.
 Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.
 Effective Date of Rule: Thirty-one days after filing.
 February 28, 2003
 Larry C. Vaughn
 Engineer

AMENDATORY SECTION

REGULATION III SECTION 4.01 ASBESTOS DEFINITIONS

- (a) **AHERA BUILDING INSPECTOR** means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR Part 763, Appendix C) and whose certification is current.
- (b) **ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.
- (c) **ASBESTOS-CONTAINING MATERIAL** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section I, Polarized Light Microscopy.
- (d) **ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains or is contaminated with friable asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste mate-

PERMANENT

rial does not include samples of asbestos-containing material taken for testing or enforcement purposes.

(e) **ASBESTOS PROJECT** means any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of friable, asbestos-containing material. It includes the removal and disposal of stored, friable, asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.

(f) **ASBESTOS SURVEY** means a written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86), or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.

(g) **COMPONENT** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.

(h) **DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.

(i) **FRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

(j) **LEAK-TIGHT CONTAINER** means a dust-tight and liquid-tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

(k) **NONFRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

(l) **RENOVATION** means altering a facility or a component in any way, except demolition.

(m) **SINGLE-FAMILY RESIDENCE** means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

(n) **SURFACING MATERIAL** means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing materials on structural members, or other materials on surfaces for decorative purposes.

(o) **SUSPECT ASBESTOS-CONTAINING MATERIAL** means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and cement siding.

(p) **THERMAL SYSTEM INSULATION** means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

AMENDATORY SECTION

REGULATION III SECTION 4.05 PROCEDURES FOR ASBESTOS PROJECTS

(a) Training Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current.

This certification requirement does not apply to asbestos projects conducted as part of a renovation in a single-family residence performed by the owner of the dwelling.

(b) Friable Asbestos Removal Work Practices

It shall be unlawful for any person to cause or allow the removal of friable, asbestos-containing material unless all the following requirements are met:

(1) The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.

(2) If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

(3) Absorbent, friable, asbestos-containing material, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Any unsaturated, absorbent, friable, asbestos-containing material exposed during removal shall be immediately saturated with a liquid wetting agent.

(4) Nonabsorbent, friable, asbestos-containing material, such as cement asbestos board, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent, friable, asbestos-containing material exposed during removal shall be immediately coated with a liquid wetting agent.

(5) Metal components (such as valves, fire doors, and reactor vessels) that have internal friable, asbestos-containing material are exempt from the requirements of Sections 4.05 (b)(3) and 4.05 (b)(4) if all access to the friable, asbestos-containing material is welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the friable, asbestos-containing material from the environment.

(6) Except for surfacing materials being removed inside a negative pressure enclosure, friable, asbestos-containing materials that are being removed, have been removed, or may

have fallen off components during an asbestos project shall be carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise damaged.

(7) All ((friable,)) asbestos-containing waste material shall be sealed in leak-tight containers as soon as possible after removal but no later than the end of each work shift.

(8) All absorbent, ((friable,)) asbestos-containing waste material shall be kept saturated with a liquid wetting agent until sealed in leak-tight containers while saturated with a liquid wetting agent. All nonabsorbent, ((friable,)) asbestos-containing waste material shall be kept coated with a liquid wetting agent until sealed in leak-tight containers while coated with a liquid wetting agent.

(9) The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

(10) Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

(11) Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.

(12) The ((friable,)) asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

(c) Method of Removal for Nonfriable, Asbestos-Containing Material

It shall be unlawful for any person to cause or allow the removal of nonfriable, asbestos-containing material unless all the following requirements are met:

(1) Sanding, grinding, abrading, or sawing of nonfriable, asbestos-containing material shall be prohibited unless the material that is disturbed is handled as friable, asbestos-containing material in accordance with the requirements in Section 4.05(b) of this regulation;

(2) Appropriate dust control methods as provided in Section 9.15 of Regulation I shall be used, as necessary, to control fugitive dust emissions from the removal of nonfriable, asbestos-containing material;

(3) After being removed, the nonfriable, asbestos-containing material shall be promptly transferred to a disposal container; and

(4) Each disposal container shall have a sign identifying the material as nonfriable(~~(, asbestos-containing waste material))~~ asbestos waste.

WSR 03-06-063

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed March 3, 2003, 10:38 a.m.]

Date of Adoption: February 28, 2003.

Purpose: To establish fire and life safety standards for a newly established category of licensed care facility as required per RCW 74.15.050.

Citation of Existing Rules Affected by this Order:
Amending chapter 212-12 WAC.

Statutory Authority for Adoption: RCW 74.15.050.

Adopted under notice filed as WSR 02-17-102 on August 21, 2002.

Changes Other than Editing from Proposed to Adopted Version: A new section in the CR-102 submission on "fire and evacuation plan" was deleted as it had already been referenced in another section.

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 22, 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 22, Amended 0, Repealed 0.

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

March 3, 2003

Ronal W. Serpas

Chief

Chapter 212-12 WAC

**EMERGENCY RESPITE CENTER—STANDARD FOR
FIRE PROTECTION
GROUP "LC" OCCUPANCY**

NEW SECTION

WAC 212-12-200 Purpose. The purpose of this regulation is to adopt recognized standards for emergency respite centers to protect life against the cause and spread of fire and fire hazards pursuant to RCW 74.15.050. Emergency respite centers are licensed by the department of social and health services (DSHS) and maintained and operated to provide Emergency Respite Care within buildings that have been given an occupancy classification of LC.

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

NEW SECTION

WAC 212-12-210 Definitions. The following definitions shall apply to this regulation:

(1) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may oper-

ate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW.

(2) "LC Occupancy" means a building, structure, or portion thereof, used for the business of providing licensed care to clients pursuant to State Building Code WAC 51-40-313.

(3) "Licensing agency" means the Washington state department of social and health services.

(4) "Building official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Building Code, adopted by the State Building Code Act.

(5) "Fire official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Fire Code, adopted by the State Building Code Act.

(6) "State Building Code Act" means chapter 19.27 RCW, effective January 1, 1975, which establishes statewide building and fire prevention codes and mandates enforcement by each city, town and county.

(7) "Evacuation capability"

Evacuation capability is the ability of clients of a Emergency Respite Center to respond to an emergency situation and either evacuate a building or move to a point of safety. Clients shall be classified in one of the following levels:

- Level I persons physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, and capable of self-preservation, without the physical assistance of another person.

- Level II means semi-ambulatory persons that are physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

- Level III means persons physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

NEW SECTION

WAC 212-12-220 Applicability. This regulation applies to all LC facilities licensed or subject to licensure as emergency respite care centers by the department of social and health services.

NEW SECTION

WAC 212-12-230 Compliance. All LC facilities licensed as emergency respite care centers shall comply with the provisions of this regulation.

NEW SECTION

WAC 212-12-240 Inspection. The licensing agency, upon receipt of an application for a license or at least thirty days before the expiration date of an existing license, shall submit to the state fire marshal in writing, a request for an inspection. The state fire marshal or his authorized representative shall make an inspection of the facility, and if it is found that the facility does not comply with the standards contained in this regulation, a written report shall be made to the facility listing the violations found, corrective actions necessary and time allowed for correction. As soon as practicable after the expiration date of the time allowed affecting the corrective measures, a re-inspection shall be made to determine compliance.

NEW SECTION

WAC 212-12-250 Approval. Upon the completion of the inspection, if the facility is in compliance with the applicable standards, a notice of approval for licensing shall be forwarded to the licensing agency by the Fire Protection Bureau.

NEW SECTION

WAC 212-12-260 Right of appeal. A facility aggrieved by the corrective orders of the state fire marshal or his/her authorized representative may appeal to the state fire marshal as provided for in WAC 212-12-025.

NEW SECTION

WAC 212-12-270 Local codes. Approvals are issued or denied on the basis of the applicant's compliance with the state fire marshal's minimum fire and life safety standards. The enforcement of local fire and building codes is the responsibility of the respective fire and building officials.

NEW SECTION

WAC 212-12-280 Standards. The following standards shall be applicable to all emergency respite care centers licensed as an LC Occupancy after the effective date of this regulation.

NEW SECTION

WAC 212-12-290 Construction requirements. (1) Emergency respite care centers located within an LC Occupancy shall comply with the construction requirements for LC occupancies as stated in current Washington State Amendment to the 1997 Uniform Building Code.

(2) All rooms used for sleeping and all corridors shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

(3) An emergency power system shall be provided that is capable of providing pathway lighting for a period of one and one-half hours (1 1/2) of time

NEW SECTION

WAC 212-12-300 Modernization or renovation. No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements for new construction and shall be approved by both the building official and the fire marshal's office.

NEW SECTION

WAC 212-12-310 Additions. Any addition to be used as an emergency respite center shall be separated from the existing structure by an occupancy separation constructed as required in the current edition of the Washington State Building Code.

NEW SECTION

WAC 212-12-320 Design, operation. All emergency respite centers shall be so designed, constructed, maintained and operated as to minimize the possibility of a fire emergency. The protection of residents or patients from fire shall be provided by the following:

- (1) Approved design, construction and separation of the facility;
- (2) A required detection, and alarm system;
- (3) Fire prevention measures required by Fire Marshal Standards 212-12;
- (4) Planning, training and drilling in programs for the notification of fire and the safe evacuation of residents or patients from the building or affected fire area as required by WAC 212-12-040 and -044.

NEW SECTION

WAC 212-12-330 Staffing requirements: All emergency respite centers shall provide staffing as established by the Department of Social and Health Services (DSHS).

NEW SECTION

WAC 212-12-340 Fire extinguishers. At least one minimum 2A-10BC rated fire extinguisher shall be provided on each floor level. Additional fire extinguishers may also be required due to area, travel distance or special hazards.

NEW SECTION

WAC 212-12-350 Lighting. (1) Illumination of the means of egress shall be continuous during the time that conditions of occupancy require that the means of egress be available for use.

(2) Automatic emergency lighting shall be provided and so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as the failure of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual

act(s) including accidental opening of a switch controlling normal lighting facilities.

(3) Electric battery-operated emergency lights shall be approved for their intended use, shall comply with the State Electrical Code, and shall be maintained in a fully charged condition.

NEW SECTION

WAC 212-12-360 Protection from hazards. Any area used for general storage, and boiler or furnace rooms shall be separated from other parts of the building by construction having a fire-resistance rating conforming to the general construction requirements of the building type.

Central heating plants and other fuel-burning appliances shall be maintained and cleaned by an appliance service technician at intervals as required by the manufacturer's instructions or at least annually. The surrounding area shall be kept free of rubbish and combustible storage.

NEW SECTION

WAC 212-12-370 Sprinkler systems. An automatic sprinkler system shall be installed throughout every Group LC Occupancy three or more stories in height or licensed for more than 16 clients. Group LC Occupancies with 16 or fewer clients, licensed to provide care for more than two clients who have an evacuation capability of II or III, shall be provided with an automatic sprinkler system throughout the facility.

EXCEPTION: An automatic sprinkler system need not be installed in any Group LC Occupancy licensed for six or fewer clients regardless of the level of evacuation capability.

Where a sprinkler system is required, a system complying with Uniform Building Code (UBC) Standard 9-1 shall be installed.

- EXCEPTIONS:**
1. An automatic sprinkler system complying with UBC Standard 9-3 may be installed in buildings of four stories or less.
 2. Where a Group LC Occupancy is being established by change of occupancy in an existing building not protected by a sprinkler system as is required above for buildings of new construction, an automatic sprinkler system complying with National Fire Protection Association (NFPA) Standard 13d may be installed provided the care facility is licensed for not more than 16 clients.

Residential or quick-response heads shall be used in all sprinkler systems.

NEW SECTION

WAC 212-12-380 Fire alarm. Every emergency respite center licensed for more than 16 residents shall have an approved automatic and manual fire alarm system. Operation of any fire alarm initiating device shall automatically, without delay, activate off-site monitoring and accomplish general alarm indication and sound an audible alarm throughout the building or affected portion thereof.

NEW SECTION

WAC 212-12-390 Smoke detection. Smoke detectors that received their primary power from the building wiring shall be installed in all sleeping rooms, corridors and in areas separating use areas from sleeping areas. Activation of a smoke detector shall activate the buildings fire alarm system and off-site monitoring.

NEW SECTION

WAC 212-12-400 Equipment, inspection, testing and maintenance. Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other item of equipment required by this regulation and/or the applicable building and/or fire code shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturer's recommendation or at least annually to assure reliability. Records of all tests and inspections shall be maintained on the premises for review. Tests shall be conducted of the fire alarm system in accordance with the requirements of WAC 212-12-030. Fire Sprinkler testing and maintenance shall be in accordance with the requirements contained in WAC 212-80.

NEW SECTION

WAC 212-12-410 Severability. If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected.

WSR 03-06-069
PERMANENT RULES
SECRETARY OF STATE
 [Filed March 3, 2003, 3:43 p.m.]

Date of Adoption: March 3, 2003.

Purpose: To establish rules for administering the archives grant program.

Statutory Authority for Adoption: RCW 36.22.175(1).

Adopted under notice filed as WSR 02-17-009 on August 8, 2002.

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 10, Amended 0, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 3, 2003

Steve Excell

Assistant Secretary of State

WAC 434-670

The Washington State Archives Local Records Grant Program

NEW SECTION

WAC 434-670-010 Washington state archives local records grant program. The Washington State Archives Local Records Grant Program, administered by the Office of the Secretary of State, provides financial assistance to local government officials to support records management and preservation efforts, particularly for records of permanent retention. This grants-in-aid program is a significant effort in the overall mission of the program to enhance the quality of archival preservation and public access to records of enduring value. This grant program is governed by this chapter and by RCW 36.22.175.

NEW SECTION**WAC 434-670-020 Eligible and ineligible activities.**

(1) The following activities, including but not limited to, are eligible for support through grants administered pursuant to this chapter:

- (a) Planning;
- (b) Records Management;
- (c) Preservation;
- (d) Conservation;
- (e) Professional consultants;
- (f) Essential equipment;
- (g) Reference tools, and;
- (h) Education;
- (i) Temporary Personnel.

(2) The following activities, including but not limited to, are ineligible for support through grants administered pursuant to this chapter:

- (a) Projects already completed;
- (b) Expenses incurred prior to the grant period;
- (c) Existing/permanent staff positions;
- (d) Equipment nonessential to the project;
- (e) Capital improvements to buildings;
- (f) Payments to lobbyists;
- (h) Hospitality expenses;
- (i) Prizes/awards;
- (j) Benefit activities (social, fundraisers, etc.);
- (k) Educational outreach not available to the public;
- (l) Tuition reimbursement for academic credit;
- (m) Activities having a religious purpose;
- (n) Inventories/guides not available to the public and;
- (o) Purchase of manuscripts/records.

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 434-670-030 Eligibility. Local government entities, including special purpose districts, are eligible to apply for grants under this chapter. Entities other than local governments, such as individuals, state agencies, federal agencies, and private organizations are ineligible, but local public records housed by state agencies may be included in a grant application that is submitted and administered by the local official who has statutory authority over the records.

NEW SECTION

WAC 434-670-040 Evaluation of proposals. (1) Washington State Archives staff will review grant applications for completeness, conformity to application requirements, soundness of budget, and relevancy to the objectives of the Washington State Archives Local Records Grant Program. (Staff may also consider, in addition to the factors specified above the potential for widespread citizen use, research value and value for ongoing governmental operation of the proposed project including improvements to existing operations.) The proposal may be returned to the applicant institution for further development or clarification, prior to application deadline.

(2) A summary will be prepared by the Washington State Archives for each complete application and forwarded to the Oversight Committee. The committee will review the applications at its annual public meeting and make funding recommendations to the Secretary of State.

(3) The Office of the Secretary of State will notify the applicant in writing as to whether the proposal has been funded or rejected.

NEW SECTION

WAC 434-670-050 Grant application requirements. In order to be complete an application must include:

- (1) Identification of local government entity and project personnel;
- (2) A description of the activity proposed for funding including:
 - (a) Statement of purpose and goals;
 - (b) Project summary;
 - (c) Detailed analysis of plan, discussion of techniques and a timetable;
 - (d) Project objectives; and
 - (e) Specific end results or products.
- (3) A funding description, including:
 - (a) Budget layout;
 - (b) Budget explanation;
 - (c) Need for outside funding;
 - (d) Funding of future management and preservation projects; and
 - (e) Local entity's accounting methods and audit procedures.

- (4) Relevant Information, including:
 - (a) Evaluation of results (how will the success or failure be measured);
 - (b) Statement of any previous actions; and
 - (c) Description of importance of the project in terms of an overall, long-range record management program
- (5) Authorization, including:
 - (a) Being signed and dated by proper official; and
 - (b) Identification of preparer of the application.
- (6) Support Material, including:
 - (a) Letter of commitment from the applicant's funding authority;
 - (b) Resumes of project personnel, consultants, volunteers, etc., and descriptions of their grant-funded duties
 - (c) Required forms;
 - (d) Identification of necessary services, equipment, supplies, etc.; and
 - (e) Other relevant information

NEW SECTION

WAC 434-670-060 Grant calendar. (1) The grant period begins on the date of the award issued by the Office of the Secretary of State. Grant projects must be completed in the awarded biennium.

(2) The grant payment and reporting schedule will be approved and published by the Oversight Committee for each grant cycle. All unused grant funds and interest in possession of the grantee must be returned to the Washington State Archives Local Records Grant Program within 60 days of completion.

NEW SECTION

WAC 434-670-070 Accounting. Grantees must keep financial records in accordance with the accounting practices generally applicable to their local government accounting practices and apply approved record retention schedules. These records, as public records, shall be subject to inspection by the Washington State Archives staff and the Oversight Committee during regular business hours throughout the grant period. If any litigation, claim, or audit is begun before the end of the retention period, records must be retained until such proceeding is resolved.

NEW SECTION

WAC 434-670-080 Auditing requirements. Grantees must comply with the audit requirements set forth in Washington statutes for local government units. The grantee is responsible for ensuring that the Washington State Archives receives copies of the audit report for any audit performed during the grant period or for the following three (3) years. Specific accounting requirements for the Washington State Archives Local Records Grant Program are:

- (1) Grant money must be deposited in an auditable, interest-bearing account. Interest received must be applied to the project.

(2) Grant work must be monitored in progress. The Washington State Archives staff may visit the work site for review at any time during the project.

(3) Changes in the approved grant, including changes of personnel, must be requested in writing to the Washington State Archives, Local Records Grant Program.

(4) In the case of default by the grantee, the grant will be revoked and all unused funds must be returned to the Washington State Archives Local Records Grant Program. The Washington State Archives will notify the grantee of default in writing.

(5) The grantee shall submit a final grant report by June 30.

(6) Grantees must submit copies of all invoices with the final report, and

(7) Grantees must adhere to local and state bid requirements and submit documentation with the final grant report.

NEW SECTION

WAC 434-670-090 Conflicts of interest. (1) The Washington State Archives Oversight Committee will not consider a proposal where a committee member or a member of the Secretary of State's staff derives compensation from the proposed grant.

(2) A board member shall abstain from reviewing or voting on proposals if she/he is directly or indirectly connected with a proposed project through employment at the same institution, (directly or) indirectly supervises the project, or serves as an unpaid consultant to the project.

WSR 03-06-073

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 4, 2003, 9:05 a.m., effective August 1, 2003]

Date of Adoption: March 4, 2003.

Purpose: Chapter 296-52 WAC, Safety standards for possession and handling of explosives. The changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives, are as a result of the passage of chapter 370, Laws of 2002 (2SSB 6080) that was enacted in 2002.

New Section:

WAC 296-52-69130 Table of distances for the storage of display fireworks (except bulk salutes).

- Add a low explosive table from the Bureau of Alcohol, Tobacco, and Firearms, which is a nationally recognized standard.

Amended Sections:

WAC 296-52-60020 Exemptions.

- Subsection (1)(d). Reorganize and add a bullet to include arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of the United States.

- Subsection (5). Replace class of explosive with division of explosive.

WAC 296-52-60130 Definitions.

- Update the definition of blasting agent and improvised device.
- Replace class of explosive with division of explosive in the definition for explosives, explosives classifications, explosives international markings, and low explosive.
- Replace smokeless propellants with smokeless powder in the definition.
- Housekeeping change to change the definition of mud-cap, the word bodying is being replaced with dobying.

WAC 296-52-67065 Vibration and damage control.

- Housekeeping changes to Table 8-B, which correct the formulas by replacing Z with 2.

WAC 296-52-67160(2) Types and classifications.

- Replace class of explosive with division of explosive.

WAC 296-52-68060 Operation of vehicles transporting explosives.

- Replace class of explosive with division of explosive.
- Housekeeping changes to correct a numbering error.

WAC 296-52-69010 Explosives.

- Replace class of explosive with division of explosive.

WAC 296-52-69015 Exempt explosives.

- Replace smokeless propellants with smokeless powder.

WAC 296-52-69095 Ammonium nitrate.

- Replace class of explosive with division of explosive.

WAC 296-52-69125 Table H-24—Low explosives.

- Replace class of explosive with division of explosive.

WAC 296-52-70010 (1)(a) Building construction for Class 1 magazine.

- Correct an error in the current standard by requiring the masonry wall be at least eight inches thick.

WAC 296-52-710 Exemptions.

- Replace smokeless propellants with smokeless powder.

WAC 296-52-71020 Storage with Division 1.1, 1.2, or 1.3 explosives.

- Replace class of explosive with division of explosive.

WAC 296-52-71040 Shipping container.

- Replace class of explosive with division of explosive.
- Replace smokeless propellants with smokeless powder.

WAC 296-52-71045 Storage.

- Replace smokeless propellants with smokeless powder.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-52-60020 Exemptions, 296-52-60130 Definitions, 296-52-67065 Vibration and damage control, 296-52-67160 Types of classifications, 296-52-68060 Operation of vehicles transporting explosives, 296-52-69010 Explosives, 296-52-69015 Exempt explosives, 296-52-69095 Ammonium nitrate, 296-52-69125 Table H-24—Low

explosives, 296-52-70010 Building construction for Class 1 magazine, 296-52-710 Exemptions, 296-52-71020 Storage with Division 1.1, 1.2, or 1.3 explosives, 296-52-71040 Shipping container, and 296-52-71045 Storage.

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

Adopted under notice filed as WSR 02-23-076 on November 19, 2002.

Changes Other than Editing from Proposed to Adopted Version: A housekeeping change was made to the definition of mudcap, the word bodying was replaced with dobbing. The change was included in the CR-105 package, but was accidentally left off the codified wording.

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 14, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 14, Repealed 0.

Effective Date of Rule: August 1, 2003.

March 4, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-60020 Exemptions. (1) **The following are exempt from this chapter:**

(a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.

(b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.

(c) Explosives in the forms prescribed by the official United States Pharmacopoeia.

(d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of ~~((federal agencies and departments including the regular United States military departments on military reservations and))~~:

• The United States agencies and departments including the regular United States military departments on military reservations

• Arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States

- The duly authorized militia of any state ~~((or territory))~~
- The emergency operations of any state department or agency, any police, or any municipality or county ~~((Any police~~

~~Any municipality or county))~~
(e) A hazardous devices technician when they are carrying out:

- Normal and emergency operations
- Handling evidence
- Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials
- When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work

Note: A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

(f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.

(g) The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures used by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosive and blasting agents for such use must meet the requirements in chapter 296-59 WAC, Safety standards for ski operations.

Note: The purpose of this chapter is to protect the public by enabling ski area operators to exercise appropriate avalanche control measures. The legislature finds that avalanche control is of vital importance to safety in ski areas and that the provisions of the Washington State Explosives Act contain restrictions, which do not reflect special needs for the use of explosives as a means of clearing an area of serious avalanche risks. This act recognizes these needs while providing for a system of regulations designed to make sure that the use of explosives for avalanche control conforms to fundamental safety requirements.

(h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from this chapter while they are under the control of the United States government or military authorities.

(3) **Import, sale, possession, or use of:**

- Consumer fireworks
- Signaling devices
- Flares
- Fuses
- Torpedoes

(4) ~~((Class C))~~ **Consumer fireworks.** Fireworks classified as ~~((Class C))~~ Division 1.4 explosives by U.S. DOT ~~((Division 1.4))~~ and regulated through the State fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

Note: Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 CFR 72.101).

(5) **Partial exemption—~~((Class A and B))~~ Division 1.1, 1.2, or 1.3 display fireworks.** Display fireworks are

PERMANENT

fireworks classified as ~~((Class A or B))~~ Division 1.1, 1.2, or 1.3 explosives by US DOT ~~((International Designations 1.1, 1.2, or 1.3))~~. Users of ~~((Class A and B))~~ Division 1.1, 1.2, or 1.3 display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

Note: Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 CFR 172.101).

(6) Conditional exemption small arms explosive materials. Public consumers possessing and using:

- Black powder, under five pounds
- Smokeless powder, under fifty pounds
- Small arms ammunition
- Small arms ammunition primers
 - Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-60130 Definitions. American Table of Distances means the American Table of Distances for Storage of Explosives as revised and approved by Institute of the Makers of Explosives (IME).

Approved storage facility means a facility for the storage of explosive materials which is in compliance with the following chapter:

- Storage licensing (WAC 296-52-660)
- Storage of explosive materials (WAC 296-52-690)
- Magazine construction (WAC 296-52-700).

Attend means the physical presence of an authorized person who stays in view of the explosives.

Authorized, approved, or approval means authorized, approved, or approval by:

- The department
- Any other approving agency
- An individual as specified in this chapter.

Authorized agent means a person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

Authorized agent list means a current list of agents the purchaser has authorized to order or receive explosives on their behalf.

Authorized person means a person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

Barricades

• **Barricade** means effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway.

• **Artificial barricade** means a barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet.

• **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

BATF means the Bureau of Alcohol, Tobacco, and Firearms.

Blast area means the area of a blast that is effected by:

- Flying rock missiles
- Gases
- Concussion.

Blast pattern means the plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

Blast site means the area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

Blaster means a person trained and experienced in the use of explosives and licensed by the department.

Blaster in charge means a licensed blaster who is:

• Fully qualified, by means of training and experience in explosives use

• Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area

• In charge of:

– The blast process

– All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter

• In a position of authority:

– To take prompt corrective action in all areas of the blast operation

– Over all other blasters at the blast area

Blasting agent means any material or mixture consisting of a fuel and oxidizer:

• That is intended for blasting

• ~~((That is))~~ Not otherwise ((classified)) defined as an explosive

~~((Where none of the ingredients are classified as an explosive,~~

~~– Provided, the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a Number 8 test detonator))~~

• If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined

– A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer

Blockholing means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

Competent person means a person who:

• Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property

- Has authorization to take prompt corrective action to eliminate such hazards.

Consumer fireworks means:

- Any small firework device:
 - Designed to produce visible effects by combustion
 - That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507),

- A small device designed to produce audible effects which include, but are not limited to:

- Whistling devices
- Ground devices containing 50 mg or less of explosive materials
- Aerial devices containing 130 mg or less of explosive materials

Note: Fused set pieces containing components, which, together, exceed 50 mg of salute powder are not included.

Conveyance means any unit used for transporting explosives or blasting agents, including, but not limited to:

- Trucks
- Trailers
- Rail cars
- Barges
- Vessels.

Day box means a box which:

- Is a temporary storage facility for storage of explosive materials

- Is not approved for unattended storage of explosives
- May be used at the worksite during working hours to store explosive materials, provided the day box is:

- Constructed as required (WAC 296-52-70065, Explosives day box),
- Marked with the word "explosives"
- Used in a manner that safely separates detonators from other explosives
- Guarded at all times against theft

Dealer means any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

Detonating cord means a round flexible cord containing a center core of high explosive and used to initiate other explosives.

Detonator means any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

- Electric detonators of instantaneous and delay types
- Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

Discharge hose means a hose with an electrical resistance high enough to limit the flow of stray electric currents to safe levels, but not high enough to prevent drainage of static electric charges to the ground. Hose not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

Display fireworks means large fireworks:

- Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:

- Salutes containing more than 2 grains (130 mg) of explosive materials

- Aerial shells containing more than 40 grams of pyrotechnic compositions

- Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks"

- Fused set pieces containing components, which together exceed 50 mg of salute powder

Electric detonator means a blasting detonator designed for and capable of detonation by means of electric current.

Electric blasting circuitry consists of these items:

- **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators.

- **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.

- **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit.

- **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

Electric delay detonators means detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

Emulsion means an explosive material containing:

- Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel

- Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

Explosives means:

- Any chemical compound or mechanical mixture:
 - Commonly intended or used for the purpose of producing an explosion

- That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb

- All material classified as (~~Class A, Class B, and Class C~~) Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT

- For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:

- Small arms ammunition

- Small arms ammunition primers

- Smokeless powder, not exceeding fifty pounds

- Black powder, not exceeding five pounds

Explosive actuated power devices means any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

Explosives classifications. Explosives classifications include, but are not limited to:

- ~~((Class A (Division 1.1)))~~ Division 1.1 and Division 1.2 explosives ((possessing)) possess mass explosion or detonating hazard):
 - Dynamite
 - Nitroglycerin
 - Picric acid
 - Lead azide
 - Fulminate of mercury
 - Black powder (exceeding 5 pounds)
 - Detonators (in quantities of 1,001 or more)
 - Detonating primers
- ~~((Class B (Division 1.2 and))~~ Division 1.3(()) explosives ((possessing)) possess a minor blast hazard, a minor projection hazard, or a flammable hazard):
 - Propellant explosives
 - Smokeless ~~((propellants))~~ powder (exceeding fifty pounds)
- ~~((Class C (Division 1.4) explosives:~~
 - ~~Certain types of manufactured articles, which contain Class A and/or Class B explosives as compounds (but in restricted quantities)~~
 - ~~Detonators (in quantities of 1,000 or less))~~ Division 1.4 explosives:
 - Explosives that present a minor explosion hazard
 - Includes detonators that will not mass detonate in quantities of 1,000 or less
 - Division 1.5 explosives:
 - Explosives with a mass explosion hazard but are so insensitive that there is little probability of initiation
 - ANFO and most other blasting agents are in this division
 - Division 1.6 explosives:
 - Explosives that are extremely insensitive and do not have a mass explosion hazard

Explosives exemption. The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

- Applies to public consumer use only
- Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

Explosives international markings.

- The department will accept U.S. DOT and/or BATF international identification markings on explosives and/or explosives containers or packaging
- This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated markings (as defined by RCW 70.74.010(4) ~~((Class A, B, or C))~~ (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

Explosives manufacturing building means any building or structure, except magazines:

- Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted
- Where explosives are used as a component part or ingredient in the manufacture of any article or device.

Explosives manufacturing plant means all lands with buildings used:

- In connection with the manufacturing or processing of explosives
- For any process involving explosives
- For the storage of explosives
- To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

Fireworks means any composition or device:

- Designed to produce a visible or an audible effect by combustion, deflagration, or detonation
- Which meets the definition of "consumer fireworks" or "display fireworks."

Forbidden or not acceptable explosives means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the Federal Department of Transportation (DOT).

Fuel means a substance, which may react with oxygen to produce combustion.

Fuse (safety). See "safety fuse."

Fuse lighters means special devices used for the purpose of igniting safety fuses.

Handler means any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

Note: This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

Hand loader means any person who engages in the non-commercial assembly of small arms ammunition for personal use; specifically, any person who installs new primers, powder, and projectiles into cartridge cases.

Highway means roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

Improvised device means a device, which is:

- Fabricated with explosives
- Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

Inhabited building means:

- A building which is regularly occupied, in whole or in part, as a habitat for human beings
- Any church, schoolhouse, railroad station, store, or other building where people assemble.

Note: This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

Low explosives means explosive materials, which can be caused to deflagrate when, confined. This includes:

- Black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as ~~((Class B))~~ Division 1.2 or Division 1.3 explosives by U.S. DOT (49 CFR Part 173).

Note: This does not apply to bulk salutes.

Magazine means any building, structure, or container approved for storage of explosive materials.

Note: This does not apply to an explosive manufacturing building.

Manufacturer means any person, partnership, firm, company, or corporation who manufactures explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product.

EXEMPTIONS: The following exemptions are restricted to materials and components, which are not classified (by U.S. DOT) as explosives until after they are mixed. With this restriction, the definition of manufacturer *does not* include:

- Inserting a detonator into a cast booster or a stick of high explosive product to make a primer for loading into a blast hole
- The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.

Misfire means the complete or partial failure of an explosive charge to explode as planned.

Mudcap (also known as bulldozing and ((bodying)) dobyng) means covering the required number of cartridges that have been placed on top of a boulder with a three or four-inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

Nonelectric delay detonator means a detonator with an integral delay element in conjunction with and capable of being detonated by a:

- Detonation impulse
- Signal from miniaturized detonating cord
- Shock tube.

Oxidizer means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

Permanent magazines means magazines that:

- Are fastened to a foundation
- Do not exceed permanent magazine capacity limits (RCW 70.74.040)
- Are approved and licensed
- Are left unattended.

Person means any individual, firm, partnership, corporation, company, association, person or joint stock association or trustee, receiver, assignee, or personal representative of that entity.

Person responsible, for an explosives magazine, means:

- The person legally responsible for a magazine that actually uses the magazine
- The person is responsible for the proper storage, protection, and removal of explosives, and may be the owner lessee, or authorized operator.

Portable (field) magazines means magazines that are:

- Designed to be unattended
- Not permanently fastened to a foundation
- Constructed or secured to make sure they cannot be lifted, carried, or removed easily by unauthorized persons
- Limited to the capacity of explosives required for efficient blasting operation
- Approved and licensed.

Possess means the physical possession of explosives in one's hand, vehicle, magazine, or building.

Primary blasting means the blasting operation that dislodged the original rock formation from its natural location.

Primer means a unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

Propellant actuated power device means any tool, special mechanized device, or gas generator system, which is actuated by a propellant and releases and directs work through a propellant charge.

Public utility transmission systems means:

- Any publicly owned systems regulated by:
 - The utilities and transportation commission
 - Municipalities
 - Other public regulatory agencies, which include:
 - Power transmission lines over 10 kV, telephone cables, or microwave transmission systems
 - Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals

Purchaser means any person who buys, accepts, or receives explosives or blasting agents.

Pyrotechnics, commonly referred to as fireworks, means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Qualified person means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- Possession of a recognized degree or certificate
- Professional standing
- Extensive knowledge, training, and experience.

Railroad means any type of railroad equipment that carries passengers for hire.

Safety fuse (for firing detonators) means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

Secondary blasting means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

Shock tube means a small diameter plastic tube:

- Used for initiating detonators
- That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

Small arms ammunition means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

Note: This does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

Small arms ammunition primers means small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

Smokeless ((propellants)) powder means solid chemicals or solid chemical mixtures that function by rapid combustion.

Special industrial explosive devices means explosive actuated power devices and propellant-actuated power devices.

Special industrial explosives materials means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

- Dynamite
- Trinitrotoluene (TNT)
- Pentaerythritol tetranitrate (PETN)
- Hexahydro-1, 3, 5-trinitro-s-triazine (RDX)
- Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

Springing means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

Sprung hole means a drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

Stemming means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

Trailer means semi-trailers or full trailers, as defined by U.S. DOT, which are:

- Built for explosives
- Loaded with explosives
- Operated in accordance with U.S. DOT regulations.

U.S. DOT means the United States Department of Transportation.

Vehicle means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

Water-gels or emulsion explosives. These explosives:

- Comprise a wide variety of materials used for blasting.
- Two broad classes of water-gels are those which:
- Are sensitized by material classed as an explosive, such as TNT or smokeless powder
 - Contain no ingredient classified as an explosive which are sensitized with metals, such as aluminum, or other fuels
- Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-67065 Vibration and damage control.

(1) Ground vibration - maximum limits.

Either Table 8-A or Table 8-B can be used to determine the maximum limits of ground vibration for any dwelling, public building, school church, commercial site, cofferdams, piers, underwater structures, or institutional building nearby the blasting site. The methods used for mon-

itoring vibration and calculating frequency must be included in the blast plan.

Table 8-A
PEAK PARTICLE VELOCITY LIMITS

Distance from blasting site	Maximum allowable peak particle velocity ¹
0 to 300 ft (91.4 m)	1.25 in/sec (31.75 mm/sec)
301 to 5000 ft (91.5 m to 1524 m)	1.00 in/sec (25.4 mm/sec)
5001 ft (1525 m) and beyond	0.75 in/sec (19 mm/sec)

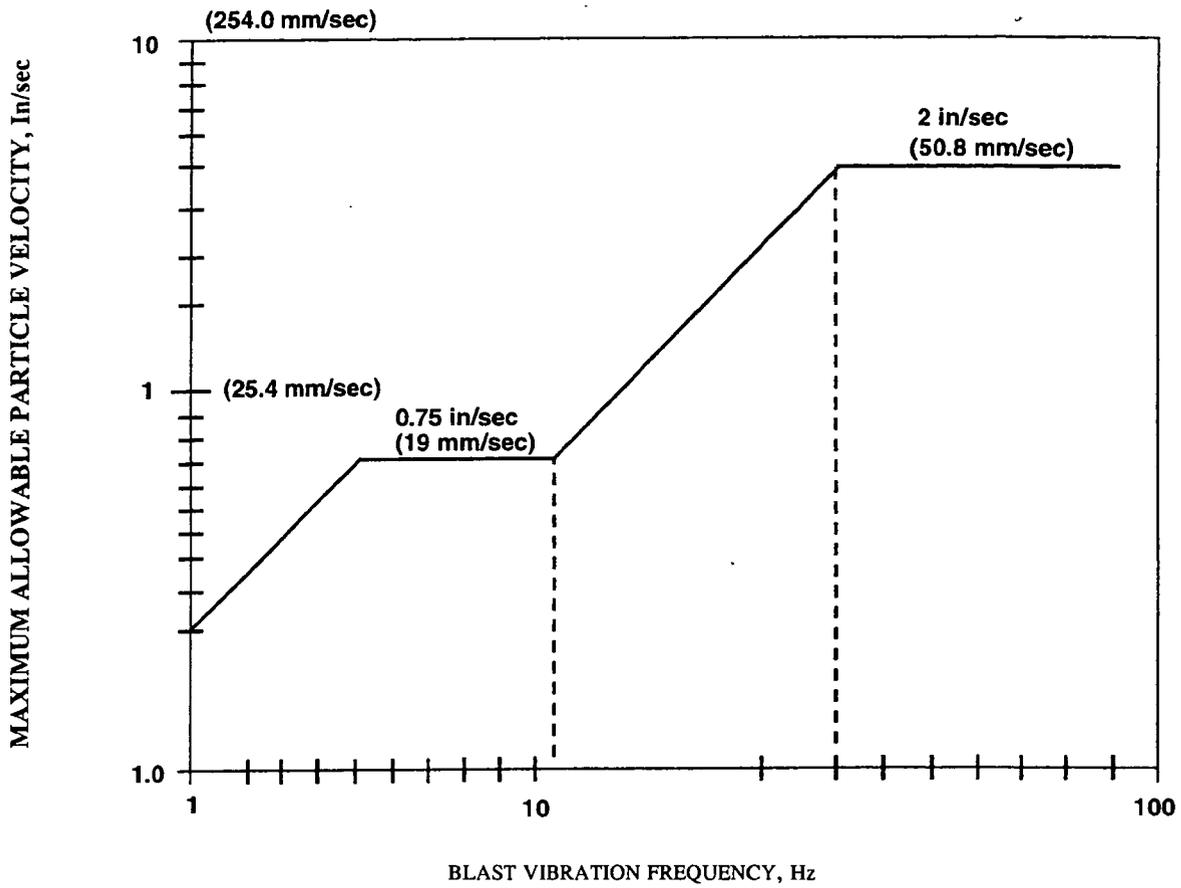
¹ Peak particle velocity must be measured in three mutually perpendicular directions and the maximum allowable limits must apply to each of these measurements.

(a) Frequency versus particle velocity graphics. In lieu of Table 8-A, a blasting operation has the option to use the graphs shown in Figure 8a or 8b to limit peak particle velocity based upon the frequency of the blast vibration. If either of the graphs in Figure 8a or 8b is used to limit vibration levels, the methods used for monitoring vibration and calculating frequency must be included in the blast plan.

PERMANENT

Figure 8a

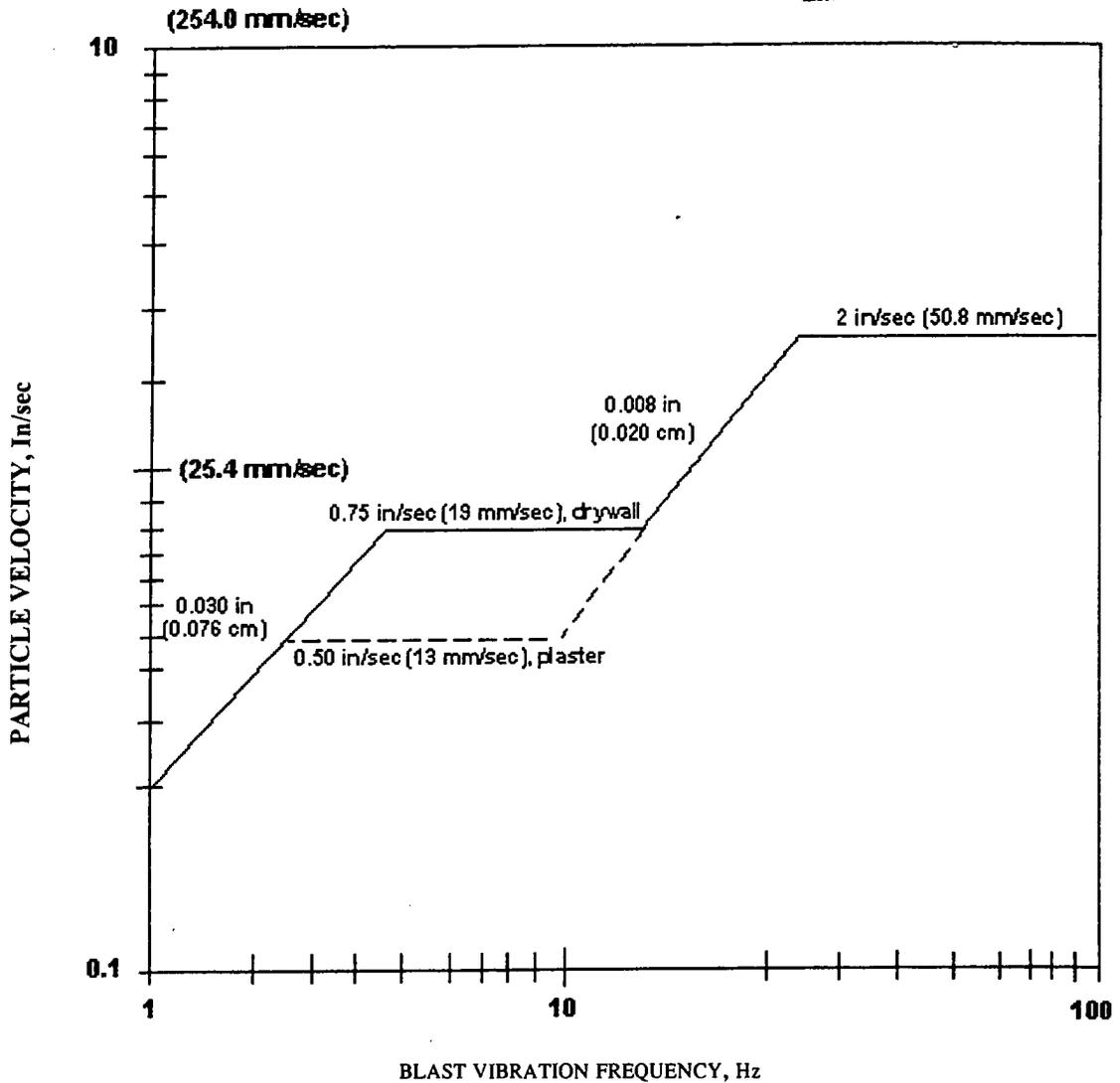
Alternative Blasting Level Criteria



PERMANENT

Figure 8b

Alternative Blasting Level Criteria



(b) Scaled distance equations. Unless a blasting operation uses a seismograph to monitor a blast to assure compliance with Table 8-A or Figures 9a or 8b, the operation must

comply with the scaled distance equations shown in Table 8-B.

Table 8-B
SCALED-DISTANCE EQUATIONS

Distance from Blasting Site	Scaled Distance Equation
0 to 300 ft (91.4 m)	$W \text{ (lbs)} = (d \text{ (ft)}/50)^2$ or $W \text{ (kg)} = (d \text{ (m)}/22.6)^2$
301 to 5000 ft (92 m to 1524 m)	$W \text{ (lbs)} = (d \text{ (ft)}/55)((Z))^2$ or $W \text{ (kg)} = (d \text{ (m)}/24.9)((Z))^2$
5001 ft (1524 m) and beyond	$W \text{ (lbs)} = (d \text{ (ft)}/65)$ or $W \text{ (kg)} = (d \text{ (m)}/29.4)((Z))^2$

Key:

W = The maximum weight of explosives in pounds (or kilograms) that can be detonated per delay interval of 8 milliseconds or greater.

PERMANENT

d = The distance in feet (or meters) from the blast to the nearest dwelling, public building, school, church, commercial, or institutional building not owned, leased, or contracted by the blasting operation, or on property where the owner has not given a written waiver to the blasting operation.

Note: To convert English Units of scaled distances (ft/lb²) to metric units (m/kg²) divide by a factor of 2.21.

(2) **Air blast - Maximum limits.** Air blast must not exceed the maximum limits listed in Table 8-C. Use Table 8-C to determine maximum air blast limits at any dwelling, public building, school, church, commercial, or institutional building not owned, leased, contracted, or on the property where the owner has not provided a written waiver to the blasting operation.

Table 8-C
AIR-BLAST LIMITS

Lower Frequency of Measuring System in Hz (+ or - 3 decibels)		Measurement Level in Decibels
0.1 Hz or Lower	Flat Response	134 Peak
2 Hz or Lower	Flat Response	133 Peak
6 Hz or Lower	Flat Response	129 Peak
C-Weighted	Slow Response	105 Peak dBC

(3) Flyrock outside the blast area:

(a) **Uncontrolled flyrock.** Flyrock traveling in the air or along the ground cannot be cast from the blast area in an uncontrolled manner, which could result in personal injury or property damage. Uncontrolled flyrock (airborne or along the ground), that could cause personal injury or property damage, is not allowed from the blast area.

(b) **Contract or written waiver.** Flyrock cannot be propelled from the blast area onto property where the blasting operation has not contracted or received a written waiver from the owner.

(c) **Use of protective material.** When blasting in congested areas or close to a structure, railway, highway, or any other installation that could be damaged, the blast must be covered, before firing, with a mat or other protective material that will prevent fragments from being thrown.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-67160 Types and classifications. (1) **Contains explosive substance.** Water-gel and emulsion explosive materials that contain a substance classified as an explosive must be classified as an explosive.

(2) **Contains no explosive substance.** Water-gel and emulsion explosive materials that do not contain any substance classified as an explosive or as cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130, Definitions) must be classified as an explosive.

Note: Water-gel formulas, which are tested and classified as a U.S. DOT ((Class-B)) Division 1.2 or 1.3 explosives do not require bullet resistant magazines.

(3) **Contains blasting agent substance.** Water-gel and emulsion explosive materials that do not contain any substance classified as an explosive and are not cap-sensitive (as

defined under "blasting agent" in WAC 296-52-60130, Definitions) must be classified as blasting agents.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-68060 Operation of vehicles transporting explosives. (1) **Authorized explosives transportation.** Explosives may only be transported by a:

- Licensed manufacturer
- Blaster
- Purchaser, seller, or their designated representative

OR

• Contract carrier for hire who complies with all requirements for transportation of hazardous materials

(2) **Driver qualifications.**

(a) Vehicles transporting explosives must be driven by a responsible licensed driver who is:

- At least twenty-one years old
- Physically fit
- Careful
- Capable
- Reliable

• Able to read and write the English language

• Not addicted to or under the influence of intoxicants, narcotics, or other dangerous drugs. (This does not apply to people taking prescription drugs and/or narcotics as directed by a physician, as long as use of the prescription drug does not endanger the worker or others.)

(b) The driver must be:

- Familiar with all:
 - Traffic regulations

– Department of Transportation (U.S. DOT) and other state laws in the transportation of explosives and hazardous material laws

• Aware of:

- What they are carrying
- Safety precautions for the explosives being transported

(3) **Parking - ((Class A or B)) Division 1.1 or 1.2 explosives.** A vehicle that contains ((Class A or B)) Division 1.1 or 1.2 explosives cannot be parked:

• On or within five feet of the traveled portion of a public street or highway

• On private property, including fueling or eating facilities, without the knowledge and consent of the person. The person in charge must be aware of the hazardous materials in the vehicle

OR

• Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble

Exemption: These restrictions do not apply when:
 - Routine operations require the vehicle be parked for a brief period of time
 - It is impractical to park the vehicle any other place

(4) **Vehicle attendance.** A vehicle transporting any quantity of ~~((Class A or B))~~ Division 1.1 or 1.2 explosives must be attended at all times by a driver or other representative of the vehicle carrier, exceptions are:

- A vehicle containing explosive materials may be left unattended for a period not to exceed forty-eight hours provided:

- The vehicle is parked in a designated parking lot, which complies with NFPA Std. 498 and the appropriate distance table for the type and quantity of explosives.

- The parking lot must:

- Be correctly bermed, walled, or fenced, and gated to prevent unauthorized entry

- Be inspected and approved by the department

- Provide a full-time, continuous security patrol when explosives are present

- An explosives delivery truck does not need to be attended when it only contains ~~((International Class 1.5-D blasting agents))~~ Division 1.5 and no high explosives, provided the:

- Vehicle is locked so it cannot be moved

- Cargo compartments are locked to prevent theft

- Vehicle is parked according to all applicable storage distance requirements

- Vehicle is located in a secured area that restricts entry of unauthorized personnel

~~((6))~~ (5) **Attendant.**

(a) An authorized attendant must be physically present and able to see the explosives at all times.

(b) In an emergency, the attendant must be able to quickly get to the explosives without interference.

(c) The attendant must:

- Be awake

- Be alert

- Not be engaged in activities, which could divert their attention

- Be aware of the ~~((class))~~ division of the explosive material and its dangers

- Be instructed in the methods and procedures used to protect the public

- Be familiar with the particular vehicle being driven

- Be trained in the use of the vehicle

- Have authorization and be able to move the vehicle if required

~~((7))~~ (6) **Loading precautions.** A vehicle must comply with U.S. DOT loading regulations in order to transport explosives in the same vehicle body with the following items:

- Spark producing metal

- Spark producing tools

- Oils

- Matches

- Firearms

- Electric storage batteries

- Flammable substances

- Acids

- Oxidizing materials

OR

- Corrosive compounds

~~((8))~~ (7) **Congested areas.** Vehicles transporting explosives must avoid congested areas and heavy traffic.

~~((9))~~ (8) **Disabled vehicles.**

- A qualified person must be present before explosives can be transferred from a disabled vehicle to another vehicle

- If a vehicle becomes disabled in a congested area, you must promptly notify local fire and police authorities. In a remote area they may be notified if necessary.

~~((10))~~ (9) **Explosives delivery and issue.** Delivery and issue of explosives must be made:

- Only by and to authorized people

- Into authorized magazines or authorized temporary storage or handling areas.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69010 Explosives. All ~~((Class A, B, and C))~~ Division 1.1, 1.2, 1.3, and 1.4 explosives, special industrial explosives, and any newly developed unclassified explosives, must be kept in magazines that meet the requirements of RCW 70.74.120 and this chapter, unless the explosives are:

- In the manufacturing process

- Being physically handled

- Being used at the blast site

OR

- Being transported to a place of storage or use.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69015 Exempt explosives. Explosives exempt from these storage requirements are:

Type of Explosive	Exempted Amount
Stocks of: • Small arms ammunition, • Propellant-actuated power cartridges, and • Small arms ammunition primers	Quantities less than 750,000
Smokeless ((propellants)) powder	Quantities less than 150 pounds
Black powder (as used in muzzleloading firearms)	Quantities less than 5 pounds
Explosive-actuated power devices	Quantities less than 50 pounds net weight of explosives
Fuse lighters and igniters	(not applicable)
Safety fuses (except cordeau detonant fuses)	(not applicable)

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69095 Ammonium nitrate. (1) **Storage.**

(a) Ammonium nitrate storage requirements do not apply to:

PERMANENT

- The transportation of ammonium nitrates while under the jurisdiction of and in compliance with U.S. DOT regulations (see 49 CFR, Part 173)

- The storage of ammonium nitrates while under the jurisdiction of and in compliance with U.S. Coast Guard (see 49 CFR, Parts 146-149)

- The storage of ammonium nitrate and ammonium nitrate mixtures, which are more sensitive than allowed by the bulletin

"Definition and test procedures for ammonium nitrate fertilizers" from the Fertilizer Institute 501 2nd St. NE, Washington, DC 20006.

This definition limits the contents of organic materials, metals, sulfur, etc., in products that may be classified ammonium nitrate fertilizer.

- The production of ammonium nitrate or the storage of ammonium nitrate on the premises of the producing plant, if no hazards are created to the employees or public

- The standards for ammonium nitrate (nitrous oxide grade) that are found in the:

"Specifications, properties and recommendations for packaging, transportation, storage and use of ammonium nitrate," from the Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Suite 1004, Arlington, VA 22202-4100.

(b) Ammonium nitrate storage requirements apply to:

- Anyone, in addition to the owner or lessee of any building, premises, or structure having or storing ammonium nitrate in quantities of one thousand pounds (425 kg) or more

- Ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing sixty percent or more ammonium nitrate by weight

Note: The approval of large quantity storage is based on the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings housing ammonium nitrate must:

- Have adequate ventilation or be self-ventilating in the event of a fire

- Have fire resistant walls when the exposed side of a storage building is within fifty feet (15.2 m) of a combustible building, forest, piles of combustible materials, and similar exposure hazards. Other suitable means of exposure protection such as a freestanding wall may be used instead of a fire resistant wall

- Have roof coverings that are ((Class C)) Division 1.4 or better as defined in Roof Coverings, NFPA 203M-1970

- Have flooring of noncombustible material or be protected against saturation by ammonium nitrate. In case of fire, the floor must not have open drains, traps, tunnels, pits, or pockets into which molten ammonium nitrate could flow and be confined

- Be dry and free from water seepage through the roof, walls, and floors

- Not have basements, unless the basements are open on at least one side

- Not be over one story in height

Note: The continued use of an existing storage building or structure may be approved in cases where continued use will not constitute a hazard to life or adjoining property.

Bags, drums, and other containers of ammonium nitrate must:

(d) Comply with specifications and standards required for use in interstate commerce (see 49 CFR, Chapter 1). Containers used on the premises in the actual manufacturing or processing do not need to comply.

- Not be used for storage when the temperature of the ammonium nitrate exceeds 130°F (54.4°C)

- Not be stored within thirty inches (76 cm) of the storage building walls and partitions

- Not be stacked higher than twenty feet (6.1 m) in height, twenty feet (6.1 m) in width, and fifty feet (15.2 m) in length. When buildings are constructed of noncombustible materials or protected by automatic sprinklers, there are no stacking height restrictions

- Never be stacked closer than thirty-six inches (.09 m) below the roof or overhead supporting and spreader beams

- Be separated by aisles a minimum of 3 feet wide. There must be one main aisle in the storage area a minimum of four feet (1.2 m) wide

(e) Bulk ammonium nitrate must be stored:

- In warehouses with adequate ventilation or be capable of adequate ventilation in case of fire

- In structures that are not more than forty feet (12.2 m) high, unless:

- They are constructed of noncombustible material

OR

- Have adequate facilities for fighting a roof fire

- In clean bins that are free of materials that could cause contamination

- In bins or piles that are clearly identified by signs reading "AMMONIUM NITRATE" in letters a minimum of two inches (5 cm) high

- In bins or piles sized and arranged so all material is moved periodically to minimize the possibility of caking

- Adequately separated from easily combustible fuels. Bins cannot be made of galvanized iron, copper, lead, and zinc because of the:

- Corrosive and reactive properties of ammonium nitrate

AND

- To avoid contamination

- In tightly constructed wooden and aluminum bins that are protected against saturation from ammonium nitrate

- In tightly constructed partitions that divide the ammonium nitrate from other products to avoid contamination

- Where the temperature of the product does not exceed 130°F (54.4°C)

- No higher than thirty-six inches (0.9 m) below the roof or overhead supporting and spreader beams if stacked in piles. Stack limits (height and depth), should be determined by the pressure setting tendency of the product

(f) Bulk ammonium nitrate when caked, cannot be broken up or loosed by the use of dynamite, other explosives or blasting agents.

(g) Bulk ammonium nitrate cannot be stored with:

- LP Gas on the premises except when such storage complies with WAC 296-24-475, Storage and handling of liquefied petroleum gases

- Sulfur and finely divided metals in the same building except when such storage complies with this chapter and NFPA standard 495, Explosives Materials Code

- Explosives and blasting agents in the same building except on the premises of manufacturers, distributors, and user of explosives or blasting agents

- When explosives or blasting agents are stored in separate buildings, other than on the approval of manufacturers, distributors, and user, they must be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 or a minimum of fifty feet (15.2 m)

- With flammable liquids, such as gasoline, kerosene, solvents, and light fuel oils on the premises except when such storage conforms to WAC 296-24-330, Flammable and combustible liquids, and when walls, sills or curbs are provided in accordance with WAC 296-52-69095, Ammonium nitrate

(2) Contaminants must be stored in a separate building from ammonium nitrate

OR

Be separated by an approved firewall of not less than one-hour fire resistance rating which should extend to the underside of the roof. Alternatively, the contaminants may be separated by a minimum of thirty feet (9.1 m), instead of using walls. These contaminants are:

- Organic chemicals
- Acids
- Other corrosive materials
- Materials that may require blasting during processing or handling
- Compressed flammable gases
- Flammable and combustible materials
- Other substances including:

Animal fats	Baled cotton	Baled rags	Baled scrap paper
Bleaching powder	Burlap or cotton bags	Caustic soda	Coal
Coke	Charcoal	Cork	Camphor
Excelsior	Fibers of any kind	Fish oil	Fish meal
Foam rubber	Hay	Lubricating oil	Linseed oil
Other oxidizable or drying oils	Naphthalene	Oakum	Oiled clothing
Oiled paper	Oiled textiles	Paint	Straw
Sawdust	Wood shavings	Vegetable oil	

(3) Housekeeping requirements must have:

- Electrical installations, which meet the requirements of chapter 296-24 WAC, Part L, Electrical, and WAC 296-800-280, Basic electrical rules, for ordinary locations and be designed to minimize damage from corrosion

- Adequate lightning protections in areas where lightning storms are prevalent (see NFPA 78-1992, Lightning Protection Code)

- Procedures to prevent unauthorized personnel from entering the ammonium nitrate storage area

(4) Fire protection must provide:

- Water supplies and fire hydrants
- Suitable fire control devices, such as a small hose or portable fire extinguishers, throughout the warehouse and in

the loading/unloading areas. These devices must comply with the requirements of WAC 296-800-300, Portable fire extinguishers, and WAC 296-24-602, Standpipe and hose systems

- Approved sprinkler systems installed according to WAC 296-24-607, Automatic sprinkler systems

- Two thousand five hundred tons (two thousand two hundred seventy metric) or less of bagged ammonium nitrate may be stored in a structure that does not have an automatic sprinkler system.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69125 Table H-24—Low explosives. (1) Use Table H-24 for: Magazines that are restricted to:

- ((Class B)) Division 1.2 or 1.3
- ((Class C (Division 1.3 or 1.4))) Division 1.4, low explosives
- Low explosives classified by BATF
- (2) Detonators cannot be stored with low explosives.

Table H-24

TABLE OF DISTANCES FOR STORAGE OF LOW EXPLOSIVES

Pounds		From inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over	Not Over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

NEW SECTION

WAC 296-52-69130 Table of distances for the storage of display fireworks (except bulk salutes).

Net weight of fireworks (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway (feet)	Distance between magazine (feet)
0-1,000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table H-20	

Note 1: The net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

PERMANENT

- Note 2: For the purposes of applying this table, the term magazine also includes fireworks shipping buildings for display fireworks.
- Note 3: For fireworks storage magazines in use prior to (2000) the distances in this table may be halved if properly barricaded between the magazine and potential receptor sites.
- Note 4: This table does not apply to the storage of bulk salutes. Use Table H-20 for storage of bulk salutes.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70010 Building construction for Class 1 magazines. All building-type storage facilities must:

- Be constructed of masonry, wood, metal, or a combination of these materials
- Have no openings except for entrances and ventilation
- Have the ground around the facility slope away for drainage

(1) Wall construction.

(a) Masonry wall construction. Masonry wall construction must:

- Consist of brick, concrete, tile, cement block, or cinder block
- Be at least ~~((six*))~~ eight inches thick

(b) Hollow masonry construction. Hollow masonry construction must:

- Have all hollow spaces filled with well tamped coarse dry sand

OR

- Have weak concrete (a mixture of one part cement to eight parts sand with enough water to dampen the mixture) while tamping in place

AND

- Have interior walls covered with a nonsparking material

(c) Fabricated metal wall construction.

• Metal wall construction must be securely fastened to a metal framework and consist of one of the following types of metal:

- Sectional sheets of steel (at least number 14 gauge)

OR

- Aluminum (at least number 14 gauge)

• Metal wall construction must:

- Be lined with brick, solid cement blocks, and hardwood at least four inches thick or material of equivalent strength

- Have a minimum of six-inch sand fill between interior and exterior walls

- Have interior walls constructed of or covered with a nonsparking material

(d) Wood frame wall construction.

• Exterior wood walls must be covered with iron or aluminum at least number 26 gauge

• Inner walls, made of nonsparking materials must be constructed with a space:

- A minimum of six inches between the outer and inner walls

AND

- Filled with coarse dry sand or weak concrete

(2) Floors. Floors must be:

(a) Constructed of a nonsparking material.

(b) Strong enough to hold the weight of the maximum quantity to be stored.

(3) Foundation.

• Foundations must be constructed of brick, concrete, cement block, stone, or wood posts

• If piers or posts are used instead of a continuous foundation, the space under the building must be enclosed with metal

(4) Roof.

(a) Roofs must be covered with no less than number 26 gauge iron or aluminum fastened to a 7/8-inch sheathing, except for buildings with fabricated metal roofs.

(b) If it is possible for a bullet to be fired directly through the roof at such an angle that it would strike a point below the top of the inner walls, storage facilities must be protected by one of the following two methods:

• A sand tray must be:

- Located at the top of the inner wall covering the entire ceiling area, except the area necessary for ventilation.

- Lined with a layer of building paper.

- Filled with at least four inches of coarse dry sand.

• A fabricated metal roof must be constructed of 3/16-inch plate steel lined with four inches of hardwood or material of equivalent strength. For each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

(5) Doors and hinges.

(a) All doors must be constructed of 1/4-inch plate steel and lined with two inches of hardwood or material of equivalent strength.

(b) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding

- Riveting

OR

- Bolting nuts on the inside of the door

(6) Locks.

(a) Each door must be equipped with:

- Two mortise locks

- Two padlocks fastened in separate hasps and staples

- A combination of a mortise lock and a padlock

- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must:

- Have a minimum of five tumblers

- Have a case hardened shackle at least 3/8 inches in diameter

• Be protected with a minimum of 1/4-inch steel hoods, constructed to prevent sawing or lever action on the locks, hasps, and staples

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(7) Ventilation.

• A two-inch air space must be left around ceilings and the perimeter of floors, except in doorways

- Foundation ventilators must be at least four inches by six inches
- Vents in the foundation, roof, or gables must be screened and offset

(8) Exposed metal.

- Sparking metal construction cannot be exposed below the tops of walls in storage facilities
- All nails must be blind nailed, countersunk, or nonsparking.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-710 Exemptions. These rules do not apply to in process storage and intraplant transportation during the manufacture of small arms ammunition, small arms primers, and smokeless ((~~propellants~~)) powder.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-71020 Storage with ((Class A or B)) Division 1.1, 1.2, or 1.3 explosives. Small arms ammunition cannot be stored with ((Class A or Class B)) Division 1.1, 1.2, or 1.3 explosives. Unless the storage facility is adequate for ((Class A or Class B)) Division 1.1, 1.2, or 1.3 storage, small arms ammunition cannot be stored there.

**SMALL ARMS SMOKELESS ((PROPELLANTS))
POWDER**

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-71040 Shipping container.

- Small arms smokeless ((~~propellants~~-(Class-B))) powder (Division 1.2 or 1.3) must be packed, stored, and transported in U.S. DOT approved shipping containers.
- All smokeless ((~~propellants~~)) powder must be stored in shipping containers made for smokeless ((~~propellants~~)) powder (as required by 49 CFR 173.93).

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-71045 Storage. (1) Private residence or car.

- Twenty-five pounds or less of small arms smokeless ((~~propellants~~)) powder, no restrictions
- Twenty-five to fifty pounds of small arms smokeless ((~~propellants~~)) powder, they must be stored in a strong box or cabinet constructed of a minimum of 3/4-inch plywood or equivalent material, on all sides, top, and bottom

(2) Commercial stocks.

- Over twenty pounds but not more than one hundred pounds of small arms smokeless ((~~propellants~~)) powder must be stored in portable wooden boxes with a minimum of one-inch thick walls

- Small arms smokeless ((~~propellants~~)) powder not exceeding one hundred fifty pounds, must be stored in a non-portable storage cabinet with a minimum of one-inch thick wood walls

(3) Dealer's warehouse.

- A dealer's warehouse cannot hold more than one hundred fifty pounds of small arms smokeless ((~~propellants~~)) powder
- Twenty to one hundred pounds of small arms smokeless ((~~propellants~~)) powder must be stored in a minimum of one-inch thick portable or fixed wooden boxes

(4) Dealer's display.

- The dealer's display cannot exceed more than seventy-five pounds of small arms smokeless ((~~propellants~~)) powder
- Small arms smokeless ((~~propellants~~)) powder must be stored in one-pound containers

(5) Magazines. Small arms smokeless ((~~propellants~~)) powder that exceed one hundred fifty pounds must be stored in approved licensed magazines. See Storage licensing, WAC 296-52-660, Storage of explosive materials, WAC 296-52-690, and Magazine construction, WAC 296-52-700.

WSR 03-06-075

**PERMANENT RULES
DEPARTMENT OF**

LABOR AND INDUSTRIES

[Filed March 4, 2003, 9:09 a.m., effective August 1, 2003]

Date of Adoption: March 4, 2003.

Purpose: Chapter 296-155 WAC, Part E, Signs, signals and barricades. The Occupational Safety and Health Administration (OSHA) adopted changes to 29 C.F.R. 1926, Safety Standards for Signs, Signals and Barricades in Federal Register, Volume 67, No. 177, on September 12, 2002. The adoption updated references to the Manual on Uniform Traffic Control Devices (MUTCD), which is a nationally recognized industry standard. As a result of this amended federal rule, the department is adopting rules to be at-least-as-effective-as OSHA.

AMENDED SECTIONS:

WAC 296-155-300

- References to the Manual on Uniform Traffic Control Devices (MUTCD) updated.
- Note giving information on ordering the MUTCD put in this section.

WAC 296-155-305 (1)(a) and 296-155-310

- References to the MUTCD updated.

WAC 296-155-315 Definitions.

- In the definition for "signals," the word "flagger" is being changed to "flaggers."

Citation of Existing Rules Affected by this Order: Amending WAC 296-155-300, 296-155-305, 296-155-310, and 296-155-315.

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

PERMANENT

Adopted under notice filed as WSR 02-23-074 on November 19, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, 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 4, Repealed 0.

Effective Date of Rule: August 1, 2003.

March 4, 2003
Paul Trause
Director

AMENDATORY SECTION (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

WAC 296-155-300 Accident prevention signs and tags. (1) General. Signs and symbols required by this section shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(2) Danger signs.

(a) Danger signs (see Figure E-1) shall be used only where an immediate hazard exists.

(b) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(3) Caution signs.

(a) Caution signs (see Figure E-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(b) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording.



FIGURE E-1



FIGURE E-2

(4) Exit signs.

(a) Every exit sign shall have the word "exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

(b) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) Safety instruction signs. Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(6) Directional signs. Directional signs, other than automotive traffic signs specified in subsection (7) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(7) Traffic signs.

(a) Construction areas shall be posted with legible traffic signs at points of hazard.

(b) All traffic control signs or devices used for protection of construction workers shall conform to and be set up according to ((American National Standards Institute D6.1-

PERMANENT

1988,)) Part VI of the Manual on Uniform Traffic Control Devices ((for Streets and Highways)) (MUTCD), 1988 Edition, Revision 4, 1995, as amended by the Washington state department of transportation (M24-((OT-(HT)))01) or the Millennium Edition, December 2000, FHWA.

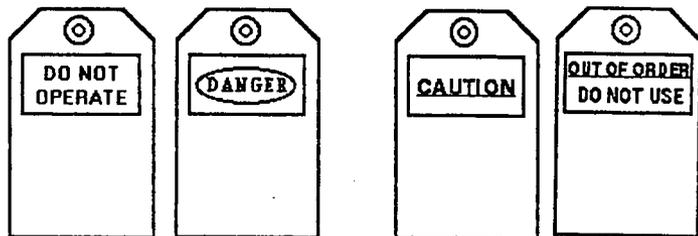
- Note:**
- You may purchase copies of the MUTCD by writing:
U.S. Government Printing Office
Superintendent of Documents
Mail Stop: SSOP
Washington D.C. 20402-9328
 - You may read a copy of the MUTCD at any department of labor and industries (L&I) service location.

(8) Accident prevention tags.

(a) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(b) Specifications for accident prevention tags similar to those in Table E-1 shall apply.

(i) Additional rules. American National Standards Institute (ANSI) Z35.1-1972, Specifications for Accident Prevention signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1-1972 and Z35.2-1968 with respect to rules not specifically prescribed in this part.



White tag---- white letters on red square
 White tag---- white letters on red oval with a black square
 Yellow tag---- yellow letters on a black background
 White tag---- white letters on black background

TABLE E-1

White tag- White letters on red square	White tag- White letters on red oval with a black square	Yellow tag- Yellow letters on a black background	White tag- White letters on black background
Basic Stock (Background)	Safety Colors (Ink)		Copy Specification (Letters)
White	Red		Do Not Operate
White	Black and Red		Danger
Yellow	Black		Caution
White	Black		Out of Order-Do Not Use

AMENDATORY SECTION (Amending WSR 01-04-015, filed 1/26/01, effective 2/28/01)

WAC 296-155-305 Signaling and flaggers. (1)(a) Except as otherwise required in these rules, traffic control

devices, signs and barricades must be set up and used according to the guidelines and recommendations in Part VI of the Federal Highway Administration's((=)) Manual on Uniform Traffic Control Devices (MUTCD), ((1995)) 1988 Edition-Revision 4, ((Part VI, Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations)) 1995, or the Millennium Edition.

(b) Job site workers with specific traffic control responsibilities must be trained in traffic control techniques, device usage, and placement.

Note:

- You may purchase copies of the MUTCD by writing:

U.S. Government Printing Office
 Superintendent of Documents
 Mail Stop: SSOP,
 Washington D.C. 20402-9328

- You may read a copy of the MUTCD at any department of labor and industries (L&I) service location.

(2)(a) Flaggers or other appropriate traffic controls must be used when signs, signals, and barricades do not provide necessary protection from traffic at operations on or adjacent to a highway or street.

(b) Flaggers are to be used only when other reasonable traffic control methods will not adequately control traffic in the work zone.

(3) Flagger signaling directions must conform to the guidelines and recommendations of MUTCD, 1988 Edition-Revision 4, Part VI, 1995 ((Edition Revision 4, Part VI)), as amended by the Washington state department of transportation (WSDOT) pamphlet, "Washington State Modifications to the MUTCD." (M 24-01)

(4)(a) Flagger hand signaling must be by sign paddles or lights approved by WSDOT. During emergency situations, red flags may be used to draw a driver's attention to particularly hazardous conditions. In nonemergency situations, a red flag may be held in a flagger's free hand to supplement the use of a sign paddle or lights.

(b) When sign paddles are used, they must comply with the requirements of MUTCD, ((1995)) 1988 Edition-Revision 4, Part VI, 1995. Specifically, sign paddles:

- Must be at least 18 inches in diameter;
- Printed with letters at least 6 inches high;
- The "STOP" side of the paddle must have a red background with white lettering; and
- The "SLOW" side of the paddle must have an orange background with black lettering.

(c) When hand signaling is used during periods of darkness, sign paddles must be retroreflective or illuminated in the same manner as signs.

(5)(a) While flagging during daylight hours, a flagger must, at a minimum, wear:

- A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel. Specifically, a garment containing at least 775 square inches of background material and 201 square inches of retroreflective material that encircles the torso and is placed to provide 360

PERMANENT

degrees visibility around the flagger. The acceptable high visibility colors are fluorescent yellow-green, fluorescent orange-red or fluorescent red; and

- A high visibility hard hat. The acceptable high visibility colors are white, yellow, yellow-green, orange or red.

- When snow or fog limit visibility, a flagger must wear pants of any high visibility color other than white.

(b) While flagging during hours of darkness, a flagger must at least wear:

- A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999 over white coveralls, or other coveralls or trousers that have retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 standards; and

- A high visibility hard hat that is marked with at least 12 square inches of retroreflective material applied to provide 360 degrees of visibility.

- For the purpose of this rule, "hours of darkness" means one-half hour before sunset and one-half hour after sunrise.

- When snow or fog limit visibility, pants, coveralls, or rain gear in a highly visible color with retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 must be worn.

Note: High visibility safety garments made of mesh material may be worn by flaggers if they meet the chromaticity requirements of ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel.

Note:

- You may purchase copies of ANSI/ISEA 107-1999 by writing:

American National Standards Institute
11 West 42nd Street
New York, NY 10036

or

Contacting the ANSI web site at:
<http://web.ansi.org/>

- You may read a copy of ANSI/ISEA 107-1999 at any Washington state library.

(6)(a) Each flagger must be trained every three years.

(b) Flagger training must be based upon the Manual on Uniform Traffic Control Devices-((1995)) 1988 Edition-Revision 4, Part VI, 1995 as amended by the Washington state department of transportation pamphlet, "*Washington State Modifications to the MUTCD.*" (M 24-01)

(c) Personnel that have not completed a flagger-training course may be assigned duties as flaggers only during emergencies when a sudden, generally unexpected, set of circumstances demands immediate attention. Such emergency assignments are temporary and last only until a certified flagger can be put into the position. For the purpose of this rule, "emergency" means an unforeseen occurrence endangering life, limb, or property.

(7)(a) Each flagger must have in their possession either a valid Washington traffic control flagger card or a valid flagger card from a state, such as Oregon, Idaho or Montana, having flagger training reciprocity with Washington.

(b) The flagger card must show the following:

- Verification that the flagger training prescribed in subsection (6) of this section is completed;
- Date the flagger received their flagger training;
- Name of the instructor providing the flagger training;
- Name of the state that issued the flagger card;
- The card's expiration date; and
- Flagger's picture or a statement that says "valid with photo ID."

(8) When it is not possible to position work zone flaggers so they are not exposed to traffic or equipment approaching them from behind, the employer, responsible contractor and/or project owner must develop and use a method to ensure that flaggers have adequate warning of such traffic and equipment approaching from behind the flagger.

Note: The following are some nonmandatory examples of methods that may be used to adequately warn flaggers:

- Mount a mirror on the flagger's hard hat.
- Use a motion detector with an audible warning.
- Use a spotter.
- Use "jersey" barriers.

The department recognizes the importance of adequately trained flaggers and supports industry efforts to improve the quality of flagger training. However, training alone is not sufficient to comply with the statutory requirement of revising flagger safety standards to improve options available that ensure flagger safety and that flaggers have adequate visual warning of objects approaching from behind them. Likewise, the department believes that standard backup alarms, which are already required on construction equipment, do not meet the intent of the legislature on this issue.

(9)(a) The employer, responsible contractor and/or project owner must conduct an orientation that familiarizes the flagger with the job site each time the flagger is assigned to a new project or when job site conditions change significantly. The orientation must include, but is not limited to:

- The flagger's role and location on the job site;
- Motor vehicle and equipment in operation at the site;
- Job site traffic patterns;
- Communications and signals to be used between flaggers and equipment operators;
- On-foot escape route; and
- Other hazards specific to the job site.

(b) When flaggers are used on a job that will last more than one day, the employer, responsible contractor and/or project owner must keep on-site, a current site specific traffic control plan. The purpose of this plan is to help move traffic through or around the construction zone in a way that protects the safety of the traveling public, pedestrians and workers. The plan must include, but is not limited to, such items as the following when they are appropriate:

- Sign use and placement;
- Application and removal of pavement markings;
- Construction;
- Scheduling;
- Methods and devices for delineation and channelization;
- Placement and maintenance of devices;
- Placement of flaggers;
- Roadway lighting;
- Traffic regulations; and

- Surveillance and inspection.

(10) For all flagging operations a three (3) sign advance warning sequence is required on all roadways with a speed limit below 45 mph. A four (4) sign advance warning sequence is required on all roadways with a 45 mph or higher speed limit.

Note: The following table contains required spacing for advance warning sign placement.

Road Type	Distances		Advance Warning Signs	
	A	B	C	D
Urban low speed*	200 ft.	200 ft.	200 ft.	N/A
Urban high speed*	350 ft.	350 ft.	350 ft.	350 ft.
Rural	500 ft.	500 ft.	500 ft.	500 ft.
Expressway/ Freeway	1,000 ft.	1,600 ft.	2,600 ft.	2,600 ft.

* Speed category to be determined by Washington state department of transportation in cooperation with local jurisdictions.

(11) To protect flaggers, employers, responsible contractors and/or project owners must ensure that:

(a) Flagger workstations are illuminated during hours of darkness by floodlights.

- In no case must floodlighting be permitted to create a disabling glare for drivers. The adequacy of floodlight placement and elimination of potential glare can best be determined by driving through and observing the floodlighted area from each direction on the main roadway after initial floodlight setup.

- Emergency situations are exempt from these illumination requirements. For the purpose of this rule, "emergency" means an unforeseen occurrence endangering life, limb, or property.

(b) Warning signs reflect the actual condition of the work zone. When not in use, warning signs must either be taken down or covered.

(c) Flaggers are not assigned other duties while engaged in flagging activities.

(d) Flaggers do not use devices (for example, cell phones, pagers, radio headphone, etc.) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communications between flaggers to direct traffic or ensure flagger safety are acceptable.

(e) Flaggers receive appropriate breaks from flagging so they can remain attentive and alert. For the purpose of this rule, "appropriate break" means a rest period of at least 10 minutes, on the employer's time, for each 4 hours of working time.

- Rest periods must be scheduled as near as possible to the midpoint of the work period.

- A flagger must not be allowed to work more than three hours without a rest period.

- Scheduled rest periods are not required where the nature of the work allows a flagger to take intermittent rest periods equivalent to 10 minutes for each 4 hours worked.

AMENDATORY SECTION (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

WAC 296-155-310 Barricades. Barricades for protection of employees shall conform to the portions of Part VI of the ((American National Standards Institute D6.1-1988,)) Manual on Uniform Traffic Control Devices ((for Streets and Highways)) (MUTCD), 1988 Edition, Revision 4, 1995, as amended by the Washington state department of ((highways)) transportation, (M24-01 ((HT)))((, relating to barricades)) or the Millennium Edition, December 2000, FHWA.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-315 Definitions applicable to this part.

(1) "Barricade" means an obstruction to deter the passage of persons or vehicles.

(2) "Signs" are the warnings of hazard, temporarily or permanently affixed or placed, at locations where hazards exist.

(3) "Signals" are moving signs, provided by workers, such as flaggers, or by devices, such as flashing lights, to warn of possible or existing hazards.

(4) "Tags" are temporary signs, usually attached to a piece of equipment or part of a structure, to warn of existing or immediate hazards.

WSR 03-06-076

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 4, 2003, 9:10 a.m., effective August 1, 2003]

Date of Adoption: March 4, 2003.

Purpose: Chapter 296-78 WAC, Safety standards for sawmills and woodworking operations, the Occupational Safety and Health Administration (OSHA) identified two requirements that are not-at-least-as-effective-as the federal requirements. The rule was amended so it is at-least-as-effective-as the federal requirements.

Amended Sections:

WAC 296-78-56505(7) Boats and mechanical devices on waters.

- Proposing the deletion of the sentence, which allows for an exception for the requirement to have a life ring with line attached.

WAC 296-78-71011 Egress and exit.

- Proposing the deletion of references that are no longer accurate.

WAC 296-78-71011 (4)(c) Egress and exit.

- Proposing the revision of references that are no longer accurate.

WAC 296-78-835 (16)(b) Vehicles.

- Proposing to add the word "or" to clarify when the vehicle must be equipped with a positive device for

PERMANENT

preventing the uncontrolled lower of the load or forks is required.

Citation of Existing Rules Affected by this Order: Amending WAC 296-78-56505, 296-78-71011, and 296-78-835.

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

Adopted under notice filed as WSR 02-23-075 on November 19, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, 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 3, Repealed 0.

Effective Date of Rule: August 1, 2003.

March 4, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 02-03-124, filed 1/23/02, effective 3/1/02)

WAC 296-78-56505 Boats and mechanical devices on waters. (1) The applicable provisions of the Standard for Fire Protection for Motorcraft, NFPA No. 302-1994, shall be complied with. Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.

(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.

(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed cabin-type boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display navigation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) Decks of pond boats shall be covered with nonslip material. On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall

be made of or be covered with wood or other suitable matting or nonslip material and such covering shall be maintained in good condition.

(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached. ~~((On log broncs, boomscoters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.))~~

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(8)(a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.

(c) When work is assigned over water where the vertical drop from the accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the department of labor and industries prior to such assignment.

(d) Lines attached to life rings on fixed locations shall be at least ninety feet in length, at least one-fourth inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.

(e) Life rings must be United States Coast Guard approved thirty-inch size.

(f) Life rings and attached lines shall be provided and maintained to retain their buoyancy and strength.

(g) Log broncs, boomscoters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.

(h) Boats shall not be operated at an excessive speed or handled recklessly.

(i) Boat fuel shall be transported and stored in approved containers. Refer to WAC 296-24-58501(19) for definition of approved.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-78-71001 General. (1) Construction when not specifically covered in these standards shall be governed by such other standards adopted by the department of labor and industries as may apply.

(2) All buildings, docks, tramways, walkways, log dumps and other structures shall be so designed, constructed, and maintained as to provide a safety factor of four. This means that all members shall be capable of supporting four times the maximum load to be imposed. This provision refers to buildings, docks and so forth designed and constructed subsequent to the effective date of these standards and also refers in all cases where either complete or major changes or

repairs are made to such buildings, docks, tramways, walkways, log dumps and other structures.

(3) Basements on ground floors under mills shall be evenly surfaced, free from unnecessary obstructions and debris, and provided with lighting facilities in compliance with the requirements of the safety and health core rules, WAC 296-800-210.

(4) All engines, motors, transmission machinery or operating equipment installed in mill basements or ground floors shall be equipped with standard safeguards for the protection of workers.

(5) Hazard marking. Physical hazard marking shall be as specified in WAC ((~~296-24-135 through 296-24-13503~~) 296-24-13501) of the general safety and health standards.

(6) Flooring of buildings, ramps and walkways not subject to supporting motive equipment shall be of not less than two-inch wood planking or material of equivalent structural strength.

(7) Flooring of buildings, ramps, docks, trestles and other structure required to support motive equipment shall be of not less than full two and one-half inch wood planing or material of equivalent structural strength. However, where flooring is covered by steel floor plates, two inch wood planking or material of equivalent structural strength may be used.

(8) Walkways, docks, and platforms.

(a) Walkways, docks and platforms shall be constructed and maintained in accordance with the requirements of WAC 296-24-735 through 296-24-75011 and WAC 296-800-270.

(b) Maintenance. Walkways shall be evenly floored and kept in good repair.

(c) Where elevated platforms are used they shall be equipped with stairways or ladders in accordance with WAC 296-24-765 through 296-24-81013, and WAC 296-800-250 and 296-800-290.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-78-71011 Egress and exit. (1) In all enclosed buildings, means of egress shall be provided in accordance with the provisions of ((~~WAC 296-24-550 through 296-24-56531 and~~) WAC 296-800-310).

(2) All swinging doors shall be provided with windows, the bottom of which shall be not more than forty-eight inches above the floor. One window shall be provided for each section of double swinging doors. All such windows shall be of shatter proof or safety glass unless otherwise protected against breakage.

(3) Outside exits shall open outward. Where sliding doors are used as exits, an inner door not less than two feet six inches by six feet shall be cut inside each of the main doors and arranged to open outward.

(4) At least two fire escapes or substantial outside stairways, shall be provided for mill buildings where the floor level is more than eight feet above the ground.

(a) Buildings over one hundred fifty feet in length shall have at least one additional fire escape or substantial outside stairway for each additional one hundred fifty feet of length or fraction thereof.

(b) Passageways to fire escapes or outside stairways shall be marked and kept free of obstructions at all times.

(c) Fire protection. The requirements of ((~~WAC 296-24-585 through 296-24-62003~~) Part G2 (Fire Protection) and Part G3 (Fire Suppression Equipment), chapter 296-24 WAC of the general safety and health standard, and WAC 296-800-300 of the safety and health core rules, shall be complied with in providing the necessary fire protection for sawmills.

(d) Fire drills shall be held at least quarterly and shall be documented.

(5) Where a doorway opens upon a roadway, railroad track, or upon a tramway or dock over which vehicles travel, a barricade or other safeguard and a warning sign shall be placed to prevent workers from stepping directly into moving traffic.

(6) Tramways and trestles shall be substantially supported by piling or framed bent construction which shall be frequently inspected and maintained in good repair at all times. Tramways or trestles used both for vehicular and pedestrian traffic shall have a walkway with standard hand rail at the outer edge and shear timber on the inner edge, and shall provide three feet clearance to vehicles. When walkways cross over other thoroughfares, they shall be solidly fenced at the outer edge to a height of 42 inches over such thoroughfares.

(7) Where tramways and trestles are built over railroads they shall have a vertical clearance of twenty-two feet above the top of the rails. When constructed over carrier docks or roads, they shall have a vertical clearance of not less than six feet above the drivers foot rest on the carrier, and in no event shall this clearance be less than twelve feet from the surface of the lower roadway or dock.

(8) Walkways (either temporary or permanent) shall be not less than twenty-four inches wide and two inches thick, nominal size, securely fastened at each end. When such walkways are used on an incline the angle shall not be greater than twenty degrees from horizontal.

(9) Walkways from the shore or dock to floats or barges shall be securely fastened at the shore end only and clear space provided for the other end to adjust itself to the height of the water.

(10) Cleats of one by four inch material shall be fastened securely across walkways at uniform intervals of eighteen inches whenever the grade is sufficient to create a slipping hazard.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

WAC 296-78-835 Vehicles. (1) Vehicles.

(a) Scope. Vehicles shall include all mobile equipment normally used in sawmill, planing mill, storage, shipping, and yard operations, including log sorting yards.

(b) Lift trucks. Lift truck shall be designed, constructed, maintained and operated in accordance with the requirements of WAC 296-24-230 through 296-24-23035 of the general safety and health standards.

(c) Carriers. Drive chains on lumber carriers shall be adequately guarded to prevent contact at the pinch points.

(d)(i) Lumber carriers shall be so designed and constructed that the operator's field of vision shall not be unnecessarily restricted.

(ii) Carriers shall be provided with ladders or equivalent means of access to the operator's platform or cab.

(e) Lumber hauling trucks.

(i) On trucks where the normal operating position is ahead of the load in the direction of travel, the cab shall be protected by a barrier at least as high as the cab. The barrier shall be capable of stopping the weight of the load capacity of the vehicle if the vehicle were to be stopped suddenly while traveling at its normal operating speed. The barrier shall be constructed in such a manner that individual pieces of a normal load will not go through openings in the barrier.

(ii) Stakes, stake pockets, racks, tighteners, and binders shall provide a positive means to secure the load against any movement during transit.

(iii) Where rollers are used, at least two shall be equipped with locks which shall be locked when supporting loads during transit.

(2) Warning signals and spark arrestors. All vehicles shall be equipped with audible warning signals and where practicable shall have spark arrestors.

(3) Flywheels, gears, sprockets and chains and other exposed parts that constitute a hazard to workers shall be enclosed in standard guards.

(4) All vehicles operated after dark or in any area of reduced visibility shall be equipped with head lights and backup lights which adequately illuminate the direction of travel for the normal operating speed of the vehicle. The vehicle shall also be equipped with tail lights which are visible enough to give sufficient warning to surrounding traffic at the normal traffic operating speed.

(5) All vehicles operated in areas where overhead hazards exist shall be equipped with an overhead guard for the protection of the operator.

(6) Where vehicles are so constructed and operated that there is a possibility of the operator being injured by backing into objects, a platform guard shall be provided and so arranged as not to hinder the exit of the driver.

(7) Trucks, lift trucks and carriers shall not be operated at excessive rates of speed. When operating on tramways or docks more than six feet above the ground or lower level they shall be limited to a speed of not more than twelve miles per hour. When approaching blind corners they shall be limited to four miles per hour.

(8) Vehicles shall not be routed across principal thoroughfares while employees are going to or from work unless pedestrian lanes are provided.

(a) Railroad tracks and other hazardous crossings shall be plainly posted and traffic control devices (American National Standard D8.1 - 1967 for Railroad-Highway Grade Crossing Protection) should be utilized.

(b) Restricted overhead clearance. All areas of restricted side or overhead clearance shall be plainly marked.

(c) Pickup and unloading points. Pickup and unloading points and paths for lumber packages on conveyors and transfers and other areas where accurate spotting is required, shall be plainly marked and wheel stops provided where necessary.

(d) Aisles, passageways, and roadways. Aisles, passageways, and roadways shall be sufficiently wide to provide safe side clearance. One-way aisles may be used for two-way traffic if suitable turnouts are provided.

(9) Where an operator's vision is impaired by the vehicle or load it is carrying, he shall move only on signal from someone so stationed as to have a clear view in the direction the vehicle is to travel.

(10) Lift trucks shall be equipped, maintained and operated in compliance with the requirements of the general safety and health standard, WAC 296-24-230 through 296-24-23035.

(11) Load limits. No vehicle shall be operated with loads exceeding its safe load capacity.

(12) Vehicles with internal combustion engines shall not be operated in enclosed buildings or buildings with ceilings less than sixteen feet high unless the buildings have ventilation adequate to maintain air quality as required by the general occupational health standard, chapter 296-62 WAC.

(13) Vehicles shall not be refueled while motor is running. Smoking or open flames shall not be allowed in the refueling area.

(14) No employee other than trained operators or mechanics shall start the motor of, or operate any log or lumber handling vehicle.

(15) All vehicles shall be equipped with brakes capable of holding and controlling the vehicle and capacity load upon any grade or incline over which they may operate.

(16) Unloading equipment and facilities.

(a) Machines used for hoisting, unloading, or lowering logs shall be equipped with brakes capable of controlling or holding the maximum load in midair.

(b) The lifting cylinders of all hydraulically operated log handling machines, or where the load is lifted by wire rope, shall be equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

(c) A limit switch shall be installed on powered log handling machines to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(d) When forklift-type machines are used to load trailers, a means of securing the loading attachment to the fork shall be installed and used.

(e) A-frames and similar log unloading devices shall have adequate height to provide safe clearance for swinging loads and to provide for adequate crotch lines and spreader bar devices.

(f) Log handling machines used to stack logs or lift loads above operator's head shall be equipped with overhead protection.

(g) Unloading devices shall be equipped with a horn or other plainly audible signaling device.

(h) Movement of unloading equipment shall be coordinated by audible or hand signals when operator's vision is impaired or operating in the vicinity of other employees.

Lift trucks regularly used for transporting peeler blocks or cores shall have tusks or a similar type hold down device to prevent the blocks or cores from rolling off the forks.

(17) Where spinners are used on steering wheels, they shall be of the automatic retracting type or shall be built into

the wheel in such a manner as not to extend above the plane surface of the wheel. Vehicles equipped with positive anti-kickback steering are exempted from this requirement.

(18) Mechanical stackers and unstackers shall have all gears, sprockets and chains exposed to the contact of workers, fully enclosed by guards as required by WAC 296-78-710 of this chapter.

(19) Manually operated control switches shall be properly identified and so located as to be readily accessible to the operator. Main control switches shall be so designed that they can be locked in the open position.

(20) Employees shall not stand or walk under loads being lifted or moved. Means shall be provided to positively block the hoisting platform when employees must go beneath the stacker or unstacker hoist.

(21) No person shall ride any lift truck or lumber carrier unless a suitable seat is provided, except for training purposes.

(22) Unstacking machines shall be provided with a stopping device which shall at all times be accessible to at least one employee working on the machine.

(23) Floor of unstacker shall be kept free of broken stickers and other debris. A bin or frame shall be provided to allow for an orderly storage of stickers.

(24) Drags or other approved devices shall be provided to prevent lumber from running down on graders.

(25) Liquified petroleum gas storage and handling. Storage and handling of liquified petroleum gas shall be in accordance with the requirements of WAC 296-24-475 through 296-24-47517 of the general safety and health standards.

(26) Flammable liquids. Flammable liquids shall be stored and handled in accordance with WAC 296-24-330 through 296-24-33019 of the general safety and health standards.

(27) Guarding side openings. The hoistway side openings at the top level of the stacker and unstacker shall be protected by enclosures of standard railings.

(28) Guarding hoistway openings. When the hoist platform or top of the load is below the working platform, the hoistway openings shall be guarded.

(29) Guarding lower landing area. The lower landing area of stackers and unstackers shall be guarded by enclosures that prevent entrance to the area or pit below the hoist platform. Entrances should be protected by electrically interlocked gates which, when open, will disconnect the power and set the hoist brakes. When the interlock is not installed, other positive means of protecting the entrance shall be provided.

(30) Lumber lifting devices. Lumber lifting devices on all stackers shall be designed and arranged so as to minimize the possibility of lumber falling from such devices.

(31) Inspection. At the start of each work shift, equipment operators shall inspect the equipment they will use for evidence of failure or incipient failure. Equipment found to have defects which might affect the operating safety shall not be used until the defects are corrected.

(32) Cleaning pits. Safe means of entrance and exit shall be provided to permit cleaning of pits.

(33) Preventing entry to hazardous area. Where the return of trucks from unstacker to stacker is by mechanical

power or gravity, adequate signs, warning devices, or barriers shall be erected to prevent entry into the hazardous area.

WSR 03-06-095
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed March 4, 2003, 3:59 p.m., effective May 1, 2003]

Date of Adoption: February 28, 2003.

Purpose: To differentiate between classic jobs and career jump jobs and explain the impact that income received from each of these programs has on cash and basic food assistance benefit amounts; and to assure that clients are not terminated from cash assistance instead of being suspended when they participate in community jobs and that basic food allotments are calculated correctly based upon the type of community job held by the client.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0050.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 03-03-008 on January 6, 2003.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: May 1, 2003.

February 28, 2003

Bonita H. Jacques

for Brian H. Lindgen, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-23-044, filed 11/15/01, effective 1/1/02)

WAC 388-450-0050 How are your cash assistance and basic food ((assistance)) benefits determined when you are participating in the community jobs (CJ) program? (1) ((When you work in the community jobs (CJ) program, you get part of your money from the job and part as a TANF grant. The department estimates your total monthly income from your CJ position based on the number of hours

~~you, your case manager and the CJ contractor expect you to work for the month. We multiply the)) There are two different kinds of community jobs. They are:~~

(a) Classic jobs where your wages are subsidized by TANF or SFA; and

(b) Career jump where your wages are paid entirely by your employer beginning with the fifth month of your employment.

(2) We figure your total monthly income you get from your classic jobs or career jump job by:

(a) Estimating the number of hours you, your case manager, and the CJ contractor expect you to work for the month; and

(b) Multiplying the number of hours by the federal or state minimum wage, whichever is higher((, to get your monthly income)).

~~((2)) (3) Because you are expected to participate and meet the requirements of CJ, once we determine what your total monthly income is expected to be, we do not change your TANF grant if your actual hours are more or less than anticipated.~~

~~((3)) (4) We treat the total income we expect you to get each month from your CJ position as:~~

(a) Earned income for cash assistance ~~except we do not count any of the CJ income you get in the first month of your employment.~~

(b) ~~((Unearned))~~ Earned income for basic food ~~((assistance))~~ if you are a career jump participant that has transferred to your employer's regular payroll and your wages are no longer being subsidized; or

(c) Unearned income for basic food while you are in subsidized employment.

~~((4) For cash assistance, we do not count any of the CJ income that you get in the first month that you work in the CJ position:))~~

(5) If your anticipated ~~((CJ))~~ classic jobs income is more than your grant amount, your cash grant is suspended. This means that you are considered to be a TANF/SFA recipient, but you do not get a grant.

(a) The grant suspension can be up to a maximum of nine months.

(b) As long as you would be eligible for a grant if we did not count your ~~((CJ))~~ classic jobs income, you can keep participating in CJ even though your grant is suspended.

(c) The months your grant is suspended do not count toward your sixty-month lifetime limit.

(6) If your income from career jump after we subtract half of what you have earned is greater than your grant, your TANF/SFA case will close. This happens because your income is over the maximum you are allowed. You will still be able to participate in the CJ program for up to nine months.

(7) If your income from other sources alone not counting CJ income makes you ineligible for a cash grant, we terminate your grant and end your participation in CJ.

**WSR 03-06-110
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-23—Filed March 5, 2003, 10:26 a.m.]

Date of Adoption: February 8, 2003.

Purpose: To adopt WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one, 232-28-332 Game management units (GMUs) boundary descriptions—Region two, 232-28-333 Game management units (GMUs) boundary descriptions—Region three, 232-28-334 Game management units (GMUs) boundary descriptions—Region four, 232-28-335 Game management units (GMUs) boundary descriptions—Region five, 232-28-336 Game management units (GMUs) boundary descriptions—Region six, and 232-12-289 Official hunting hours for game birds and game animals.

To repeal WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one, 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two, 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three, 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four, 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five, 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six, and 232-28-02280 Game management units (GMUs)—Special game areas—Boundary descriptions—Cougar areas.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-02201, 232-28-02202, 232-28-02203, 232-28-02204, 232-28-02205, 232-28-02206, and 232-28-02280.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-103 on January 2, 2003.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.**

Changes, if any, from the text of the proposed rule and reasons for difference: The boundary description for GMU 368-Cowiche (Yakima County) needs to be replaced with the following in order to retain the existing boundaries to allow for further discussions with the Yakama Tribe. GMU 368-Cowiche should read as follows:

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; ~~((SW up Reservation Creek to its headwaters; NW from the headwaters of Reservation Creek to Spenser Point (as represented on the Mt. Adams DNR 100k Map);))~~ NW up the south fork of

PERMANENT

Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain; SW along the crest of the Klickton Divide, between Diamond Fork drainage and the South Fork Tieton drainage, ending at the Crest of Spenser Point; SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615; NW on US Forest Service Trail 615 to US Forest Service Rd 1020; NW on US Forest Service Rd 1020 to US Forest Service 613; NW on US Forest Service Rd 613 to US Forest Service Trail 1127; NW on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

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

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

GMU 554 (Yale) - The game management unit boundary changes made were the result of public input received by the agency during a regional public meeting in Region 5 held January 13, 2003. The northeast portion of GMU 564 was added to the Yale GMU 554 because the area is mainly public land and the season length of GMU 554 is shorter than GMU 564. The changes are shown below:

GMU 554-YALE (Cowlitz and Clark Counties ((County))):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on to electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek ((S and W along the north shore of Yale Reservoir to the Lewis River at the Yale Dam; W down the Lewis River to Merwin Reservoir; W 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 560 (Lewis River) - The game management unit boundary changes made were the result of public input received by the agency during a regional public meeting in

Region 5 held January 13, 2003. This change returns the boundaries of several south Region 5 GMUs very close or the same as their 2002 status. The changes are shown below:

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

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); ((Beginning on SR 141 and Mount Adams Rd, at the town of Trout Lake; NW on Mount Adams Rd to Sunnyside Rd; E on Sunnyside Rd to Trout Lake Glenwood Hwy; E on Trout Lake Glenwood Hwy to Mount Adams Hwy at the town of Glenwood; N on Mount Adams Hwy to Washington Dept. of Natural Resources Rd K-1000; N on Washington Dept. of Natural Resources Rd K-1000 to the Yakama Indian reservation boundary (Section 3, T7N, R12E); NW and W along the reservation boundary to the northwest corner of Section 2, T7N, R11E; S along the Yakama Indian reservation boundary to the southwest corner of Section 26, T7N, R11E; W along the Yakama Indian reservation boundary to the southwest corner of Section 27, T7N, R11E;)) N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMUs 564 (Battleground); 568 (Washougal); 574 (Wind River); 578 (West Klickitat); and 588 (Grayback) - The following game management unit boundary changes made were the result of public input received by the agency during a regional public meeting in Region 5 held January 13, 2003. The changes are shown below:

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 ((tø)) the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E((;)) to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; ((NE along the north fork of the Lewis River (Clark-Cowlitz County line) to Merwin dam; E along the north shoreline of Lake Merwin to the Lewis River; E up the Lewis River to SR 503; SW along SR 503 to N.E. Amboy Rd;)) S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; ...

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

Beginning at SR 141 and ((Mount Adams Rd)) US Forest Rd 86, ((#)) SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; ((S on SR 141 to SR 141 Alternate; S on SR 141 Alternate to SR 14; W on SR 14 to the White Salmon River; S down the White Salmon River to the Columbia River;)) W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, ((Mount Adams Rd, at the town of Trout Lake)), and the point of beginning.

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

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest

Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation Boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; ((SR 14; E on SR 14 to SR 141 Alternate, just east of the White Salmon River; N on SR 141 Alternate to SR 141; N on SR 141 to Mount Adams Rd, at the town of Trout Lake; NW on Mount Adams Rd to Sunnyside Rd; E on Sunnyside Rd to Trout Lake-Glenwood Hwy; E on the Trout Lake-Glenwood Hwy to the Mount Adams Hwy at the town of Glenwood; N on the Mount Adams Hwy to the WA Dept. of Natural Resources Rd K-1000; N on the WA Dept. of Natural Resources Rd K-1000 to the Yakama Indian reservation boundary (Section 3, T7N, R12E); SE along the reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to the Champion Haul Rd; S on the Champion Haul Rd to the bridge crossing of the Klickitat River;)) S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

GMU 588-GRAYBACK (Klickitat County):

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; ((N and NE up the Klickitat River to the Champion Haul Rd bridge crossing the Klickitat River; N on the Champion Haul Rd to Summit Creek Rd;)) NE on Summit Creek Rd to the Yakama Indian Reservation ((reservation boundary)); E along the southern boundary of the Yakama Indian Reservation ((reservation)) to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

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 7, Amended 0, Repealed 7.

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

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

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

March 3, 2003

Susan Yeager

for Will Roehl, Chairman

Fish and Wildlife Commission

NEW SECTION

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

GMU 101-SHERMAN (Ferry and Okanogan counties): Beginning at the Kettle River and the US-Canadian border near the Ferry Customs Office, north of the town of Toroda; E on the US-Canadian border to the Kettle River, east of the town of Laurier; S down the Kettle River (Ferry-Stevens county line) to the mouth of the Kettle River on Lake Roosevelt; S down the western shore of Lake Roosevelt to the northeastern corner of the Colville Indian reservation; W on the northern Colville Indian reservation boundary to SR 21; N on SR 21 to SR 20 at the town of Republic; NW on SR 20 to Toroda Creek Rd (Okanogan County Rd 9495) at the town of Wauconda; NE on the Toroda Creek Rd (Okanogan County Rd 9495 and Ferry County Rd 502) to Toroda Creek at the town of Toroda; E along Toroda Creek to its mouth on the Kettle River; N up the Kettle River to the US-Canadian border near the Ferry Customs Office north of the town of Toroda and point of beginning.

GMU 105-KELLYHILL (Stevens County):

Beginning at the Kettle River (Ferry-Stevens county line) and the US-Canadian border east of the town of Laurier; E on the US-Canadian border to Lake Roosevelt (Columbia River); SW along the eastern shore of Lake Roosevelt (Columbia River) to the US Hwy 95 bridge; W on US Hwy 95 over the bridge to the western shore of Lake Roosevelt; N on the western shore of Lake Roosevelt to the mouth of the Kettle River; N up the Kettle River (Ferry-Stevens county line) to the US-Canadian border east of the town of Laurier and the point of beginning.

GMU 108-DOUGLAS (Stevens County):

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

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

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

GMU 113-SELKIRK (Pend Oreille County):

Beginning on the western shore of the Pend Oreille River at the US-Canadian border; E on the US-Canadian border to the Washington-Idaho state line; S on the Washington-Idaho

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one.
- WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.
- WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.
- WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.
- WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.
- WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.
- WAC 232-28-02280 Game management units (GMUs)—Special game areas—Boundary descriptions—Cougar areas.

PERMANENT

state line to the southwestern shore of the Pend Oreille River at the town of Newport; NW along the southwestern shore of the Pend Oreille River to the US-Canadian border and the point of beginning.

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

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

GMU 121-HUCKLEBERRY (Stevens County):

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

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

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

GMU 127-MICA PEAK (Spokane County):

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

US Route 195; N on US Route 195 to I-90; E on I-90 to Latah Creek (Hangman Creek); N down Latah Creek (Hangman Creek) to the Spokane River and the point of the beginning.

GMU 130-CHENEY (Spokane and Lincoln counties):

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

GMU 133-ROOSEVELT (Lincoln County):

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

GMU 136-HARRINGTON (Lincoln and Grant counties):

Beginning at the town of Grand Coulee at SR 174 and Rd W N.E. (Grand Coulee Hill Rd); SE on SR 174 to US Hwy 2 at the town of Wilbur; E on US Hwy 2 to I-90; SW on I-90 to Danekas Rd (Interstate Hwy Exit 231); W on Danekas Rd to Tokio Rd; W on Tokio Rd to Marcellus Rd; N on Marcellus Rd to Davis Rd; W on Davis Rd to Rd 12 N.E.; W on Rd 12 N.E. to Rd W N.E.; N on Rd W N.E. to Rd X N.E. at the town of Marlin; N on Rd X N.E. to Kiner Rd (Lincoln County Rd 9115); NE, E, N, E, and N on Kiner Rd (Lincoln County Rd 9115) to US Hwy 2, east of the town of Almira; SW on US Hwy 2 to Maxwell Rd; W on Maxwell Rd to Old Coulee Rd at the town of Almira; N on Old Coulee Rd to Douglas Rd; W on Douglas Rd to Peterson Rd; N on Peterson Rd to Rd X N.E.; N on Rd X N.E. to Rd 52 N.E.; E on Rd 52 N.E. to Rd W N.E.; N on Rd W N.E. to Grand Coulee Hill Rd; N on Grand Coulee Hill Rd to SR 174 in the town of Grand Coulee and the point of the beginning.

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

Beginning at the Washington-Idaho state line and SR 274 at the town of Willard; W on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merrit Rd; W on Merrit Rd to

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

GMU 142-ALMOTA (Whitman County):

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

GMU 145-MAYVIEW (Garfield and Asotin counties):

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

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

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

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

Beginning on US Hwy 12 at the town of Waitsburg; NE on US Hwy 12 to Hogeeye Rd at Long Station; E on Hogeeye Rd to the Payne Hollow Rd; S on the Payne Hollow Rd to Jasper Mountain Rd; S on Jasper Mountain Rd to Mt. Pleasant Rd; S on Mt. Pleasant Rd to Dent Rd; S on Dent Rd to the Lewis

Peak Rd; S on the Lewis Peak Rd to Lewis Peak Trail; SE on Lewis Peak Trail to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); SW on US Forest Service Trail 3211 to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 125; N on SR 125 to US Hwy 12; NE on US Hwy 12 to the town of Waitsburg and the point of beginning.

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

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

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

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

GMU 163-MARENGO (Columbia and Garfield counties):

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

GMU 166-TUCANNON (Columbia and Garfield counties):

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

Trail 3113 to US Forest Service Trail 3136 (Teepee Trail); W along US Forest Service Trail 3136 to US Forest Service Rd 4608 (Teepee Rd) at Teepee Camp; W on the US Forest Service Rd 4608 to US Forest Service Rd 46 (Skyline Drive Rd); N on the US Forest Service Rd 46 to Skyline Drive Rd; N on Skyline Drive Rd to the Maloney Mountain Rd; W on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney Mountain Rd); W and N on the US Forest Service Rd 4625 (Maloney Mountain Rd) to the Hartssock Grade Rd; N on the Hartssock Grade Rd to the Tucannon River Rd and the point of the beginning.

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

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

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

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

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

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

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

GMU 178-PEOLA (Garfield and Asotin counties):

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

GMU 181-COUSE (Asotin County):

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

GMU 186-GRANDE RONDE (Asotin County):

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

NEW SECTION**WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.****GMU 203-PASAYTEN (Okanogan and Whatcom counties):**

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

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

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

GMU 209-WANNACUT (Okanogan County):

Beginning where the Similkameen Rd (County Rd 4568) crosses the US-Canadian border; E on the US-Canadian border to the eastern shore of Lake Osoyoos; S along the eastern shore of Lake Osoyoos and the eastern shore of Okanogan River to the Fourth Street Bridge at the town of Tonasket; NW on Fourth Street on the Fourth Street Bridge to County Hwy 7; S on County Hwy 7 to North Pine Creek Rd (County Rd 9410); SW on North Pine Creek Rd (County Rd 9410) to the Horse Springs Coulee Rd (County Rd 4371), north of Aeneas Lake; north on Horse Springs Coulee Road (County Road 4371) to Loomis-Oroville Highway (County Road

9425) west of Spectacle Lake; W and N on Loomis-Oroville Hwy (County Rd 9425) to Similkameen Rd (County Rd 4568); N on the Similkameen Rd (County Rd 4568) to the US-Canadian border and the point of beginning.

GMU 215-SINLAHEKIN (Okanogan County):

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

GMU 218-CHEWUCH (Okanogan County):

Beginning at Harts Pass on the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 576 at Buffalo Pass; E on US Forest Service Trail 576 to its junction with US Forest Service Trail 472; SE overland from the junction of US Forest Service Trails 576 and 472 to the junction of US Forest Service Trails 498 and 575; NE on US Forest Service Trail 575 to the US Forest Service Trail 478 (Robinson Creek Trail); SE on the US Forest Service Trail 478 (Robinson Creek Trail) to the Pasayten Wilderness Area boundary; E on the Pasayten Wilderness Area boundary to US Forest Service Trail 342; S on US Forest Service Trail 342 to US Forest Service Rd 300; SW on US Forest Service Rd 300 to the US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) at

Long Swamp Trailhead; S on US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) to US Forest Service Rd 37 (Boulder Creek Rd); SW and S on US Forest Service Rd 37 (Boulder Creek Rd) to the Eastside Chewuch River Rd (County Rd 9137); S on the Eastside Chewuch River Rd (County Rd 9137) to SR 20 at the town of Winthrop; NW on SR 20 to the US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to Harts Pass and the point of beginning.

GMU 224-PEARRYGIN (Okanogan County):

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

GMU 231-GARDNER (Okanogan County):

Beginning at the crossing of US Forest Service Trail 2000 (Pacific Crest Trail) and SR 20; S and E on SR 20 to the Twisp River Rd at the town on Twisp; W on the Twisp River Rd (County Rd 9114, US Forest Service Rd 44, US Forest Service Rd 4440) to US Forest Service Trail 432 (North Fork Twisp River Trail); N on US Forest Service Trail 432 (North Fork Twisp River Trail) to North Cascades National Park boundary at Twisp Pass; N and W on North Cascades National Park boundary US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to SR 20 and the point of beginning.

GMU 233-POGUE (Okanogan County):

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

GMU 239-CHILIWIST (Okanogan County):

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

GMU 242-ALTA (Okanogan County):

Beginning at the junction of the Sawtooth Ridge line (Chelan-Okanogan county line) and US Forest Service Trail 432 at Twisp Pass; E on US Forest Service Trail 432 to Twisp River Rd at the Roads End Campground; E on the Twisp River Rd (US Forest Service Rd 4440, US Forest Service Rd 44, County Rd 9114) to SR 20 at the town of Twisp; S and E on SR 20 to SR 153; S and SE on SR 153 to US Hwy 97; N on the US Hwy 97 to the bridge crossing the mouth of the Methow River at the town of Pateros; E from the US Hwy 97 bridge to the Douglas-Okanogan county line in Lake Pateros (Columbia River); S along Douglas-Okanogan county line in Lake Pateros (Columbia River) to Wells Dam; NW from Wells Dam to the junction of Azwell Rd and US Hwy 97; S on US Hwy 97 to Apple Acres Rd; W on Apple Acres Rd to Antoine Creek Rd (Chelan County Rd 8140); NW on the Antoine Creek Rd (Chelan County Rd 8140) to US Forest Service Rd 8020 (Manastash Ridge); N on US Forest Service Rd 8020 to the Sawtooth Ridge line (Chelan-Okanogan county line) at Fox Peak; NW on the Sawtooth Ridge line (Chelan-Okanogan county line) to its intersection with US Forest Service Trail 432 at Twisp Pass and the point of beginning.

GMU 243-MANSON (Chelan County):

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

GMU 244-CLARK (Chelan County):

Beginning at the mouth of Stehekin River on Lake Chelan; SE along the south shore of Lake Chelan to the Glacier Peak Wilderness boundary at Bearcat Ridge; S, W and N on the Glacier Peak Wilderness boundary to the Pacific Crest Trail

(US Forest Service Trail 2000) at Kodak Peak; N on the Pacific Crest Trail (US Forest Service Trail 2000) to North Cascades National Park; N and E on the North Cascades National Park boundary to Lake Chelan National Recreation boundary at Hock Mountain; S along the Lake Chelan National Recreation Area boundary to the north shore of Lake Chelan; NW along the north shore of Lake Chelan to the Stehekin River and the point of beginning.

GMU 245-CHIWAWA (Chelan County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Glacier Peak Wilderness boundary at Kodak Peak; SE and NE on the Glacier Peak Wilderness Area boundary to the Entiat River; SE down the Entiat River to US Forest Service Rd 5700 (Mad River Rd) at the town of Ardenvoir; NW on US Forest Service Rd 5700 (Mad River Rd) to the US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 (Eagle Creek Rd) at French Corral; SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy) north of Leavenworth; S on SR 209 (Chumstick Hwy) to US Hwy 2; W and N on US Hwy 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to Glacier Peak Wilderness boundary at Kodak Peak and the point of beginning.

GMU 246-SLIDE RIDGE (Chelan County):

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

GMU 247-ENTIAT (Chelan County):

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

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

Beginning on SR 17 at the Chalk Hills Rd (K N.E. Rd); N on the Chalk Hills Rd (K N.E. Rd) to Box Canyon Rd (L N.E. Rd); N on Box Canyon Rd (L N.E. Rd) to the first intermittent stream crossed in Section 30, T30N, R27E; N on the first intermittent stream crossed in Section 30 T30N, R27E by the Box Canyon Rd (L N.E. Rd) to the Columbia River; E up the Columbia River to the west end of the Grand Coulee Dam; W on the Grand Coulee Dam causeway access road (Limited Access) to SR 155; SW on SR 155 to SR 174; NE on SR 174 to the Grand Coulee Dam feeder canal; SW up the Grand Coulee Dam feeder canal to Banks Lake; S along the west shore of Banks Lake to a point due east from Mold Rd (Rd 9 N.E.); W from the point due east of Mold Rd on the west shore of Banks Lake to Mold Rd (Rd 9 N.E.); W on Mold Rd (Rd 9 N.E.) to SR 17; N along SR 17 to SR 172; W on SR 172, through the town of Mansfield, to Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd); N on the Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd) to West Foster Creek Rd; N on West Foster Creek Rd to SR 17; E on SR 17 to the Chalk Hills Rd (K N.E. Rd) and the point of beginning.

GMU 249-ALPINE (Kittitas and Chelan counties):

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

GMU 250-SWAKANE (Chelan County):

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

GMU 251-MISSION (Kittitas and Chelan counties):

Beginning at US Hwy 2 and the Columbia River (Chelan-Douglas county line); S down the Columbia River (Chelan-Douglas county line) to Tarpiscan Creek; W up Tarpiscan Creek to North Fork Tarpiscan Creek; W up North Fork Tarpiscan Creek to WA Dept. of Fish and Wildlife Rd No. 14 (Tarpiscan Rd); N approximately 100 feet on WA Dept. of Fish and Wildlife Rd No. 14 (Tarpiscan Rd) to WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd); W along WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd) to the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd); W along the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd) to WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd); NW on

WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd) to Naneum Ridge (Chelan-Kittitas county line) at Wenatchee Mountain; NW along Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to US Forest Service Rd 9712 (Liberty-Beehive Rd); NW on US Forest Service Rd 9712 (Liberty-Beehive Rd) to US Forest Service Rd 9716; N on US Forest Service Rd 9716 to US Hwy 97 at Swauk Pass; NW on the Wenatchee Mountain Range divide (Kittitas-Chelan county line) to the Alpine Lakes Wilderness Area boundary at Navaho Peak; N and E on Alpine Lakes Wilderness Area boundary to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 2; E on US Hwy 2 to the Columbia River (Chelan-Douglas county line) and the point of beginning.

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

Beginning at the town of Mansfield on SR 172; E on SR 172 to SR 17; S on SR 17 to Mold Rd (Rd 9 N.E.); E on the Mold Rd (Rd 9 N.E.) to the road's end; due E from the end of Mold Rd (Rd 9 N.E.) to the western shore of Banks Lake; S along the west shore of Banks Lake to US Hwy 2; W on US Hwy 2 to SR 172; N and E on SR 172 to the town of Mansfield and the point of beginning.

GMU 260-FOSTER CREEK (Douglas County):

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

GMU 262-WITHROW (Douglas County):

Beginning at Cold Spring Rd and the Dyer Hill Rd at the town of Dyer; S on the Dyer Hill Rd (North Division Rd) to Gallaher Rd (20 N.E. Rd); E on Gallaher Rd (20 N.E. Rd) to Bridgeport Hill Rd (B N.E. Rd); S on the Bridgeport Hill Rd to SR 172; W and S on SR 172 to US Hwy 2; W on US Hwy 2, through the town of Waterville, to the Columbia River at the town of Orondo then west to the Chelan-Douglas county line in the Columbia River; N up the Columbia River (Chelan-Douglas county line), past the Wells Dam, to the point due west of the Cold Springs Rd; E from the point on the Columbia River (Chelan-Douglas county line) which is due east of Cold Springs Rd to Cold Springs Rd; E on the Cold Springs Rd to the town of Dyer and the point of beginning.

GMU 266-BADGER (Douglas County):

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

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

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

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

Beginning at the junction of SR 155 and SR 174 in the town of Grand Coulee; SE on SR 174 to Rd W N.E. (Grand Coulee Hill Rd); S on Rd W N.E. to Rd 52 N.E.; E on Rd 52 N.E. to X Rd N.E.; S on X Rd N.E. to Peterson Rd; S on Peterson Rd to Douglas Rd; E on Douglas Rd to Old Coulee Rd; S on Old Coulee Rd to Maxwell Rd at the town of Almira; E on Maxwell Rd to SR 2; E on SR 2 to Kiner Rd; S on Kiner Rd to Rd X N.E.; S on Rd X N.E. to Rd W N.E. at the town of Marlin; S on Rd W N.E. to North Frontage Rd; W on North Frontage Rd to Rd U N.E.; S on Rd U N.E. to I-90; W on I-90 to the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; N up the Columbia River (Grant-Kittitas county line) to a point due west of Crescent Bar boat launch; E from the Grant-Kittitas county line on the Columbia River to the Crescent Bar boat launch and Crescent Bar Rd; N on Crescent Bar Rd to SR 28; N across SR 28 to Baird Springs Rd; NE on Baird Springs Rd to Overen Rd; NE on Overen Rd to Rd J N.W.; N on Rd J N.W. to Sagebrush Flats Rd; N on Sagebrush Flats Rd to Coulee Meadows Rd at the Grant-Douglas county line; N on Coulee Meadows Rd to the Moses Coulee

Rd; N on the Moses Coulee Rd to US Hwy 2; E on US Hwy 2 to the west shore of Banks Lake; N along the west shore of Banks Lake to the feeder canal for the Grand Coulee Dam; NE along the feeder canal to SR 174; SW on SR 174 to SR 155 and the point of beginning (except Private Lands Wildlife Management Area 201, Wilson Creek).

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

Beginning at I-90 and the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; NE and E on I-90 to Beverly Burke Rd; S on Beverly Burke Rd to Frenchman Hills Rd; E on Frenchman Hills Rd to SR 262; E on SR 262 to SR 17; N on SR 17 to I-90; E on I-90 to Rd U S.E.; S on Rd U S.E. to Booker Rd; S on Booker Rd to SR 26; W on SR 26 to SR 17; S on SR 17 to Scootney Rd; SW on Scootney Rd to Mail Rd; W on Mail Rd to Muse Rd; W on Muse Rd to SR 24; W on SR 24 to the Columbia River (Benton-Grant county line) at the Vernita Bridge; W and N along the Columbia River (Benton-Grant-Kittitas-Yakima county lines) to I-90 at the Vantage Bridge and the point of beginning.

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

Beginning at I-90 and Rd U N.E.; N on Rd U N.E. to North Frontage Rd; E on North Frontage Rd to Rd W N.E.; N on Rd W N.E. to Rd 12 N.E.; E on Rd 12 N.E. to Davis Rd; E on Davis Rd to Marcellus Rd; S on Marcellus Rd to Tokio Rd; E on Tokio Rd to Danekas Rd; E on Danekas Rd to I-90; NE on I-90 to SR 23; S on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S and W down the Palouse River to Old SR 26, west of the town of Hooper; W on Old SR 26, across the Palouse River to SR 26; W on SR 26 to Booker Rd; N on Booker Rd to Rd U S.E.; N on Rd U S.E. to I-90 and point of beginning.

GMU 290-DESERT (Grant County):

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

NEW SECTION

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

GMU 328-NANEUM (Kittitas and Chelan counties):

Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewitt Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and

Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewitt 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 south of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down

Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewitt Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the

North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

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

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County):

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):

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

GMU 360-BETHEL (Yakima County):

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

GMU 364-RIMROCK (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain; SW along the crest of the Klickton Divide, between Diamond Fork drainage and the South Fork Tieton drainage, ending at the Crest of Spenser Point; SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615; NW on US Forest Service Trail 615 to US Forest Service Rd 1020; NW on US Forest Service Rd 1020 to US Forest Service Rd 613; NW on US Forest Service Rd 613 to US Forest Service Trail 1127; NW on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):

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

GMU 372-KIONA (Benton and Yakima counties):

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NE from the mouth of the Yakima River to the Franklin-Benton county line in the Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning. (The Hanford Nuclear Reservation is closed to all unauthorized public entry.)

GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Grant county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

GMU 382-EAST KLIKKITAT (Klickitat County):

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

NEW SECTION**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 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 the town of Sedro-Woolley then 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 Pioneer St; E and SE on East Pioneer St to Menzel Lake Rd; S 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 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 N.E. Woodinville-Duvall Rd at the town of Duvall; W on N.E. 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; NE from Bell-

ingham 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 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; 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 Trail 2000 (Pacific Crest Trail); N on the US Forest Service 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 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; N, E, N, W and N on the North Cascades National Park boundary to the US-Canadian border; E on the US-Canadian border to the Western Ross Lake National Recreation Area boundary, W of Ross Lake; S along the Ross Lake National Recreation Area boundary, across the SR 20 (North Cascade Hwy) and the Skagit River; 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 Rd 1590; S on US Forest Service Rd 1590 to US Forest Service Trail 769 (South Fork Cascade River Trail); S on US Forest Service Trail 796 (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 excluding lands in the North Cascades National Park.

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties):

Beginning at the intersection of Hwy 530 (Arlington-Darrington Hwy) and Jim Creek Rd at the town of Trafton; NE on SR 530 to the town of Darrington; 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 Trail 650 West of June Mountain; W on the US Forest Service Trail 650, to US Forest Service Trail 1050 (Quartz Creek Trail) at Curry Gap; S on the US Forest Service Trail 1050 (Quartz Creek Trail) to US Forest Service Rd 6300; E on US Forest Service Rd 6300 to US Forest Service 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 Trail 2000 (Pacific Crest Trail) at Lake Janus; S on the US Forest Service Trail 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 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; 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 Trail 769; N on US Forest Service Trail 769 to US Forest Service Rd 1590; N on US Forest Service Rd 1590 to the US Forest Service Rd 15 (Cascade River Rd); N on US Forest Service Rd 15 (Cascade River Rd) to the North Cascades National Park boundary; E on the North Cascades National Park boundary to US Forest Service Trail 2000 (Pacific Crest Trail); S on US Forest Service 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 Trail 1051; S on US Forest Service Trail 1051 to US Forest Service Rd 6300; W on US Forest Service Rd 6300 to US Forest Service Trail 1050; N on US Forest Service Trail 1050 to US Forest Service Trail 650 at Curry Gap; E on US Forest Service 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 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 at the town of Preston; 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 Rd 5100; S along US Forest Service 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 Rd 5410; S on US Forest Service Rd 5410 to US Forest Service Rd 5400; E on US Forest Service 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 Rd 7110 (Weyerhaeuser 5200 line) near Lynn Lake; SW on US Forest Service Rd 7110 (Weyerhaeuser 5200 line) to US Hwy 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 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 SR 203 and SR 2 at the town of Monroe; E on SR 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; S on the US Forest Service 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; W on I-90 to the 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 Trail 2000 (Pacific Crest Trail) and the east boundary of the City of Seattle Cedar River Watershed; S on the US Forest Service Trail 2000 (Pacific Crest Trail) past Blowout Mountain to US Forest Service Rd 7038 at its closest point to the Pacific Crest Trail near Windy Gap north of Pyramid Peak; NW on US Forest Service Rd 7038 to US Forest Service Rd 7036; NW on US Forest Service Rd 7036 to US Forest Service Rd 7030; NW on US Forest Service Rd 7030 to US Forest Service Rd 7032; NW on US Forest Service Rd 7032 to US Forest Service Trail 1172; W on US Forest Service 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 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 Rd 5100; E on the boundary between the Green River Watershed and the Cedar River Watershed to US Forest Service 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 Rd 5400; NW along US Forest Service Rd 5400 to US Forest Service Rd 5410; N along US Forest Service 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 5100; N along US Forest Service 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.

NEW SECTION

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

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

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

GMU 503-RANDLE (Lewis County):

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

GMU 504-STELLA (Cowlitz County):

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

GMU 505-MOSSYROCK (Lewis County):

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

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

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

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

Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

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

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

PERMANENT

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

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

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

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

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

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on

the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning. No hunting on all lands and islands south of SR 4 between Skamokawa Creek and Cape Horn.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on to electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser 234 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to

Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties):

Beginning on SR 503 (Lewis River Rd) and the US Forest Service Rd 81 intersection; N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NE on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; NW on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about 1/4 mile to the South Fork Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to the US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE on US Forest Service Rd 99 to US Forest Service Trail 1; S and E on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to the Swift Reservoir; W along the north shore of the Swift Reservoir to Swift Dam and the Lewis River; W down the Lewis River to Yale Reservoir; W along the north shore of the Yale Reservoir to the mouth of Dog Creek; N up Dog Creek to SR 503; SW on SR 503 to US Forest Service Rd 81 and point of beginning.

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

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160

at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

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

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E.

Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on

N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

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

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

Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Ser-

vice Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

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

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

GMU 588-GRAYBACK (Klickitat County):

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

NEW SECTION**WAC 232-28-336 Game management units (GMUs) boundary descriptions—Region six.****GMU 601-HOKO (Clallam County):**

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

GMU 602-DICKEY (Clallam County):

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

GMU 603-PYSHT (Clallam County):

Beginning at the mouth of the Clallam River on Strait of Juan de Fuca; E along the shore of the Strait of Juan de Fuca to the mouth of the Elwha River; S along the Elwha River to the Olympic National Park boundary; W along the Olympic National Park boundary to one mile west of Lake Crescent; S on the Olympic National Park boundary to US Hwy 101; W on US Hwy 101 to the Burnt Mountain Rd (SR 113); N on the Burnt Mountain Rd (SR 113) to SR 112; N on SR 112 to the Clallam River; N along the Clallam River to its mouth and the point of beginning, EXCEPT Private Lands Wildlife Management Area 600, Merrill and Ring.

GMU 607-SOL DUC (Clallam County):

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

GMU 612-GOODMAN (Jefferson and Clallam counties):

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

GMU 615-CLEARWATER (Jefferson County):

Beginning on US Hwy 101 and the Bogachiel River; E along the Bogachiel River to the Olympic National Park boundary;

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

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

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

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

Beginning at the Olympic National Park boundary and the Elwha River; N along the Elwha River to US Hwy 101; E on US Hwy 101, through Port Angeles and Sequim, to the 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 101; S on US Hwy 101 to SR 119; W on SR 119 to Standstill Dr (Power Dam Rd); W on Standstill Dr (Power Dam Rd) to Upper Cushman Dam and the shore of Lake Cushman; NW on the west shore of Lake Cushman to the North Fork Skokomish River; N along the North Fork Skokomish River to the Olympic National Park boundary; N and W on the Olympic National Park boundary to the Elwha River and the point of beginning.

GMU 624-COYLE (Clallam and Jefferson counties):

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

mouth and the Strait of Juan de Fuca and the point of beginning.

GMU 627-KITSAP (Kitsap, Mason, and Pierce counties): Beginning at the Hood Canal Bridge; E, S, N, and SE along the shore of the Kitsap peninsula to Point No Point; due E from Point No Point to Kitsap-Island county line in the Puget Sound; S along the Kitsap-Island county line to the Kitsap-Snohomish county line; S along the Kitsap-Snohomish county line to Kitsap-King county line; S along the Kitsap-King county line to the King-Pierce county line; S on the King-Pierce county line to the outlet of the Tacoma Narrows; S through the Tacoma Narrows, past Fox Island (which is included in this GMU), to Carr Inlet; NW up Carr Inlet around McNeil and Gertrude Islands (which are excluded from this GMU), to Pitt Passage; SW through Pitt Passage and Drayton Passage to the Pierce-Thurston county line in the Nisqually Reach; NW along the Pierce-Thurston county line to the Pierce-Mason county line; NW on the Pierce-Mason county line in the Nisqually Reach to North Bay; along the east shore of North Bay to SR 3 at the town of Allyn; N on SR 3 to the Old Belfair Hwy at the town of Belfair; N on the Old Belfair Hwy to the Bear Creek-Dewatto Rd; W on the Bear Creek-Dewatto Rd to the Dewatto Rd West; N along the Dewatto Rd to its intersection with the Albert Pfundt Rd; N on the Albert Pfundt Rd to Anderson Creek; E down Anderson Creek to the east shore of the Hood Canal; N from Anderson Creek along the east shore of Hood Canal to the Hood Canal bridge and the point of beginning.

GMU 633-MASON (Mason and Kitsap counties): Beginning at the mouth of Anderson Creek on the eastern shore of Hood Canal; W along Anderson Creek to Albert Pfundt Rd; S on the Albert Pfundt Rd to West Dewatto Rd; S on West Dewatto Rd to Bear Creek-Dewatto Rd; E along Bear Creek-Dewatto Rd to Old Belfair Hwy; S on Old Belfair Hwy to SR 3 at the town of Belfair; S on SR 3 to North Bay at the town of Allyn; N along the west shore of North Bay; S along the east shore of North Bay to Pierce-Mason county line at Case Inlet; SE along the Pierce-Mason county line through Case Inlet to the Mason-Thurston county line; W along the Mason-Thurston county line through Dana Passage, Squaxin Passage, and Totten Inlet to US Hwy 101 at Oyster Bay; N on US Hwy 101 Finch Creek at the town of Hoodspport; E from Finch Creek across Hood Canal to Cougar Spit on the east shore of the Hood Canal; N from Cougar Spit along the east shore of Hood Canal to the mouth of Anderson Creek and the point of beginning.

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

Beginning on the Olympic Park boundary and the North Fork Skokomish River; S along the North Fork Skokomish River to Lake Cushman; SE along the west shore of Lake Cushman to Standstill Dr (Power Dam Rd) at the Upper Cushman Dam; E on the Standstill Dr to SR 119; SE on Lake Cushman Rd to US Hwy 101 at the town of Hoodspport; S on US Hwy 101 to the Shelton-Matlock Rd at the town of Shelton; W on the Shelton-Matlock Rd to the Matlock-Brady Rd; S on the Matlock-Brady Rd to Deckerville Rd south of the town of Matlock; W on Deckerville Rd to Boundary Rd (Middle Sat-

sop Rd); W and S on Boundary Rd (Middle Satsop Rd) to Kelly Rd; N on Kelly Rd to US Forest Service Rd 2368 (Simpson Timber 500 line); N on US Forest Service Rd 2368 (Simpson Timber 500 line) to US Forest Service Rd 2260 (Simpson Timber 600 line); W on US Forest Service Rd 2260 (Simpson Timber 600 line) to Wynoochee Rd (US Forest Service Rd 22); NW and W on US Forest Service Rd 22 (Wynoochee Rd) to US Forest Service Rd 2294, 1/4 mile east of Big Creek; NW on US Forest Service Rd 2294 which parallels Big Creek, to junction with US Forest Service Rd 2281; W on US Forest Service Rd 2281, to the watershed divide between the Humptulips River watershed and the Wynoochee River watershed; N on the ridge between the Humptulips River watershed and Wynoochee River watershed to Olympic National Park boundary; E along the Olympic National Park boundary to the north fork of the Skokomish River and the point of beginning.

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

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

GMU 642-COPALIS (Grays Harbor County):

Beginning at the Quinalt Indian reservation and US Hwy 101 south of Lake Quinalt; 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 Quinalt Indian reservation boundary; E and NE along the Quinalt Indian reservation to US Hwy 101 south of Lake Quinalt and the point of beginning.

GMU 648-WYNOOCHEE (Grays Harbor County):

Beginning at the junction of US Hwy 101 and the Donkey Creek Rd; NE along the Donkey Creek Rd (US Forest Service Rd 22) to its junction with the Donkey Creek-Grisdale Rd; continuing E on this road (US Forest Service Rd 22) to Camp Grisdale (south of Wynoochee Lake); S along the Wynoochee Rd (US Forest Service Rd 22) to US Forest Service Rd 2260 (Simpson Timber 600 line); E on US Forest Service Rd 2260 (Simpson Timber 600 line) to US Forest Service Rd 2368 (Simpson Timber 500 line); S on US Forest

Service Rd 2368 (Simpson Timber 500 line) to Kelly Rd; S on Kelly Rd to Boundary Rd (Middle Satsop Rd); S on Boundary Rd (Middle Satsop Rd) to Cougar Smith Rd; W on Cougar Smith Rd to the west fork of the Satsop River; S down the west fork Satsop River to the Satsop River; S down the Satsop River to US Hwy 12; W along US Hwy 12 to its junction with US Hwy 101 in the town of Aberdeen; SE along US Hwy 101 to the north shore of the Chehalis River; W along the north shore of the Chehalis River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the mouth of the Hoquiam River; N up the Hoquiam River to US Hwy 101; W and N along US Hwy 101 to its junction with the Donkey Creek Rd (US Forest Service Rd 22) and the point of beginning. INCLUDES Rennie Island.

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

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

GMU 652-PUYALLUP (Pierce and King counties):

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

west of Dash Point; E to Redondo Junction on the eastern shore of the Puget Sound and the point of beginning; except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm).

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

Beginning at the lookout station at Grass Mountain mainline (US Forest Service Rd 7110) and the city of Tacoma Green River Watershed boundary; E on the Green River Watershed boundary to US Forest Service Rd 7032; E along US Forest Service Rd 7032 to US Forest Service Rd 7030; SE along US Forest Service Rd 7030 to Forest Service Rd 7036; SE along US Forest Service Rd 7036 to US Forest Service Rd 7038; SE on US Forest Service Rd 7038 to US Forest Service Trail 2000 (Pacific Crest Trail) at its closest point to US Forest Service Rd 7038 near Windy Gap north of Pyramid Peak; S on the (US Forest Service Trail 2000) Pacific Crest Trail to the Mount Rainier National Park boundary at Chinook Pass; N and W on the Mount Rainier National Park boundary to the Carbon River; NW down the Carbon River to the power transmission line; NE along the power transmission line to South Prairie Creek; N along South Prairie Creek to intersection with Campbell Group ownership line (Kapowsin Tree Farm) (Section 14, T19N, R6E); E and N along Campbell Group ownership line (Kapowsin Tree Farm) to the White River (along west line of Section 6, T19N, R7E); SE along the White River to the power transmission lines on the north side of the White River near Mud Mountain Dam Rd; NE on the power transmission lines to SR 410; E on SR 410 to US Forest Service Rd 7110; N on US Forest Service Rd 7110 to the city of Tacoma Green River Watershed and the point of beginning, except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm).

GMU 654-MASHEL (Pierce County):

Beginning at the power transmission line at the Puyallup River Bridge on Orville Rd East; NE on the power 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 SR 161 bridge (Eatonville-LaGrande Rd); N on SR 161 through Eatonville to Orville Rd East (Kapowsin-Eatonville Rd); N on Orville Rd East to the Puyallup River bridge and the point of beginning, except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm).

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

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

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

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

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

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

GMU 666-DESCHUTES (Thurston County):

Beginning on US Hwy 101 at the Mason-Thurston county line southeast of Oyster Bay; NE on the Mason-Thurston county line, through Totten Inlet, Squaxin Passage and Dana Passage, to the Pierce-Thurston county line in the Nisqually Reach; SE through the Nisqually Reach along the Pierce-Thurston county line to the mouth of the Nisqually River; SE on the Nisqually River to SR 507; SW on SR 507 to Old Hwy 99 SE (SR 99) at the town of Tenino; SW on Old Hwy 99 SE (SR 99) to I-5; W on SR 12 to Littlerock Rd; N on the Littlerock Rd to 110th Ave SW; W on 110th Ave SW to Delphi Rd SW; N on Delphi Rd SW to US Hwy 101; NW on US Hwy 101 to the Mason-Thurston county line southeast of Oyster Bay and the point of beginning.

GMU 667-SKOOKUMCHUCK (Thurston and Lewis counties):

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

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

Beginning at the intersection of US Hwy 101 and SR 6 at the town of Raymond; N on US Hwy 101 to Smith Creek Rd; NE on Smith Creek Rd to North River Valley Rd; E on North River Valley Rd to Oakville-Brooklyn Rd; E on the Oakville-Brooklyn Rd to Garrard Creek Rd; S on Garrard Creek Rd to Weyerhaeuser C line at mile post 5; W on the Weyerhaeuser C line to Weyerhaeuser 723 line; S on the Weyerhaeuser 723 line to the Weyerhaeuser 720 line; W on the Weyerhaeuser 720 line to Weyerhaeuser 7800 F line; S on Weyerhaeuser

7800 F line to Weyerhaeuser 7800 line; S and SE on Weyerhaeuser 7800 line to Weyerhaeuser 7000 line; SW on Weyerhaeuser 7000 line to Weyerhaeuser 7050 line; S on Weyerhaeuser 7050 line to Weyerhaeuser 7400 line; S and E on Weyerhaeuser 7400 line to Weyerhaeuser 7000 line; E on the Weyerhaeuser 7000 line to Elk Creek Rd; E on Elk Creek Rd to Stevens Rd at the town of Doty; E on Stevens Rd to SR 6; S, W and NW on SR 6 to US Hwy 101 at the town of Raymond and the point of beginning.

GMU 673-WILLIAMS CREEK (Pacific County):

Beginning at US Hwy 101 bridge crossing the Willapa River at the town of Raymond; S on US Hwy 101 to SR 6; SE on SR 6 to the Trap Creek A line; S and W on the Trap Creek A line to power transmission lines; S and SW on the power transmission lines to Weyerhaeuser 5800 line (Section 22, T11N, R8W); SW along the Weyerhaeuser 5800 line to Weyerhaeuser 5000 line (Deep River main line); SW on the Weyerhaeuser 5000 line (Deep River main line) to the Salmon Creek Rd; SW along the Salmon Creek Rd to SR 4; W on SR 4 to US Hwy 101 at Johnson's Landing; W on US Hwy 101 to the Naselle River bridge; W down the Naselle River to Willapa Bay; N along the east shore of Willapa Bay to the Willapa River; SE and NE up the Willapa River to the US Hwy 101 bridge and the point of beginning.

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

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

GMU 684-LONG BEACH (Pacific County):

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

GMU 699-LONG ISLAND (Pacific County):

Includes all of Long Island.

NEW SECTION

WAC 232-12-289 Official hunting hours for game birds and game animals.

(1) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)	Western Washington			Eastern Washington				
	A.M.	to	P.M.	A.M.	to	P.M.		
Daylight Savings Time								
Sun.	Sept. 1	-	Sun.	Sept. 8	6:00	7:45	5:45	7:30
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10	7:30	6:00	7:15
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20	7:15	6:10	7:00
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30	7:00	6:20	6:45
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40	6:45	6:30	6:35
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50	6:30	6:40	6:20
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:20	6:50	6:05
Mon.	Oct. 21	-	Sat.	Oct. 26	7:10	6:05	7:00	5:55
Pacific Standard Time								
			Sun.	Oct. 27	6:10	5:05	6:00	4:55
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20	4:55	6:10	4:50
Mon.	Nov. 4	-	Sun.	Nov. 10	6:30	4:45	6:20	4:30
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40	4:35	6:30	4:20
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50	4:25	6:40	4:15
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00	4:20	6:50	4:10
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:20	7:00	4:10
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15	4:20	7:05	4:10
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20	4:20	7:10	4:10
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:25	7:10	4:15
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25	4:30	7:15	4:15
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	4:35	7:15	4:25
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20	4:45	7:10	4:35
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	4:55	7:05	4:45
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10	5:05	7:00	4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PERMANENT

(2) OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.			
Daylight Savings Time									
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00	7:45	5:45	7:30	
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10	7:30	5:50	7:20	
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20	7:15	6:10	7:05	
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30	7:00	6:15	6:50	
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40	6:45	6:30	6:35	
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50	6:30	6:40	6:25	
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00	6:20	6:50	6:10	
Mon.	Oct. 20	-	Sat.	Oct. 25	7:10	6:10	7:00	5:55	
Pacific Standard Time									
			Sun.	Oct. 26	6:15	5:00	6:00	4:50	
Mon.	Oct. 27	-	Sun.	Nov. 2	6:20	4:55	6:15	4:45	
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30	4:45	6:20	4:30	
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40	4:35	6:30	4:25	
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50	4:30	6:40	4:15	
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00	4:20	6:50	4:10	
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10	4:20	7:00	4:10	
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15	4:20	7:05	4:05	
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20	4:20	7:10	4:10	
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25	4:25	7:10	4:10	
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25	4:30	7:15	4:15	
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25	4:35	7:15	4:25	
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25	4:45	7:10	4:35	
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20	4:55	7:05	4:45	
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10	5:00	7:00	4:55	

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PERMANENT

(3) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00	7:45	5:50		7:35
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10	7:35	6:00		7:20
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20	7:20	6:05		7:05
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30	7:05	6:15		6:50
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40	6:50	6:25		6:35
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45	6:35	6:35		6:25
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55	6:20	6:45		6:10
Mon.	Oct. 19	-	Sat.	Oct. 24	7:05	6:10	6:55		6:00
Pacific Standard Time									
			Sun.	Oct. 25	6:10	5:00	6:00		4:50
Mon.	Oct. 26	-	Sun.	Nov. 1	6:20	4:55	6:05		4:45
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30	4:45	6:15		4:35
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40	4:35	6:30		4:25
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50	4:30	6:40		4:15
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00	4:25	6:45		4:10
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10	4:20	6:55		4:10
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15	4:20	7:05		4:05
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20	4:20	7:10		4:10
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25	4:20	7:15		4:10
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30	4:30	7:15		4:15
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25	4:35	7:15		4:25
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25	4:45	7:10		4:30
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20	4:55	7:05		4:40
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10	5:00	7:00		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(4) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00	7:45	5:50		7:35
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10	7:35	5:55		7:20
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15	7:20	6:05		7:10

PERMANENT

(4) OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.		A.M.	to	P.M.	A.M.	to	P.M.
Mon. Sept. 20	-	Sun. Sept. 26		6:25		7:05		6:15		6:55
Mon. Sept. 27	-	Sun. Oct. 3		6:35		6:50		6:25		6:40
Mon. Oct. 4	-	Sun. Oct. 10		6:45		6:40		6:35		6:25
Mon. Oct. 11	-	Sun. Oct. 17		6:55		6:25		6:45		6:10
Mon. Oct. 18	-	Sun. Oct. 24		7:05		6:10		6:55		6:00
Mon. Oct. 25	-	Sat. Oct. 30		7:15		6:00		7:05		5:45
Pacific Standard Time										
Sun. Oct. 31	-	Sun. Nov. 7		6:25		4:50		6:15		4:35
Mon. Nov. 8	-	Sun. Nov. 14		6:40		4:40		6:25		4:25
Mon. Nov. 15	-	Sun. Nov. 21		6:50		4:30		6:35		4:20
Mon. Nov. 22	-	Sun. Nov. 28		7:00		4:25		6:45		4:10
Mon. Nov. 29	-	Sun. Dec. 5		7:05		4:20		6:55		4:10
Mon. Dec. 6	-	Sun. Dec. 12		7:15		4:20		7:05		4:05
Mon. Dec. 13	-	Sun. Dec. 19		7:20		4:20		7:10		4:05
Mon. Dec. 20	-	Sun. Dec. 26		7:25		4:20		7:15		4:10
Mon. Dec. 27	-	Sun. Jan. 2		7:25		4:25		7:15		4:15
Mon. Jan. 3	-	Sun. Jan. 9		7:25		4:35		7:15		4:20
Mon. Jan. 10	-	Sun. Jan. 16		7:25		4:40		7:10		4:30
Mon. Jan. 17	-	Sun. Jan. 23		7:20		4:50		7:10		4:40
Mon. Jan. 24	-	Mon. Jan. 31		7:10		5:00		7:00		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(5) OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.		A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
Thur. Sept. 1	-	Sun. Sept. 4		6:00		7:45		5:45		7:35
Mon. Sept. 5	-	Sun. Sept. 11		6:05		7:35		5:55		7:25
Mon. Sept. 12	-	Sun. Sept. 18		6:15		7:20		6:05		7:10
Mon. Sept. 19	-	Sun. Sept. 25		6:25		7:10		6:10		6:55
Mon. Sept. 26	-	Sun. Oct. 2		6:35		6:55		6:25		6:40
Mon. Oct. 3	-	Sun. Oct. 9		6:45		6:40		6:35		6:25
Mon. Oct. 10	-	Sun. Oct. 16		6:55		6:25		6:45		6:15
Mon. Oct. 17	-	Sun. Oct. 23		7:05		6:10		6:55		6:00

PERMANENT

(5) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Oct. 24	-	Sat.	Oct. 29	7:15	6:00	7:05		5:50
				Pacific Standard Time					
			Sun.	Oct. 30	6:20	4:55	6:10		4:45
Mon.	Oct. 31	-	Sun.	Nov. 6	6:25	4:50	6:15		4:35
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35	4:40	6:25		4:25
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45	4:30	6:35		4:20
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55	4:25	6:45		4:10
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05	4:20	6:55		4:10
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15	4:20	7:00		4:05
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20	4:20	7:10		4:05
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25	4:20	7:10		4:10
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25	4:25	7:15		4:15
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25	4:30	7:15		4:20
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25	4:40	7:10		4:30
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20	4:50	7:10		4:40
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15	5:00	7:00		4:50
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10	5:05	6:55		4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(6) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
				Daylight Savings Time					
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00	7:50	5:45		7:35
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05	7:40	5:55		7:25
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15	7:25	6:05		7:10
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25	7:10	6:10		7:00
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35	6:55	6:20		6:45
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45	6:40	6:30		6:30
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55	6:25	6:40		6:15
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05	6:15	6:50		6:00
Mon.	Oct. 23	-	Sat.	Oct. 28	7:10	6:05	7:00		5:50

PERMANENT

(6) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)				Western Washington			Eastern Washington			
				A.M.	to	P.M.	A.M.	to	P.M.	
				Pacific Standard Time						
			Sun.	Oct. 29	6:20		5:00	6:05		4:45
Mon.	Oct. 30	-	Sun.	Nov. 5	6:25		4:50	6:10		4:40
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35		4:40	6:25		4:30
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45		4:30	6:35		4:20
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55		4:25	6:45		4:15
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05		4:20	6:55		4:10
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15		4:20	7:00		4:05
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20		4:20	7:10		4:05
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25		4:20	7:10		4:10
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25		4:25	7:15		4:10
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30		4:30	7:15		4:20
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25		4:40	7:15		4:30
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20		4:50	7:10		4:40
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15		5:00	7:00		4:50
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10		5:05	6:55		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(7) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)				Western Washington			Eastern Washington			
				A.M.	to	P.M.	A.M.	to	P.M.	
				Daylight Savings Time						
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00		7:50	5:45		7:40
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05		7:40	5:50		7:30
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:25	6:00		7:15
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:10	6:10		7:00
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		6:55	6:20		6:45
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		6:45	6:30		6:30
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		6:30	6:40		6:15
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:15	6:50		6:05
Mon.	Oct. 22	-	Sat.	Oct. 27	7:10		6:05	7:00		5:50
				Pacific Standard Time						
			Sun.	Oct. 28	6:15		5:00	6:05		4:45
Mon.	Oct. 29	-	Sun.	Nov. 4	6:20		4:50	6:10		4:40

(7) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.		A.M.	to	P.M.		P.M.	
Mon. Nov. 5	-	Sun. Nov. 11	6:35	4:40	6:20	4:30				
Mon. Nov. 12	-	Sun. Nov. 18	6:45	4:35	6:30	4:20				
Mon. Nov. 19	-	Sun. Nov. 25	6:55	4:25	6:40	4:15				
Mon. Nov. 26	-	Sun. Dec. 2	7:05	4:20	6:50	4:10				
Mon. Dec. 3	-	Sun. Dec. 9	7:10	4:20	7:00	4:05				
Mon. Dec. 10	-	Sun. Dec. 16	7:20	4:20	7:05	4:05				
Mon. Dec. 17	-	Sun. Dec. 23	7:25	4:20	7:10	4:05				
Mon. Dec. 24	-	Sun. Dec. 30	7:25	4:25	7:15	4:10				
Mon. Dec. 31	-	Sun. Jan. 6	7:25	4:30	7:15	4:20				
Mon. Jan. 7	-	Sun. Jan. 13	7:25	4:40	7:15	4:25				
Mon. Jan. 14	-	Sun. Jan. 20	7:20	4:45	7:10	4:35				
Mon. Jan. 21	-	Sun. Jan. 27	7:15	4:55	7:05	4:45				
Mon. Jan. 28	-	Thur. Jan. 31	7:10	5:05	7:00	4:55				

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- (a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- (b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- (c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(8) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.		A.M.	to	P.M.		P.M.	
Daylight Savings Time										
Sun. Sept. 1	-	Sun. Sept. 8	6:00	8:15	5:45	8:00				
Mon. Sept. 9	-	Sun. Sept. 15	6:10	8:00	6:00	7:45				
Mon. Sept. 16	-	Sun. Sept. 22	6:20	7:45	6:10	7:30				
Mon. Sept. 23	-	Sun. Sept. 29	6:30	7:30	6:20	7:15				
Mon. Sept. 30	-	Sun. Oct. 6	6:40	7:15	6:30	7:05				
Mon. Oct. 7	-	Sun. Oct. 13	6:50	7:00	6:40	6:50				
Mon. Oct. 14	-	Sun. Oct. 20	7:00	6:50	6:50	6:35				
Mon. Oct. 21	-	Sat. Oct. 26	7:10	6:35	7:00	6:25				
Pacific Standard Time										
		Sun. Oct. 27	6:10	5:35	6:00	5:25				
Mon. Oct. 28	-	Sun. Nov. 3	6:20	5:25	6:10	5:20				
Mon. Nov. 4	-	Sun. Nov. 10	6:30	5:15	6:20	5:00				
Mon. Nov. 11	-	Sun. Nov. 17	6:40	5:05	6:30	4:50				
Mon. Nov. 18	-	Sun. Nov. 24	6:50	4:55	6:40	4:45				
Mon. Nov. 25	-	Sun. Dec. 1	7:00	4:50	6:50	4:40				

(8) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.				
Mon. Dec. 2 - Sun. Dec. 8	7:10		4:50	7:00		4:40				
Mon. Dec. 9 - Sun. Dec. 15	7:15		4:50	7:05		4:40				
Mon. Dec. 16 - Sun. Dec. 22	7:20		4:50	7:10		4:40				
Mon. Dec. 23 - Sun. Dec. 29	7:25		4:55	7:10		4:45				
Mon. Dec. 30 - Sun. Jan. 5	7:25		5:00	7:15		4:45				
Mon. Jan. 6 - Sun. Jan. 12	7:25		5:05	7:15		4:55				
Mon. Jan. 13 - Sun. Jan. 19	7:20		5:15	7:10		5:05				
Mon. Jan. 20 - Sun. Jan. 26	7:15		5:25	7:05		5:15				
Mon. Jan. 27 - Fri. Jan. 31	7:10		5:35	7:00		5:25				

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(9) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.				
Daylight Savings Time										
Mon. Sept. 1 - Sun. Sept. 7	6:00		8:15	5:50		8:00				
Mon. Sept. 8 - Sun. Sept. 14	6:10		8:00	6:00		7:50				
Mon. Sept. 15 - Sun. Sept. 21	6:20		7:45	6:10		7:35				
Mon. Sept. 22 - Sun. Sept. 28	6:30		7:30	6:15		7:20				
Mon. Sept. 29 - Sun. Oct. 5	6:40		7:15	6:30		7:05				
Mon. Oct. 6 - Sun. Oct. 12	6:50		7:00	6:40		6:55				
Mon. Oct. 13 - Sun. Oct. 19	7:00		6:50	6:50		6:40				
Mon. Oct. 20 - Sat. Oct. 25	7:10		6:40	7:00		6:25				
Pacific Standard Time										
Mon. Oct. 27 - Sun. Nov. 2	6:15		5:30	6:00		5:20				
Mon. Nov. 3 - Sun. Nov. 9	6:20		5:25	6:10		5:15				
Mon. Nov. 10 - Sun. Nov. 16	6:30		5:15	6:20		5:00				
Mon. Nov. 17 - Sun. Nov. 23	6:40		5:05	6:30		4:55				
Mon. Nov. 24 - Sun. Nov. 30	6:50		5:00	6:40		4:45				
Mon. Dec. 1 - Sun. Dec. 7	7:00		4:50	6:50		4:40				
Mon. Dec. 8 - Sun. Dec. 14	7:10		4:50	7:00		4:40				
Mon. Dec. 15 - Sun. Dec. 21	7:15		4:50	7:05		4:40				
Mon. Dec. 22 - Sun. Dec. 28	7:20		4:50	7:10		4:40				
Mon. Dec. 29 - Sun. Jan. 4	7:25		4:55	7:10		4:40				
Mon. Dec. 29 - Sun. Jan. 4	7:25		5:00	7:15		4:45				

PERMANENT

(9) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.				
Mon. Jan. 5 - Sun. Jan. 11	7:25		5:05	7:15		4:55				
Mon. Jan. 12 - Sun. Jan. 18	7:25		5:15	7:10		5:05				
Mon. Jan. 19 - Sun. Jan. 25	7:20		5:25	7:05		5:15				
Mon. Jan. 26 - Fri. Jan. 31	7:10		5:30	7:00		5:25				

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(10) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.				
Daylight Savings Time										
Tues. Sept. 1 - Sun. Sept. 6	6:00		8:15	5:50		8:05				
Mon. Sept. 7 - Sun. Sept. 13	6:10		8:05	6:00		7:50				
Mon. Sept. 14 - Sun. Sept. 20	6:20		7:50	6:05		7:35				
Mon. Sept. 21 - Sun. Sept. 27	6:30		7:35	6:15		7:20				
Mon. Sept. 28 - Sun. Oct. 4	6:40		7:20	6:25		7:05				
Mon. Oct. 5 - Sun. Oct. 11	6:45		7:05	6:35		6:55				
Mon. Oct. 12 - Sun. Oct. 18	6:55		6:50	6:45		6:40				
Mon. Oct. 19 - Sat. Oct. 24	7:05		6:40	6:55		6:30				
Pacific Standard Time										
Mon. Oct. 26 - Sun. Oct. 25	6:10		5:30	6:00		5:20				
Mon. Oct. 26 - Sun. Nov. 1	6:20		5:25	6:05		5:15				
Mon. Nov. 2 - Sun. Nov. 8	6:30		5:15	6:15		5:05				
Mon. Nov. 9 - Sun. Nov. 15	6:40		5:05	6:30		4:55				
Mon. Nov. 16 - Sun. Nov. 22	6:50		5:00	6:40		4:45				
Mon. Nov. 23 - Sun. Nov. 29	7:00		4:55	6:50		4:40				
Mon. Nov. 30 - Sun. Dec. 6	7:10		4:50	6:55		4:40				
Mon. Dec. 7 - Sun. Dec. 13	7:15		4:50	7:05		4:35				
Mon. Dec. 14 - Sun. Dec. 20	7:20		4:50	7:10		4:40				
Mon. Dec. 21 - Sun. Dec. 27	7:25		4:50	7:15		4:40				
Mon. Dec. 28 - Sun. Jan. 3	7:30		5:00	7:15		4:45				
Mon. Jan. 4 - Sun. Jan. 10	7:25		5:05	7:15		4:55				
Mon. Jan. 11 - Sun. Jan. 17	7:25		5:15	7:10		5:00				
Mon. Jan. 18 - Sun. Jan. 24	7:20		5:25	7:05		5:10				
Mon. Jan. 25 - Sat. Jan. 31	7:10		5:30	7:00		5:20				

PERMANENT

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(11) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time						
Wed. Sept. 1 - Sun. Sept. 5	6:00		8:15	5:50		8:05
Mon. Sept. 6 - Sun. Sept. 12	6:10		8:05	5:55		7:50
Mon. Sept. 13 - Sun. Sept. 19	6:15		7:50	6:05		7:40
Mon. Sept. 20 - Sun. Sept. 26	6:25		7:35	6:15		7:25
Mon. Sept. 27 - Sun. Oct. 3	6:35		7:20	6:25		7:10
Mon. Oct. 4 - Sun. Oct. 10	6:45		7:10	6:35		6:55
Mon. Oct. 11 - Sun. Oct. 17	6:55		6:55	6:45		6:40
Mon. Oct. 18 - Sun. Oct. 24	7:05		6:40	6:55		6:30
Mon. Oct. 25 - Sat. Oct. 30	7:15		6:30	7:05		6:15
Pacific Standard Time						
Sun. Oct. 31 - Sun. Nov. 7	6:25		5:20	6:15		5:05
Mon. Nov. 8 - Sun. Nov. 14	6:40		5:10	6:25		4:55
Mon. Nov. 15 - Sun. Nov. 21	6:50		5:00	6:35		4:50
Mon. Nov. 22 - Sun. Nov. 28	7:00		4:55	6:45		4:40
Mon. Nov. 29 - Sun. Dec. 5	7:05		4:50	6:55		4:40
Mon. Dec. 6 - Sun. Dec. 12	7:15		4:50	7:05		4:35
Mon. Dec. 13 - Sun. Dec. 19	7:20		4:50	7:10		4:35
Mon. Dec. 20 - Sun. Dec. 26	7:25		4:50	7:15		4:40
Mon. Dec. 27 - Sun. Jan. 2	7:25		4:55	7:15		4:45
Mon. Jan. 3 - Sun. Jan. 9	7:25		5:05	7:15		4:50
Mon. Jan. 10 - Sun. Jan. 16	7:25		5:10	7:10		5:00
Mon. Jan. 17 - Sun. Jan. 23	7:20		5:20	7:10		5:10
Mon. Jan. 24 - Mon. Jan. 31	7:10		5:30	7:00		5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PERMANENT

(12) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Thurs.	Sept. 1	-	Sun.	Sept. 4	6:00	8:15	5:45		8:05
Mon.	Sept. 5	-	Sun.	Sept. 11	6:05	8:05	5:55		7:55
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15	7:50	6:05		7:40
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25	7:40	6:10		7:25
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35	7:25	6:25		7:10
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45	7:10	6:35		6:55
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55	7:05	6:40		6:45
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05	6:40	6:55		6:30
Mon.	Oct. 24	-	Sat.	Oct. 29	7:15	6:30	7:00		6:20
Pacific Standard Time									
			Sun.	Oct. 30	6:20	5:25	6:10		5:15
Mon.	Oct. 31	-	Sun.	Nov. 6	6:25	5:20	6:15		5:05
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35	5:10	6:25		4:55
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45	5:00	6:35		4:50
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55	4:55	6:45		4:40
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05	4:50	6:55		4:40
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15	4:50	7:00		4:35
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20	4:50	7:10		4:35
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25	4:50	7:10		4:40
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25	4:55	7:15		4:45
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25	5:00	7:15		4:50
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25	5:10	7:10		5:00
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20	5:20	7:10		5:10
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15	5:30	7:00		5:20
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10	5:35	6:55		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
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(13) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00	8:20	5:45		8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05	8:10	5:55		7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15	7:55	6:05		7:40

PERMANENT

(13) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.				
Mon. Sept. 18 - Sun. Sept. 24	6:25		7:40	6:10		7:30				
Mon. Sept. 25 - Sun. Oct. 1	6:35		7:25	6:20		7:15				
Mon. Oct. 2 - Sun. Oct. 8	6:45		7:10	6:30		7:00				
Mon. Oct. 9 - Sun. Oct. 15	6:55		6:55	6:40		6:45				
Mon. Oct. 16 - Sun. Oct. 22	7:05		6:45	6:50		6:30				
Mon. Oct. 23 - Sat. Oct. 28	7:10		6:35	7:00		6:20				
Pacific Standard Time										
Mon. Oct. 30 - Sun. Oct. 29	6:20		5:30	6:05		5:15				
Mon. Nov. 6 - Sun. Nov. 5	6:25		5:20	6:10		5:10				
Mon. Nov. 13 - Sun. Nov. 12	6:35		5:10	6:25		5:00				
Mon. Nov. 20 - Sun. Nov. 19	6:45		5:00	6:35		4:50				
Mon. Nov. 27 - Sun. Nov. 26	6:55		4:55	6:45		4:45				
Mon. Dec. 4 - Sun. Dec. 3	7:05		4:50	6:55		4:40				
Mon. Dec. 11 - Sun. Dec. 10	7:15		4:50	7:00		4:35				
Mon. Dec. 18 - Sun. Dec. 17	7:20		4:50	7:10		4:35				
Mon. Dec. 25 - Sun. Dec. 24	7:25		4:50	7:10		4:40				
Mon. Jan. 1 - Sun. Dec. 31	7:25		4:55	7:15		4:40				
Mon. Jan. 8 - Sun. Jan. 7	7:30		5:00	7:15		4:50				
Mon. Jan. 15 - Sun. Jan. 14	7:25		5:10	7:15		5:00				
Mon. Jan. 22 - Sun. Jan. 21	7:20		5:20	7:10		5:10				
Mon. Jan. 29 - Wed. Jan. 28	7:15		5:30	7:00		5:20				
Mon. Jan. 29 - Wed. Jan. 31	7:10		5:35	6:55		5:20				

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(14) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.				
Daylight Savings Time										
Sat. Sept. 1 - Sun. Sept. 2	6:00		8:20	5:45		8:10				
Mon. Sept. 3 - Sun. Sept. 9	6:05		8:10	5:50		8:00				
Mon. Sept. 10 - Sun. Sept. 16	6:15		7:55	6:00		7:45				
Mon. Sept. 17 - Sun. Sept. 23	6:20		7:40	6:10		7:30				
Mon. Sept. 24 - Sun. Sept. 30	6:30		7:25	6:20		7:15				
Mon. Oct. 1 - Sun. Oct. 7	6:40		7:15	6:30		7:00				
Mon. Oct. 8 - Sun. Oct. 14	6:50		7:00	6:40		6:45				

PERMANENT

(14) OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE*
 WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington		Eastern Washington	
					from	to	from	to
					A.M.	P.M.	A.M.	P.M.
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00	6:45	6:50	6:35
Mon.	Oct. 22	-	Sat.	Oct. 27	7:10	6:35	7:00	6:20
Pacific Standard Time								
			Sun.	Oct. 28	6:15	5:30	6:05	5:15
Mon.	Oct. 29	-	Sun.	Nov. 4	6:20	5:20	6:10	5:10
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35	5:10	6:20	5:00
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45	5:05	6:30	4:50
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55	4:55	6:40	4:45
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05	4:50	6:50	4:40
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10	4:50	7:00	4:35
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20	4:50	7:05	4:35
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25	4:50	7:10	4:35
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25	4:55	7:15	4:40
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25	5:00	7:15	4:50
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25	5:10	7:15	4:55
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20	5:15	7:10	5:05
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15	5:25	7:05	5:15
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10	5:35	7:00	5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- (a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- (b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PERMANENT



WSR 03-04-035
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)
[Filed January 27, 2003, 4:25 p.m.]

Chapter 388-140 WAC
LICENSING STANDARDS
FOR GROUP RECEIVING CENTERS

PURPOSE

Date of Adoption: January 16, 2003.

Purpose: The purpose of the emergency rules for group receiving centers (GRC), new chapter 388-140 WAC, is to establish licensing standards immediately for facilities providing out-of-home receiving or emergency care to children for up to thirty days. Licensing standards do not currently exist for GRCs. The emergency rules would provide protection for children placed in facilities in emergency situations. Currently, the one group receiving center in operation is licensed under standards that do not accurately or adequately address the program.

Statutory Authority for Adoption: RCW 74.15.030(2), 74.08.090.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Children's Administration has licensed a facility as a group care program with several waivers as there are no current licensing standards for a group receiving center. After consulting with the assistant attorney general and representatives of the federal IV-E program, we have learned that the approval of waivers jeopardizes federal funds received by Children's Administration to support services to children. Children's Administration is working with stakeholders for the permanent adoption of rules appropriate to this type of facility, and the department has initiated a rule-making proceeding by filing a preproposal statement of inquiry as WSR 02-20-016. The client age range and other sections may be modified during the permanent rule-making 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 125, 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 125, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

January 16, 2003
Bonita H. Jacques
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-140-0005 What is the purpose of this chapter? The department issues or denies a license on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for group receiving centers. Unless noted otherwise, these requirements apply to people who want to be licensed or re-licensed to provide care as a group receiving center.

The department is committed to ensuring that children who receive receiving care in a group setting experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short term, but also in the long term. Our licensing requirements reflect our commitment to children.

DEFINITIONS

NEW SECTION

WAC 388-140-0010 What definitions apply to this chapter? The following definitions are important to understand these rules:

"Abuse or neglect" means injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

"Assessment" means the appraisal or evaluation of a child in terms of his or her physical, mental, and emotional condition.

"Capacity" means the maximum number of children that a home or facility is licensed to care for at a given time.

"Children" or **"youth,"** means individuals who are under eighteen years old, including expectant mothers under eighteen years old.

"Compliance agreement" means a written licensing improvement plan to address specific skills, abilities, or other issues of a fully licensed home or facility to maintain and/or increase the safety and well-being of children in their care.

"DCFS" means the division of children and family services.

"DDD" means the division of developmental disabilities.

"DSHS" or **"department"** means the department of social and health services (DSHS).

"DLR" means the division of licensed resources.

"DOH" means the department of health.

"Group receiving center" or **"GRC"** is a facility providing the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or less days.

"Firearms" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"Full licensure" means an entity meets the requirements established by the state for licensing or approved as meeting state licensing requirements.

"Hearing" means the department's administrative review process.

"I" refers to anyone who operates or owns group receiving center.

"Individual with developmental disabilities" means an individual who meets the eligibility requirements in RCW 71A.10.020 and WAC 388-825-030 for services. A developmental disability is any of the following: Mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition described in WAC 388-825-030. These conditions must originate before the age of eighteen years; be expected to continue indefinitely; and result in a substantial handicap.

"Infants" means children under one year of age.

"License" means a permit issued by the department affirming that a home or facility meets the licensing requirements.

"Licensee" means the name of the individual or legal entity granted the license for a group receiving center.

"Licensor" means a division of licensed resources (DLR) employee at DSHS that:

- (1) Approves licenses for group receiving centers; and
- (2) Monitors centers to ensure that they continue to meet health and safety requirements.

"Medically fragile" means the condition of a child who has a chronic illness or severe medical disabilities requiring regular nursing visits, extraordinary medical monitoring, or under a physician's care.

"Nonambulatory" means not able to walk.

"Nonmobile" refers to children who are not yet walking, are unable to walk, or unable to use a wheelchair or other device to move about freely.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Probationary license" means a license issued as a disciplinary measure to an individual or agency that has previously been issued a full license but is out of compliance with licensing standards.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, antidepressants and anti-anxiety medications.

"Severe developmental disabilities" means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

"Service plan" means a description of the services to be provided or performed and who will provide or perform the activities.

"Universal precautions" is a term relating to procedures designed to prevent transmission of blood borne pathogens in health care and other settings. Under universal precautions (sometimes call standard precautions), blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood.

"We" or **"our"** refers to the department of social and health services, including DLR licensors and DCFS social workers.

"You" refers to anyone who operates a group receiving center.

GENERAL INFORMATION

NEW SECTION

WAC 388-140-0015 What is a group receiving center? A group receiving center is a facility licensed by the division of licensed resources to provide the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or less days.

NEW SECTION

WAC 388-140-0020 Which children may I serve? If you are licensed as a group receiving center, you may serve children who meet one of the following conditions:

- (1) Need temporary placement after being taken into protective custody by law enforcement or the court;
- (2) Need temporary placement awaiting a more permanent placement; or
- (3) Need emergency placement during a temporary disruption of a current placement.

NEW SECTION

WAC 388-140-0025 What age children may a center serve? Group receiving centers may provide care for children from age two through seventeen.

NEW SECTION

WAC 388-140-0030 Who may place children at a group receiving center? The department of social and health services, a law enforcement officer, or the court may place children at a group receiving center.

NEW SECTION

WAC 388-140-0035 What hours must a center be open? A group receiving center must be open twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-140-0040 What are the basic expectations of a group receiving center program? (1) Your group receiving care center must provide a safe and healthy group living environment that meets the developmental needs of the children in your care, including;

- (a) A clean, homelike environment;
- (b) Basic necessities such as adequate food and appropriate clothing;
- (c) Safety; and
- (d) An age-appropriate environment with necessary structure, routine, and rules.

(2) Your center must be staffed with employees who are competent to provide for the safety and needs of the children in your care.

(3) You must provide a written statement that includes your mission, goals, and a description of the services you provide.

NEW SECTION

WAC 388-140-0045 What services are provided or arranged for by the group receiving center? (1) A group receiving center must provide direct receiving care and assessment or an appraisal of a child in terms of his or her physical, mental, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

NEW SECTION

WAC 388-140-0050 What school arrangements are required? A group receiving center must meet the following requirements for providing education instruction to the children under your care. You must:

- (1) Arrange for transportation for each child in care to travel to school;
- (2) Support each child participating in their education plan; and
- (3) Provide suitable study areas for children under your care.

NEW SECTION

WAC 388-140-0055 Is an orientation for a child required at a center? (1) As part of admission to a center, the staff must give an orientation to children that includes, but is not limited to:

- (a) A description of the program and services;
 - (b) The physical facility;
 - (c) The department-approved policy that states that youth may not have guns and other weapons, alcohol, tobacco, and drugs within the facility; and
 - (d) The department approved policy on client visitation that includes access to the youth's attorney.
- (2) Written documentation of this orientation must be in each child's file.

APPLICATION, LICENSING, AND PROGRAM APPROVALNEW SECTION

WAC 388-140-0060 Is a license required? A license is required to provide care to children at a group receiving center.

NEW SECTION

WAC 388-140-0065 How old do I have to be to apply for a license? You must be at least twenty-one years old to apply for a license to provide care to children at a group receiving center.

NEW SECTION

WAC 388-140-0070 What personal characteristics must I have to provide care to children at a center? If you are requesting a license or a position as an employee, volunteer, or intern in a group receiving center, you must:

(1) Demonstrate an understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children under your care.

(2) You must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(3) Be able to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(4) Not have been disqualified by our background check (chapter 388-06 WAC) before having unsupervised access to children.

NEW SECTION

WAC 388-140-0075 What personal information may I be required to provide to be licensed? (1) The department may request additional information at any time and it may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations and/or medical records.

(2) The applicant/licenseses pays for any evaluation requested by the department.

(3) The applicant/licensee must give permission for the licenser to speak with the evaluator/provider before and after the evaluation.

(4) If an applicant or licensee refuses to comply with subsections (1), (2), or (3) above, then DLR may deny the application or revoke the license.

NEW SECTION**WAC 388-140-0080 How do I apply for a license? (1)**

To apply for a group receiving center license, the person or legal entity responsible for the center must send the application form to your licensor at DLR.

(2) With the application form, you must send written verification for each applicant of the following information:

(a) A tuberculosis test or chest X-ray unless you can demonstrate medical or religious reasons prohibiting the test;

Note: Written documentation from your physician that indicates that you are free of the signs and symptoms of tuberculosis may be accepted.

(b) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(c) HIV/AIDS and blood borne pathogens training including infection control standards.

(3) You must send a completed background check form to your licensor on anyone on the premises having unsupervised access to children who:

(a) Is not a foster child; and

(b) Is at least sixteen years old.

(4) You must send a completed FBI fingerprint form for any individual at your facility who has lived outside Washington state within the last three years and meets subsection (3) above.

NEW SECTION

WAC 388-140-0085 What is required to document completed background checks on staff? You must keep a log of all background check results of employees, volunteers, and interns having unsupervised access to children on the premises of the group receiving center.

NEW SECTION

WAC 388-140-0090 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) You, your staff, volunteer, intern, or any individual who may at anytime be the sole caregiver at the group receiving center, must have the following current first-aid and CPR training:

(a) Basic standard first aid; and

(b) Approved age-appropriate cardiopulmonary resuscitation (CPR) training provided by an instructor certified in accordance with a nationally recognized standard.

(2) A person with first aid and CPR training must be on the premises of a group receiving center at all times, when children are present.

(3) The CPR training may be waived for persons with a statement from their physician that the training is not advised for medical reasons. However, another person with CPR training must be on the premises when children are present.

(4) You must keep records in your center showing who has completed current first aid and CPR training. This includes copies of the certificate of completion for the training for each staff person.

NEW SECTION

WAC 388-140-0095 What HIV/AIDS and blood borne pathogens training is required? (1) You must provide or arrange for training for yourself, your staff, or any person who may at any time be the sole caregiver at a group receiving center, on infection control, prevention, and transmission of HIV and AIDS and blood borne pathogens.

(2) You must comply with infection control requirements and educational material consistent with the approved current curriculum "Know - HIV/AIDS Prevention Education for Health Care Facility Employees," published by the department of health, office on HIV/AIDS.

(3) Child care workers and anyone else providing direct care to children at a group receiving center must use Universal Precautions (see definitions) when coming in contact with the bodily fluids or secretions of a child.

NEW SECTION

WAC 388-140-0100 How long do I have to complete the licensing application packet? (1) You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for a group receiving center license.

(2) If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

(3) If you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

NEW SECTION

WAC 388-140-0105 Does the department need to approve the program I offer? (1) The department must approve the program that you have developed for children under your care at group receiving center.

(2) You must send to DLR a detailed written program description outlining assessment, educational, recreational, therapeutic, and other services you will provide to children and their families.

(3) A sample of the schedule of daily activities for children under care must be included with the program description.

NEW SECTION

WAC 388-140-0110 How does the department decide how many children a center may serve? (1) The department approves the number of children that a group receiving center may serve based on an evaluation of these factors:

(a) Physical accommodations in the center;

(b) The number of staff and volunteers available for providing care;

(c) Your skills and the skills of your staff;

(d) The ages and characteristics of the children you are serving;

(e) The evaluation of fire safety by the office of the state fire marshal; and

(f) The evaluation of health and safety by the department of health.

(2) Based on the evaluation, the department may license you for the care of fewer children or different age groups than your facility could house.

NEW SECTION

WAC 388-140-0115 Will the department approve exceptions to the licensing requirements? (1) At its discretion, the department may make exceptions to the licensing requirements for a group receiving center. The exceptions:

- (a) Must only be nonsafety requirements; and
 - (b) Must not compromise the safety and well being of the children receiving care.
- (2) You must make a written request for an exception to the licensing requirements.
- (3) After granting an exception to a licensing requirement, the department may:
- (a) Limit or restrict your license; and/or
 - (b) Require you to enter into a compliance agreement to ensure the safety and well being of the children in your care.
 - (4) You must keep a copy of the approved exception and any compliance agreement to the licensing requirements for your files.
 - (5) You do not have appeal rights if the department denies your request for an exception to our licensing requirements.

CORRECTIVE ACTION

NEW SECTION

WAC 388-140-0120 Does the department issue probationary licenses? (1) The department may issue a group receiving center a probationary license as part of a corrective action plan with a licensed provider.

(2) The department must base its decision about whether to issue a probationary license on the following:

- (a) Intentional or negligent noncompliance with the licensing rules;
 - (b) A history of noncompliance with the rules;
 - (c) Current noncompliance with the rules;
 - (d) Evidence of a good faith effort to comply; and
 - (e) Any other factors relevant to the specific situation.
- (3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

NEW SECTION

WAC 388-140-0125 When is a license denied, suspended or revoked? (1) A group receiving center license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

(2) The department must disqualify you for any of the reasons that follow:

- (a) Your facility fails to meet the health and safety requirements to receive a certificate of compliance as

required by the department of health and/or office of the state fire marshal.

(b) You have been disqualified by your background check (see chapter 388-06 WAC).

(c) You or your staff have been found to have committed abuse, neglect, or you treat, permit or assist in treating children in your care with cruelty, indifference, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long term stability.

(d) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(e) You try to get a license deceitfully, such as making false statements or leaving out important information on the application.

(f) You commit, permit or assist in an illegal act on the premises of a group receiving center providing care to children.

(g) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(h) You knowingly allowed employees or volunteers with false statements on their applications to work at your agency.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(k) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

(l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

NEW SECTION

WAC 388-140-0130 Are there any other reasons that could potentially cause me to lose my license? (1) The department may suspend or revoke your group receiving center license if you go beyond the conditions of your license by:

- (a) Having more children than your license allows; or
- (b) Having children with ages different than your license allows.

(2) The department also may suspend or revoke your license if you:

- (a) Fail to provide a safe, healthy and nurturing environment for children under your care; or
- (b) Fail to comply with any of our other licensing requirements.

NEW SECTION

WAC 388-140-0135 What happens when a licenser is notified that a licensee has received a noncompliance support order from the division of child support? (1) The department must suspend a group receiving center license, if the licenser receives a notice from the division of child sup-

port that the licensee is not in compliance with a support order under authority of RCW 43.20A.205 and 74.20A.320.

(2) In this situation, the suspension of a center license, for noncompliance of a support order, would be effective on the date the licensee receives a notice from the licensor.

(3) The license remains suspended until the licensee provides proof that he or she is in compliance with the child support order.

(4) The licensee does not have a right to an administrative hearing based on a suspension of the center license due to noncompliance of a child support order.

NEW SECTION

WAC 388-140-0140 How will the department notify me if my license is denied, suspended, or revoked? (1) The department will send you a certified letter informing you of any decision to deny, suspend or revoke your group receiving center license.

(2) In the letter, the department also will tell you what you may do if you disagree with the decision of the department to deny, suspend or revoke your group receiving center license.

NEW SECTION

WAC 388-140-0145 What may I do if I disagree with the department's decision to deny, suspend or revoke my license? (1) You have the right to appeal any decision the department makes to amend, deny, suspend, or revoke your group receiving center license. The exception is outlined in WAC 388-140-0135 and deals with noncompliance of a child support order.

(2) Your right to appeal and the procedures for that process are outlined in RCW 43.20A.205 and 74.14.130; chapter 34.05 RCW, and chapter 388-02 WAC.

POSTING LICENSE AND REPORTING CHANGES

NEW SECTION

WAC 388-140-0150 Where do I post my license? You must post your group receiving center license where the public can easily view it.

NEW SECTION

WAC 388-140-0155 What changes to my center must I report to my licensor? (1) You must report to your licensor immediately any changes in the original group receiving center licensing application. This includes changes in:

- (a) Your location or designated space, including address;
- (b) Your phone number;
- (c) The maximum number, age ranges, and sex of children you wish to serve; or
- (d) The changes in the structure of your facility or on the premises from events causing damage, such as a fire, or from remodeling.

(2) A license is valid only for the person or organization named on the license at a specific address. If you operate a

group receiving center, you must also report any of the following changes to your licensor:

- (a) A change of your agency's executive director;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your center is commonly known; or
- (d) Changes in an agency's articles of incorporation and bylaws that apply to the operation or the license of the facility.

FIRE SAFETY

NEW SECTION

WAC 388-140-0160 Must I comply with the requirements of the State Fire Marshal to receive a license? (1) A group receiving center must comply with the requirements for fire safety of the office of the state fire marshal under WAC 212-12-210.

(2) The office of the state fire marshal will issue a notice of approval for licensing to the licensing agency when you have met their requirements for fire safety.

NEW SECTION

WAC 388-140-0165 Do I need to notify the local fire department of the location of my center? You must notify the local fire department of the location of your group receiving center so that medics and firefighters can easily locate your facility.

NEW SECTION

WAC 388-140-0170 Are local ordinances part of the licensing requirements? (1) Local ordinances (laws), such as zoning regulations and local building codes, are outside the scope of the licensing requirements for a group receiving center.

(2) The department may require you to provide proof that you have met local ordinances.

NEW SECTION

WAC 388-140-0175 Are there fire safety requirements? A group receiving center must comply with the fire safety requirements that follow.

(1) Every sleeping room used by children under care must have at least one operable window or door approved for emergency escape or rescue that must open directly into a public street, public alley, yard, or exit court.

(2) Centers with floors located more than four feet above or below ground (one-half story) must not be used for care of nonmobile children.

(3) Emergency windows must:

- (a) Be operable from the inside to provide a full, clear opening without the use of separate tools;
- (b) Have a minimum net clear open area of 5.7 square feet (0.53 mm);

(c) Have a minimum net clear open height dimension of 24 inches (610 mm);

(d) Minimum net clear open width dimension of 20 inches (508 mm);

(e) Have a finished sill height of not more than 44 inches (1118 mm) above the floor.

(4) No child may occupy a space that is accessible only by a ladder, folding stairs, or a trap door.

(5) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(6) Every closet door latch must be designed to open from the inside.

(7) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(8) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

NEW SECTION

WAC 388-140-0180 What are the requirements for smoke detectors? (1) Group receiving centers licensed for sixteen or more residents must have an approved automatic and manual fire alarm system.

(2) Operation of any fire alarm activating device must automatically, without delay, activate off-site monitoring and signal a general alarm indication and sound an audible alarm throughout the building or affected part of the building.

(3) Group receiving centers licensed for fewer than sixteen persons must have smoke detectors installed in all sleeping room, corridors, and in areas separating use areas from sleeping areas.

(4) Smoke detectors must be installed following the approved manufacturer's instructions.

NEW SECTION

WAC 388-140-0185 What are the requirements for a fire evacuation plan? (1) You must develop a written fire evacuation plan for your group receiving center.

(2) The evacuation plan must include:

(a) An evacuation floor plan, identifying exit doors and windows;

(b) Action that the person discovering a fire must take;

(c) Methods for sounding an alarm on the premises;

(d) Ways to evacuate the building that ensures responsibility for children; and

(e) Action that staff must take while waiting for the fire department.

(3) The plan must be posted at each exit door.

NEW SECTION

WAC 388-140-0190 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your group receiving center:

(1) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(2) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(3) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(4) All electrical motors must be kept free of dust.

(5) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(6) Candles must not be used.

(7) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multi-plug adapters must not be used in place of permanent wiring and proper outlets.

(8) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

(9) Separate hazardous areas by at least a "one-hour" fire-resistant wall. Hazardous areas include rooms or spaces containing:

(a) A commercial-type cooking kitchen;

(b) A boiler;

(c) A maintenance shop;

(d) A janitor closet;

(e) A woodworking shop;

(f) A vehicle garage;

(g) Flammable or combustible materials; or

(h) Painting operations.

(10) The department does not require a fire-resistant wall when:

(a) A kitchen contains only a domestic cooking range; and

(b) Food preparation does not produce smoke or grease-laden vapors.

NEW SECTION

WAC 388-140-0195 What are the requirements for fire drills? (1) You must conduct monthly fire drills to test and practice the evacuation procedures.

(2) The monthly fire drill must be conducted on each shift, so that each person providing care to children participates in the drill.

(3) You must consult with and follow the state fire marshal protocol for "mock" fire drills, if you care for nonambulatory children.

(4) You must maintain a written record on the premises that indicates the date and time that drill practices were completed at your group receiving center.

NEW SECTION

WAC 388-140-0200 What fire safety procedures do center staff need to know? You and your staff at a group receiving center must be familiar with:

- (1) Safety procedures related to fire prevention; and
- (2) All aspects of a fire drill.
- (3) Your and your staff must be able to:
 - (a) Operate all fire extinguishers installed on the premises;
 - (b) Test smoke detectors (single station types);
 - (c) Conduct frequent inspections of the facility to identify fire hazards; and
 - (d) Correct any hazards noted during the inspection.

NEW SECTION

WAC 388-140-0205 What are the requirements for fire sprinkler systems? (1) Where a sprinkler system is required, a system complying with the uniform building code standards must be installed.

- (2) A Washington state licensed fire sprinkler contractor must annually test and certify sprinkler systems installed in a group receiving center for fire prevention.

HEALTH AND ENVIRONMENTNEW SECTION

WAC 388-140-0210 Does a center need approval from the department of health to operate? (1) A group receiving center must receive a certificate of compliance from the department of health before the division of licensed resources (DLR) will issue a group receiving center license.

- (2) The department of health (DOH) conducts the health and safety survey. A registered nurse (RN) and/or a public health sanitarian may complete the survey.

NEW SECTION

WAC 388-140-0215 What are the physical structure safety requirements for a center? You must keep the equipment and the physical structures in your group receiving center safe and clean for the children you serve. You must:

- (1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair.
- (2) Provide handrails for steps, stairways, and ramps, if required by the department.
- (3) Have emergency lighting devices available and in operational condition.
- (4) Furnish your center appropriately, based on the age and activities of the children under care.
- (5) Have washable, water-resistant floors in your center bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchens.
- (6) Provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to chil-

dren under the age of six or other persons with limited mental capacity or who might be endangered by access to them.

- (7) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

- (8) Have a written disaster plan for emergencies such as fire and earthquakes.

NEW SECTION

WAC 388-140-0220 What are the requirements for the location of a center? (1) Your group receiving center must be located on a well-drained site, free from hazardous conditions. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

- (2) The safety of the children in care is paramount. You must discuss with the licenser any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

- (3) If DLR decides that hazardous conditions are present at the group receiving center, a supervision plan must be written for the children in care.

NEW SECTION

WAC 388-140-0225 What are the requirements for emergency aid vehicle access to my center? (1) Your group receiving center must be accessible to emergency vehicles.

- (2) Your address must be clearly visible on the facility or mailbox so that firefighters or medics can easily find your center location.

NEW SECTION

WAC 388-140-0230 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care at a group receiving center are safe around bodies of water.

- (2) On a daily basis, you must empty and clean any portable wading pool that children use.

- (3) When they are swimming, wading, or near a body of water, children under twelve must be in continuous visual range at all times by an adult with current first aid and age appropriate CPR.

- (4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and other man-made and natural bodies of water.

- (5) All safety devices and rescue equipment, such as life jackets, must meet state water safety regulations.

- (5) You must lock or secure hot tubs and spas when they are not in use.

- (6) You must place a fence designed to discourage climbing and have a locking gate around a pool or have another DLR approved safety device. The pool must be inaccessible to children when not in use.

- (7) A certified lifeguard must be on duty when children are using a swimming pool.

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 388-140-0235 What measures must I take for pest control? You must make reasonable attempts, using the least toxic methods, to keep the premises of the group receiving center free from pests. This includes rodents, flies, cockroaches, fleas, and other insects.

NEW SECTION

WAC 388-140-0240 What are the requirements regarding pets and animals at a center? (1) In a group receiving center, you must not have any common household pets, exotic pets, other animals, birds, insects, reptiles, or fish that are dangerous or provide a risk to the children in care.

(2) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must:

(a) Be cared for in compliance with state regulations and local ordinances; and

(b) Be free from disease and cared for in a safe and sanitary manner.

NEW SECTION

WAC 388-140-0245 Are alcoholic beverages allowed at a center? You must not have alcohol on the premises of a group receiving center. The staff of the center may not consume alcohol on the premises or during breaks.

NEW SECTION

WAC 388-140-0250 Is smoking permitted around children? (1) You must prohibit smoking in the group receiving center and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American ceremonies involving the use of tobacco.

NEW SECTION

WAC 388-140-0255 May I have firearms at a center? The department prohibits firearms, ammunition, and other weapons on the premises of a group receiving center.

NEW SECTION

WAC 388-140-0260 May I use wheeled baby walkers? The department prohibits the use of wheeled baby walkers in a group receiving center.

STORAGE OF MEDICATIONS AND CHEMICALS

NEW SECTION

WAC 388-140-0265 Are there requirements for the storage of medications? At a group receiving center:

(1) You must keep all medications, including pet medications, vitamins and herbal remedies, in locked storage.

(2) You must store external medications separately from internal medications.

(3) You must store medications according to the manufacturer or pharmacy instructions.

(4) Pet and human medications must be stored in separate places.

NEW SECTION

WAC 388-140-0270 Are there requirements for storing dangerous chemicals or other substances? (1) At a group receiving center, you must store the following items in a place that is not accessible to children, persons with limited mental capacity, or anyone who might be endangered by access to the following products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, you must label the containers filled from a stock supply.

(3) Toxic substances must be stored separately from food items.

FIRST-AID SUPPLIES

NEW SECTION

WAC 388-140-0275 Are first-aid supplies required?

(1) At a group receiving center, first-aid supplies must be kept on hand for immediate use, including nonexpired syrup of ipecac that is to be used only when following the instruction of the poison control center.

(2) The following first-aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Bandages;

(c) Scissors and tweezers;

(d) Ace bandage;

(e) Gauze;

(f) Thermometer; and

(g) A first-aid manual.

MEDICAL CARE AND MEDICATION MANAGEMENT

NEW SECTION

WAC 388-140-0280 What are the requirements for medical policies and procedures for a center? (1) Group

receiving centers must have written policies and procedures about the control of infections. These policies must include, but are not limited to, the following areas:

- (a) Isolation;
- (b) Aseptic procedures;
- (c) Reporting communicable diseases;
- (d) Hygiene, including hand washing, using the toilet, diapering, and laundering.

(2) Group receiving centers must maintain current written medical policies and procedures to be followed on:

(a) Prevention of the transmission of communicable diseases including:

- (i) Hand washing for staff and children; and
- (ii) Management and reporting of communicable diseases.

(b) Medication management, including steps to be taken if medication is incorrectly administered;

- (c) First aid;
- (d) Care of minor illnesses;
- (e) Actions to be taken for medical emergencies;
- (f) Infant care procedures when infants are under care; and

(g) General health practices.

(3) You must arrange to have one of the following help you develop and periodically review your medical policies and procedures:

- (a) An advisory physician,
- (b) A physician's assistant, or
- (c) A registered nurse.

NEW SECTION

WAC 388-140-0285 Must all children accepted for care have current immunizations? (1) Group receiving centers may accept a child for care who is not current with immunizations or whose immunization status is unknown.

(2) If a child's placement at a center extends beyond thirty days, you must obtain the child's immunization records and if the child is not current update immunizations as soon as medically possible.

NEW SECTION

WAC 388-140-0290 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and communicable diseases infecting the children under care in your center.

(2) In a group receiving center, staff with a reportable communicable disease or notifiable disease conditions, as defined by the department of health, in chapter 246-101 WAC, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(3) Applicants for a license or adults authorized to have unsupervised access to children in a center must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

- (a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(4) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically unadvisable.

(5) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(6) The department does not require re-testing unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(7) The center must keep the results of the applicant and employees TB test results in the personnel file available for review by DLR.

NEW SECTION

WAC 388-140-0295 How do I manage medications for children? (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider (staff) may:

(a) Have access to medications for the child under your care; and

(b) Give medications, prescription and nonprescription, only on the written approval of a parent, person or agency having authority by court order to approve medical care.

Exception: There are several over-the-counter medications that may be given without a physician's order. Those medications are listed in WAC 388-140-0295(13).

(4) You or another authorized care provider must give medications, prescription and nonprescription:

(a) Only as specified on the prescription label; or

(b) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(5) You must keep a record of all medications you give a child.

(6) You and other authorized care provider must consult with a pharmacist on the proper disposal of medications that are no longer being taken or have expired.

(7) The disposal of any prescription medication must be documented and contain the following information:

(a) What medication was disposed;

(b) The name of the child the medication was prescribed for;

(c) The amount disposed;

(d) The name of the individual disposing of the medication; and

(e) The name of the individual witnessing the disposal.

(8) Children taking oral medications must have the prescribing physician's written authorization before any medications, herbal supplements or remedies, or vitamins and minerals are given.

Nonprescription medications

(9) Nonprescription medications may be given with a physician's standing order, if the order is child specific.

(10) The prescribing physician must be aware of all prescription and nonprescription medication the child is taking.

(11) You or another authorized care provider (staff) may give the following medications without a physician's order:

- (a) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
- (b) Nonnarcotic cough suppressants;
- (c) Decongestants;
- (d) Antacids and anti-diarrhea medication;
- (e) Anti-itching ointments or lotions intended specifically to relieve itching;
- (f) Shampoo for the removal of lice;
- (g) Diaper ointments and powders intended specifically for use in the diaper area of children;
- (h) Sun screen for children over six months; and
- (i) Antibacterial ointment for first aid use.

Psychotropic medications

(12) Care providers must not approve giving or stopping psychotropic medications to a child in care. Approval can only be given by one of these:

- (a) The child's parent;
- (b) Dependency guardians;
- (c) A court order; or
- (d) The child's social worker, if:
 - (i) The child is legally free and in the permanent custody of the department; or
 - (ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

(13) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately and document the child's refusal.

NEW SECTION

WAC 388-140-0300 What medicine may I accept for a child? The only medicine you may accept from the child's parent, legal guardian, law enforcement officer, or department social worker is medicine in the original container labeled with:

- (1) The child's first and last names;
- (2) The date the prescription was filled;
- (3) The medication's expiration date; and
- (4) Legible instructions for the administration of the drug (manufacturer's instructions or prescription label).

NEW SECTION

WAC 388-140-0305 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

- (a) They are physically and mentally capable of properly taking the medicine; and
- (b) The child's parent or legal guardian approves in writing.

(2) You must keep the written approval by the child's parent or legal guardian in your records.

(3) When children take their own medication, the medication and medical supplies must be kept locked or inaccessible to other children and unauthorized persons.

NEW SECTION

WAC 388-140-0310 When must I get medical exams for the children under my care? (1) In consultation with the child's social worker, you must schedule a physical exam (EPSDT) for any child who, within the past year, has not:

- (a) Been under regular medical supervision; or
- (b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

NEW SECTION

WAC 388-140-0315 Whom do I notify about medication changes and reactions? (1) You must notify the child's social worker of changes in prescribed medications.

(2) You must notify the child's social worker and physician about any adverse reactions the child has to medications.

FOOD/DIET/MENUS

NEW SECTION

WAC 388-140-0320 Are there general menu requirements? The department has menu requirements for group receiving centers.

(1) Your program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation.

(2) You must prepare and date daily menus, including snacks, at least one week in advance.

(3) You must provide for the proper storage, preparation, and service of food to meet the needs of the program.

(4) A menu must specify a variety of foods for adequate nutrition and meal enjoyment.

(5) You must keep the menus on file for a minimum of six months so that we can review your menus.

(6) You must post each person's dietary restrictions, if any, for staff to follow.

(7) You must post a schedule of mealtimes.

NEW SECTION

WAC 388-140-0325 How often must I feed children at a center? (1) You must provide all children a minimum of three meals in each twenty-four hour period. You may vary

from this guideline only if you write to your licensor requesting a change and the request is approved by DLR.

(2) The time interval between the evening meal or snack and breakfast must not be more than fourteen hours.

NEW SECTION

WAC 388-140-0330 How do I handle a child’s special diet? Unless a child is admitted to a group receiving center with a written physician’s order as medically necessary for the child, the following must not be served:

- (1) Nutrient concentrates, supplements, or amino-acids;
- (2) Vitamins; or
- (3) Modified diets.

NEW SECTION

WAC 388-140-0335 What home canned foods may I use? You may not serve home canned foods to children at a group receiving center.

ROOM REQUIREMENTS

NEW SECTION

WAC 388-140-0340 Are there room requirements?

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve at a group receiving center.

(2) With thirteen or more children, you must provide at least one separate indoor recreation area. Its size and location must be sufficient for the age and number of the children using it to engage in recreational and informal education activities.

(3) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

NEW SECTION

WAC 388-140-0345 When do I need a special care room? (1) A group receiving center must provide a special care room reserved for the care of a person who needs to be separated from the group due to injury, illness or the need for additional rest.

(2) A special care room must:

(a) Be located in a place that easily allows the person to be supervised;

(b) Have toilet and lavatory facilities that are easily accessible to any person staying in the special care room.

(3) After each use have the area and equipment sanitized if used by any person who is suspected of having a communicable disease.

(4) The special care room may be used for other purposes when it is not needed for the separation and care of an ill or injured person.

NEW SECTION

WAC 388-140-0350 What does the room temperature at a center need to be? (1) You must maintain the temperature within your group receiving center facility at a reasonable level while occupied. This would normally be a minimum of sixty-eight degrees Fahrenheit during waking hours and a minimum of sixty-five degrees Fahrenheit during sleeping hours.

(2) You must consider the age and needs of the children under your care in determining appropriate temperature.

NEW SECTION

WAC 388-140-0355 What are the kitchen requirements? (1) You must provide facilities to properly store, prepare, and serve food to meet the needs of the children under your care at your group receiving center.

(2) All food service facilities and food handling practices must comply with rules and regulations of the state board of health governing food service sanitation (chapter 246-215 WAC). This includes food handler’s permit for all staff.

NEW SECTION

WAC 388-140-0360 May I use the kitchen for activities for children? Children are not allowed in the kitchen of a group receiving center without age-appropriate supervision.

NEW SECTION

WAC 388-140-0365 May a room be used for more than one purpose? At your group receiving center you may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided that:

(1) The room is of sufficient size; and

(2) The room’s usage for one purpose does not interfere with usage of the room for another purpose.

NEW SECTION

WAC 388-140-0370 What are the general requirements for bedrooms? You must meet all the following requirements for bedrooms at a group receiving center.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children less than six years of age are sleeping.

(2) For children six years and older, you must furnish separate sleeping quarters for each gender.

(3) Any room used for sleeping must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets, per child.

(4) Bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the children (normally, at least seven and a half feet); and

(b) At least one window of not less than one-tenth of the required floor space that opens to the outside. This allows natural light into the bedroom and permits emergency access or exit.

EMERGENCY

(5) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(6) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(7) The number of beds allowed at a group receiving center is established in by the licensor in consultation with the DOH surveyor for each center.

BEDS

NEW SECTION

WAC 388-140-0375 What are the requirements for beds? (1) Children must have their own bed at a group receiving center. The bed must be at least twenty-seven inches wide with a clean and comfortable mattress in good condition.

(2) For each child in care, you must provide a pillow and pillowcase, blankets, and sheets.

(3) Pillows must be covered with waterproof material or be washable.

(4) Bedding must be clean.

(5) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(6) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of a toddler.

(7) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Preschool age children and children with disabilities.

(8) If a cot is used as the bed, the licensee must ensure the child's cot is of sufficient length and width, and constructed to provide adequate comfort for the child to sleep. You must ensure that the cot surface is of a material that can be cleaned with a detergent solution, disinfected, and allowed to air dry.

(9) You must not use canvas cots.

(10) A mat may be used for napping but not as a substitute for a bed.

DIAPER CHANGING AND BATHING FACILITIES

NEW SECTION

WAC 388-140-0380 What are the requirements for diapers and diaper-changing areas? At a group receiving center, you must follow the requirements for diapers, diaper-changing rooms, and potty-chairs, if you provide care to children who are not toilet trained.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas between each use or you must use a nonabsorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) You must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) Diaper-changing procedures must be posted at the changing areas.

(7) Diaper-changing areas must be adjacent to a hand-washing sink.

(8) The staff must be within arms-length of the child being diapered at all times while changing diapers. The use of safety belts is prohibited.

(9) Diaper-changing tables or surfaces must have a barrier or edge that is a minimum of four inches above the pad or six inches above the top of the table.

NEW SECTION

WAC 388-140-0385 What are the requirements for bathing facilities? Group receiving centers must comply with the requirements that follow.

(1) Bathing facilities must be inaccessible to preschool age and younger children when not in use.

(2) Preschool age and younger children must be supervised while using bathing facilities.

(3) Bathing facilities must be equipped with a conveniently located grab bar or other safety device such as a non-skid pad.

(4) The ratio of bathing facilities to children in care must be at least one bathing facility for eight children.

TELEPHONE/LIGHTING/VENTILATION/WATER/WASTE DISPOSAL

NEW SECTION

WAC 388-140-0390 Do I need a telephone? (1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone.

NEW SECTION

WAC 388-140-0395 What are the lighting requirements? (1) You must locate light fixtures and provide lighting that promotes good visibility and comfort for the children under your care at your group receiving center.

(2) Group receiving centers must have nonhazardous light fixture covers or shatter resistant (or otherwise made safe) light bulbs or tubes.

NEW SECTION

WAC 388-140-0400 What are the requirements for ventilation? (1) You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care at the group receiving center.

(2) A mechanical exhaust fan to the outside must ventilate toilets and bathrooms, and utility rooms with mop sinks that do not have windows opening to the outside.

NEW SECTION

WAC 388-140-0405 What are the requirements about drinking water? (1) You must provide the following:

(a) A public water supply or a private water supply approved by the local health authority at the time of licensing or re-licensing; and

(b) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

(2) You must not use bubbler type fountains or common drinking cups.

NEW SECTION

WAC 388-140-0410 What are the requirements for sewage and liquid wastes? Group receiving centers must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

LAUNDRY, SINKS, AND TOILETS

NEW SECTION

WAC 388-140-0415 What are the requirements for laundry facilities? The department has specific requirements for laundry facilities at a group receiving center.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) You must locate laundry equipment in an area separate from the kitchen and child care areas.

(4) Laundry equipment must be vented to the outdoors.

(5) You must make laundry equipment inaccessible to young children.

NEW SECTION

WAC 388-140-0420 What are the requirements for washing clothes? You must use an effective way to sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials at your group receiving center. You must sanitize laundry through temperature control or the use of chemicals.

NEW SECTION

WAC 388-140-0425 Do I need a housekeeping sink? Facilities licensed to provide emergency respite care must have and use a housekeeping sink or DOH-approved method of drawing clean mop water and disposing of the wastewater.

NEW SECTION

WAC 388-140-0430 What are the requirements for hand-washing sinks? (1) A group receiving center must supply children with warm running water for hand washing. The water must be kept at a temperature range of not less than eighty-five degrees Fahrenheit and not more than one hundred and twenty degrees Fahrenheit.

(2) The children's hand washing facilities must be located in or adjacent to rooms used for toileting.

(3) The center must provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.

(4) Hand washing sinks must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

(5) A group receiving center must provide:

(a) A minimum of two hand washing sinks; and

(b) A ratio of one sink for every eight children at the center.

NEW SECTION

WAC 388-140-0435 What are the requirements for toilets? (1) A group receiving center must provide a minimum of two toilets and a ratio of one toilet for every eight children at the center.

(2) Children eighteen months of age or younger and other children using toilet training equipment need not be included when determining the number of required flush-type toilets.

(3) If urinals are provided, the number of urinals must not replace more than one-third of the total required toilets.

(4) Privacy for toileting must be provided for children of the opposite sex who are six years of age and older and for other children demonstrating a need for privacy.

(5) A mounted toilet paper dispenser for each toilet must be provided.

(6) Toilets and urinals must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

NEW SECTION

WAC 388-140-0440 Must a center have toilet training equipment for children? (1) A group receiving center must have developmentally appropriate toilet-training equipment, when the center serves children who are not toilet trained.

(2) The equipment must be sanitized after each child's use.

INDOOR RECREATION AREAS

NEW SECTION

WAC 388-140-0445 What are the requirements for indoor recreation areas? (1) The group receiving center's indoor premises must contain adequate area for child play

and sufficient space to house a developmentally appropriate program for the number and age range of children served.

(2) You must provide a minimum of thirty-five square feet of usable floor space per child, not counting bathrooms, hallways, and closets.

(3) You may use and consider the napping area as child care space, if there are not beds or cots on the floor space.

(4) Any room used for napping or sleeping must have a window to allow natural light into the room.

OUTDOOR RECREATION AREAS

NEW SECTION

WAC 388-140-0450 What are the requirements for an outdoor recreation area? (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area at a group receiving center.

(2) The fenced or approved enclosed outdoor recreation area must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing.

(4) The outdoor recreation area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor recreation area must promote the child's active play, physical development, and coordination.

NEW SECTION

WAC 388-140-0455 What are the size requirements for an outdoor recreation area? (1) You must ensure the recreation area at a group receiving center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor recreation area at the same time, you may reduce the outdoor recreation area size by the number of children normally using the area at one time.

NEW SECTION

WAC 388-140-0460 What are the requirements for playground equipment? (1) You must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities at a group receiving center.

(2) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.

(3) The quantity of outdoor play equipment must offer the child a range of outdoor recreation options.

TRANSPORTATION

NEW SECTION

WAC 388-140-0465 Are there requirements to follow when I transport children? When you transport children under your care, you must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability and insurance policy.

(5) Your vehicles must be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

(8) Buses approved by the state patrol are not required to have seat belts.

CLIENT RECORDS

NEW SECTION

WAC 388-140-0470 What does the department require for keeping client records? (1) Your records must be kept at your group receiving center and contain, at a minimum, the following information:

(a) The child's name and birthdate;

(b) Inventory of personal belongings at the time of placement; and

(c) Names, address and telephone numbers of department social worker to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider, when available;

(f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available; and

(g) Any other pertinent information related to the child, such as his or her visitation plan.

(2) Daily center logs are required with the signature of the person making the entry in the log. The logs must document the following:

(a) Date, time, and which residents and staff are participating in an activity;

(b) Narrative to note behavior and issues of residents;

(c) Any health or safety issues;

(d) Staff to resident ratio on each shift;

(e) On-call and relief staff on duty during emergencies;

(f) The after-hours telephone number of the supervisor;

(g) Dates and illnesses or accidents while at the center;

(h) Medications and treatments given at the center with the child's name;

(i) A copy of any suspected child abuse and/or neglect referrals made to children's administration; and

(j) Other information determined relevant by the department.

(3) Identifying and personal information about the child and their family must be kept confidential, unless permission has been given for release by the parent.

(4) You must keep information about the child and their families in a secure place.

(5) You must keep client files containing information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

NEW SECTION

WAC 388-140-0475 What written information is needed before a child is admitted to a center? Before accepting a child for care at a group receiving center you must obtain the following written consent and information from the placing authority:

- (1) Permission authorizing the placement of the child;
- (2) Permission to seek emergency medical care or surgery on behalf of the child;
- (3) The name and telephone number of the children's administration's social worker and emergency contacts; and
- (4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

CLIENT PROTECTION

NEW SECTION

WAC 388-140-0480 What are the requirements for protecting a child under my care from abuse and neglect? As part of ensuring a child's health, welfare and safety, you must protect children under your care from all forms of child abuse and neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

NEW SECTION

WAC 388-140-0485 What are the nondiscrimination requirements? You must follow all state and federal laws regarding nondiscrimination while providing services to children at your group receiving center.

NEW SECTION

WAC 388-140-0490 Do I have to admit or retain all children at the center? A group receiving center has the right to refuse to admit or retain a child who can not be served safely or who may pose a significant risk to other children.

NEW SECTION

WAC 388-140-0495 What must I consider in assigning work to children in my home or facility? (1) Children may do regular "household" tasks without payment.

(2) Children may do work assignments other than "household" tasks that are appropriate to their age and physical conditions and receive monetary compensation if this is part of their service plan.

CLIENT RIGHTS

NEW SECTION

WAC 388-140-0500 Do I have responsibility for a child's personal hygiene? (1) You must provide or arrange for children under your care to have items needed for grooming and personal hygiene.

(2) You must assist these children in using these items, based on the child's developmental needs.

(3) Clothing must be clean and age-appropriate.

NEW SECTION

WAC 388-140-0505 Does each child need space for personal items at the center? You must provide separate space for the storage of personal items such as clothing, radios, and toys for each child at your group receiving center.

DISCIPLINE

NEW SECTION

WAC 388-140-0510 What requirements must I follow when disciplining children? (1) You are responsible for disciplining children in your care. This responsibility may not be delegated to a child.

(2) Discipline must be based on an understanding of the child's needs and stage of development.

(3) Discipline must be designed to help the child under your care to develop inner control, acceptable behavior and respect for the rights of others.

(4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.

(5) Your discipline must comply with children's administration's behavior management guidelines for residential programs.

NEW SECTION

WAC 388-140-0515 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking children with a hand or object;
- (b) Biting, jerking, kicking, hitting, or shaking the child;
- (c) Pulling the child's hair;
- (d) Throwing the child;
- (e) Purposely inflicting pain as a punishment;
- (f) Name-calling or using derogatory comments;
- (g) Threatening the child with physical harm;
- (h) Threatening or intimidating the child; or
- (i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use discipline methods that interfere with a child's basic needs. These include, but are not limited to:

- (a) Depriving the child of sleep;
- (b) Depriving the child of adequate food, clothing or shelter;
- (c) Restricting a child's breathing;
- (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or
- (e) Providing inadequate medical or emergency dental care.

(3) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(4) You must not give one child's medications to another child.

(5) You must not use medication for behavior management unless a physician prescribes the medication to control that child's behavior.

NEW SECTION

WAC 388-140-0520 Does the department require a written statement describing my discipline methods? (1) With your application and re-application for licensure, you must provide a written statement describing the discipline methods you use, including your de-escalation and restraint policies and procedures.

(2) If your discipline methods change, you must immediately provide a new statement to your licensor describing your current practice.

PHYSICAL RESTRAINT

NEW SECTION

WAC 388-140-0525 What types of physical restraint are acceptable? (1) You must use efforts other than physical restraint to redirect or de-escalate a situation.

(2) You must comply with children's administration's behavior management guidelines for residential programs for child de-escalation and physical restraint

(3) If a child's behavior poses an immediate risk to physical safety, you may use a physical restraint on a child. The restraint must be reasonable and necessary to:

- (a) Prevent a child on the premises from harming himself/herself or others; or
- (b) Protect property from serious damage.

NEW SECTION

WAC 388-140-0530 What types of physical restraint are not acceptable for children? You must not use:

- (1) Physical restraint as a form of punishment or discipline;
- (2) Mechanical restraints, such as handcuffs and belt restraints;
- (3) Locked time-out rooms; or

(4) Physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or that might injure a child. These include, but are not limited to:

- (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
- (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
- (c) Arm twisting;
- (d) Hair holds;
- (e) Choking or putting arms around the throat; or
- (f) Chemical restraints, including but not limited to pepper spray.

NEW SECTION

WAC 388-140-0535 What must I do following an incident that involved using physical restraint? The director or program manager of a group receiving center must review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate.

NEW SECTION

WAC 388-140-0540 What incidents involving children must I report? (1) You or your staff at a group receiving center must report any of the following incidents immediately to children's administration intake staff:

- (a) Any reasonable cause to believe that a child has suffered child abuse or neglect;
- (b) Any violations of the licensing or certification requirements;
- (c) Death of a child;
- (d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;
- (e) Any use of physical restraint that is alleged to be improper, excessive, or results in injury;
- (f) Sexual contact between two or more children that is not considered typical play between pre-school age children;
- (g) Any disclosures of sexual or physical abuse by a child in care;
- (h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;
- (i) Any medication that is given incorrectly and requires off-site medical treatment;
- (j) Serious property damage that is a safety hazard and is not immediately corrected; or
- (k) Anytime a child refuses to take any medication that may result in a situation that is life threatening.

(2) You or your staff must report immediately, any of the following incidents, to the child's social worker:

- (a) Suicidal/homicidal ideation, gestures, or attempts that do not require professional medical treatment;
- (b) Unexpected health problems that require professional medical attention or raise questions for the staff;
- (c) Any significant incident of medication administered incorrectly;

(d) Physical assaults between two or more children that resulted in injury but did not require professional medical treatment;

(e) Runaways;

(f) Any emergency medical or psychiatric care that requires offsite attention; and

(g) Use of physical restraints for routine behavior management.

STAFFING RATIO

NEW SECTION

WAC 388-140-0545 What is the ratio of child care staff to children at a center? The department has specific requirements for the ratio of child care staff to children at group receiving centers.

(1) At least two staff, including at least one child care staff person, must be on site whenever children are on the premises.

(2) The ratio for a group receiving center is at least one child care staff person on site for every four children who are under six during waking and sleeping hours.

(3) The ratio for a group receiving center is at least one child care staff person on site for every six children age six years and older, during waking and sleeping hours.

(4) The center may only provide care for two or more of the following age groups: Age two through five, six through twelve, and thirteen through seventeen, if a DLR approved safety plan addressing this circumstance is fully in effect.

(5) If the center provides care for children under age six and children six and older, you may allow common activities for the children of different age groups provided you maintain the staffing ratio designated for the youngest child in the group and have an approved safety plan in place.

(6) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff, and maintenance staff may serve temporarily as child care staff if they have adequate training and are performing child care staff duties.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week.

(8) If you have more than one program in one building, such as a group receiving center and a crisis residential center, you must follow the most stringent staffing ratio requirements.

SUPERVISION OF CHILDREN

NEW SECTION

WAC 388-140-0550 What are the requirements for supervision of children at the center? (1) A group receiving center must operate under a DLR approved, written supervision and safety plan for the children in care.

(2) A group receiving center must provide or arrange for care and supervision that is appropriate and assures the safety of each child depending on:

(a) The child's age, developmental level, and condition;

(b) The activities, including recreation, the child is involved in; and

(c) The age and gender of other children involved in any group activity.

(3) At a group receiving center, children under age six must be within visual range at all times during waking hours.

(4) You must ensure that the staff providing direct care and supervision of the children is free of other duties at the time of care.

(5) When a child has exhibited behavior that posed a safety risk to other children in a previous placement or the placing agency believes the child poses a risk to other children the placing agency must inform the provider and jointly develop a plan to address the risk.

(6) When a child exhibits behavior that poses a safety risk to other children in care, sleeping arrangements, bedroom assignments, and shared activity plans must be made, in consultation with the child's social worker, to ensure the safety of other children.

(7) Group receiving centers must supervise children who help with activities involving food preparation, based on their age and skills.

(8) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower at a group receiving center.

(9) Staff and others caring for children at a group receiving center must provide the children with:

(a) Appropriate adult supervision;

(b) Emotional support;

(c) Personal attention; and

(d) Structured daily routines and living experiences.

STAFF POSITIONS AND QUALIFICATIONS

NEW SECTION

WAC 388-140-0560 Are there general qualifications for all staff in a group receiving center? You, your staff, and other persons at a group receiving center who have access to the children must be able to demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care.

NEW SECTION

WAC 388-140-0565 What are the qualifications for an executive director for a group receiving center? (1) A group receiving center executive director or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in business management or administration, or related field from an accredited school; or

EMERGENCY

(b) Have a minimum of two years of successful, full-time relevant experience.

NEW SECTION

WAC 388-140-0570 What are the responsibilities of the director? (1) The director of a group receiving center is responsible for the overall management of the center's facility and operation.

(2) The director serves as the administrator of the center.

(3) The director must ensure the group receiving center complies with the licensing requirements contained in this chapter.

NEW SECTION

WAC 388-140-0575 What are the qualifications for the on-site program manager? Each on-site program manager must have the following qualifications:

(1) A bachelor's degree in a social service or closely related field from an accredited school; or

(2) Five years of successful full-time experience in a relevant field; and

(3) Supervisory abilities that promote effective staff performance; and

(4) Relevant experience, training, and demonstrated skills in each area that he or she will be supervising.

(5) The same person may have the responsibilities of the executive director and the on-site program manager if that person meets the qualifications for both positions.

NEW SECTION

WAC 388-140-0580 Do I need an on-site program manager at each group receiving center? Each group

NEW SECTION

WAC 388-140-0595 What are the minimum qualifications and training requirements for group receiving center staff?

Position	Qualifications	Background Check	TB Test	Food Handlers Permit	First Aid and CPR	HIV/AIDS & Blood Borne Pathogens Training
Director	<ul style="list-style-type: none"> • Twenty-one years of age; • Bachelor's degree in business management or administration or a related field; or • Two years of relevant experience. 	X	X	X	X	X
On-site Program Manager	<ul style="list-style-type: none"> • Twenty-one years of age; • Bachelor's degree in social services or a related field; or • Five years of experience in relevant field. 	X	X	X	X	X
Child Care Worker	<ul style="list-style-type: none"> • Twenty-one years of age. • High school diploma or GED. • One year of experience caring for children. 	X	X	X	X	X

receiving center must have an on-site program manager or person with the equivalent training and experience at each facility during business hours.

NEW SECTION

WAC 388-140-0585 What are the responsibilities of the program manager or supervisor? The on-site program manager has the following responsibilities:

(1) Coordinates the day-to-day operations of the program;

(2) Supervises the child care staff;

(3) Oversees the completion of each child's assessment or plan of care.

NEW SECTION

WAC 388-140-0590 What qualifications must the child care staff for a group receiving center have? The child care staff person of a group receiving center is responsible for the care, supervision, and behavior management of children under your care. The department requires that child care staff of a group receiving center:

(1) Be at least twenty-one years old;

(2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;

(3) Have a high school diploma or GED;

(4) Have one year of experience working with children;

(5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and

(6) Have effective communication and problem solving skills.

EMERGENCY

NEW SECTION

WAC 388-140-0600 May one person hold two positions at a center? (1) The director or program manager at a group receiving center may be one and the same person when qualified for both positions.

(2) The director and program manager may also serve as child care staff when the role does not interfere with the director's or program manager's responsibilities.

NEW SECTION

WAC 388-140-0605 Who must be on the premises while children are in care at a center? (1) The director or program manager at a group receiving center must normally be on the premises during daytime hours when children are in care.

(2) If temporarily absent (for two hours or less) from the center, the director and program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of child care staff person.

NEW SECTION

WAC 388-140-0610 What clerical, accounting and administrative services do I need? You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program at a group receiving center.

NEW SECTION

WAC 388-140-0615 What support and maintenance staff do I need? You must have sufficient support and maintenance services to maintain and repair your facility and prepare and serve meals at a group receiving center.

STAFF TRAININGNEW SECTION

WAC 388-140-0620 What staff training is required? (1) All staff working at a group receiving center (GRC) must complete a minimum of sixteen hours of pre-service job orientation prior to beginning unsupervised child care responsibilities. Training must include:

- (a) Presentation of the group receiving centers policies and procedures as well and the standards contained in this chapter;
- (b) Behavior management techniques;
- (c) Crisis intervention techniques;
- (d) Family dynamics and family intervention techniques;
- (e) Child abuse and neglect reporting requirements;
- (f) Youth supervision requirements; and
- (g) HIV/AIDS/Blood-borne pathogen training.

(2) Staff working at a group receiving center must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

- (a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;
- (b) Behavior management techniques;
- (c) Substance abuse;
- (d) Suicide assessment and intervention;
- (e) Family intervention techniques;
- (f) Cultural diversity;
- (g) Mental health issues and interventions;
- (h) Mediation skills;
- (i) Conflict management/problem-solving skills;
- (j) Physical and sexual abuse;
- (k) Characteristics and management of sexually aggressive and physically assaultive behavior;
- (l) Monthly fire drill practice and disaster training for each staff.
- (3) You must record the amount of time and type of training provided to staff.
- (4) This information must be kept in each employee's file or in a separate training file.

PROGRAM ACTIVITIES AND TOYSNEW SECTION

WAC 388-140-0625 What are the requirements for an activity program? (1) You must provide an activity program at a group receiving center that is designed to meet the developmental, cultural, and individual needs of the children served at a group receiving center.

(2) You must ensure the group receiving center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play.

(3) You must operate the group receiving center's activity program under a regular schedule of activities with allowances for a variety of special events.

(4) You must provide a planned program of activities and have a current, written activity schedule.

(5) You must provide appropriate supervision for the number of children participating in any activity.

NEW SECTION

WAC 388-140-0630 What activities must I provide to children? (1) Activities must be designed for the developmental stages of the children you serve at a group receiving center, allowing a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(2) You must ensure that children at a group receiving center are grouped to ensure the safety of children.

NEW SECTION

WAC 388-140-0635 Do I need to provide recreational equipment? (1) You must provide safe and suitable recreational equipment for all children in your care at a group receiving center.

(2) You must have toys that relate to the different developmental stages of the children you serve at a group receiving center.

WSR 03-05-044

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 13, 2003, 8:00 a.m., effective March 17, 2003]

Date of Adoption: February 6, 2003.

Purpose: To amend rules within chapter 388-71 WAC (see Citation of Existing Rules below) and adopt new WAC 388-515-1540 to establish the medically needy residential waiver (MNRW) program. Amending, clarifying, and reorganizing community options program entry system rules to:

- Comply with the Governor's Executive Order 97-02 and the DSHS Secretary's Order on Regulatory Improvement; and
- Reflect changes in program requirements and/or options.

EHB 1341 (chapter 269, Laws of 2001) authorizes DSHS to develop a new waiver program for individuals in need of long-term care services in the community. The legislation specifically requires the department to adopt rules to establish eligibility criteria, applicable income standards, and specific waiver services to be provided. This change is also necessary to reflect amendments to the COPES waiver.

This amendment is necessary to implement two-year old legislation and will result in budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals. DSHS has been waiting for CMS approval to implement this program and has just received it. We are not expecting any opposition to this rule and many clients have been waiting for this opportunity for years.

Citation of Existing Rules Affected by this Order: New section WAC 388-71-0442; and amending WAC 388-71-0194, 388-71-0202, 388-71-0203, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0430, 388-71-0435, 388-71-0445, 388-71-0460, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0600, 388-71-0605, and 388-71-0610.

Statutory Authority for Adoption: SHB 1341 (chapter 269, Laws of 2001), RCW 74.09.700, chapter 74.39 RCW, RCW 74.08.090, 74.04.050, and 74.09.575.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This amendment is necessary to implement immediate budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. DSHS has been waiting for CMS approval to implement this program and has just received it. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals.

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 19, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 19, Repealed 0.

Effective Date of Rule: March 17, 2003.

February 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-515-1540 Medically needy residential waiver (MNRW). This section describes the financial eligibility requirements for waiver services under the medically needy residential waiver (MNRW) and the rules used to determine a client's responsibility in the total cost of care.

(1) To be eligible for MNRW, a client must meet the following conditions:

(a) Does not meet financial eligibility for Medicaid Personal Care or the COPES program;

(b) Is eighteen years of age or older;

(c) Meets the SSI related criteria described in WAC 388-511-1105(1);

(d) Requires the level of care provided in a nursing facility as described in WAC 388-71-0700;

(e) In the absence of waiver services described in WAC 388-71-0410 and 388-71-0415, would continue to reside in a

medical facility as defined in WAC 388-513-1301, or will likely be placed in one within the next thirty days;

(f) Has attained institutional status as described in WAC 388-513-1320;

(g) Has been determined to be in need of waiver services as described in WAC 388-71-0442;

(h) Lives in one of the following department-contracted residential facilities:

(i) Licensed adult family home (AFH);

(ii) Assisted living (AL) facility; or

(iii) Enhanced Adult Residential Care (EARC) facility.

(i) Is not subject to a penalty period of ineligibility for the transfer of an asset as described in WAC 388-513-1364, 388-513-1365 and 388-513-1366; and

(j) Meets the resource and income requirements described in subsections (2) through (6).

(2) The department determines a client's nonexcluded resources under MNRW as described in WAC 388-513-1350 (1) through (4)(a) and WAC 388-513-1360;

(3) Nonexcluded resources, after disregarding excess resources described in (4), must be at or below the resource standard described in WAC 388-513-1350 (1) and (2).

(4) In determining a client's resource eligibility, the department disregards excess resources above the standard described in subsection (3) of this section:

(a) In an amount equal to incurred medical expenses such as:

(i) Premiums, deductibles, and co-insurance/co-payment charges for health insurance and Medicare premiums;

(ii) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan;

(iii) Necessary medical care covered under the state's Medicaid plan.

(b) As long as the incurred medical expenses:

(i) Are not subject to third-party payment or reimbursement;

(ii) Have not been used to satisfy a previous spend down liability;

(iii) Have not previously been used to reduce excess resources;

(iv) Have not been used to reduce client liability; and

(v) Are amounts for which the client remains liable.

(5) The department determines a client's countable income under MNRW in the following way:

(a) Considers income available described in WAC 388-513-1325 and 388-513-1330 (1), (2), and (3);

(b) Excludes income described in WAC 388-513-1340;

(c) Disregards income described in WAC 388-513-1345;

(d) Deducts monthly health insurance premiums, except Medicare premiums.

(6) If the client's countable income is:

(a) less than the residential facility's department-contracted rate, based on an average of 30.42 days in a month the client may qualify for MNRW subject to availability per WAC 388-71-0465;

(b) more than the residential facility's department-contracted rate, based on an average of 30.42 days in a month the client may qualify for MNRW when they meet the requirements described in subsections (7) through (9), subject to availability per WAC 388-71-0465.

(7) That portion of a client's countable income, which is over the department-contracted rate, is called "excess income."

(8) A client who has or will have "excess income" is not eligible for MNRW until the client has medical expenses which are equal in amount to that excess income. This is the process of meeting "spenddown." The excess income from each of the months in the base period is added together to determine the total "spenddown" amount.

(9) Medical expenses described in subsection (4) of this WAC may be used to meet spenddown if not already used in subsection (4) of this WAC to disregard excess resources or to reduce countable income in subsection (5)(d).

(10) A client who meets the requirements for MNRW chooses a three or six month base period. The months must be consecutive calendar months.

(11) A client is not certified for MNRW until they have attained institutional status described in WAC 388-513-1320.

(12) The client's income that remains after determining available income in WAC 388-513-1325 and 388-513-1330 (1), (2), (3) and excluded income in WAC 388-513-1340 is paid towards the cost of care after deducting the following amounts:

(a) An earned income deduction of the first sixty-five dollars plus one-half of the remaining earned income;

(b) Personal needs allowance (PNA) described in WAC 388-515-1505 (7)(b);

(c) Medicare and health insurance premiums not used to meet spend down or reduce excess resources;

(d) Incurred medical expenses described in (4) not used to meet spend down or reduce excess resources.

If a client has previously incurred medical expenses that qualify them for MNW for one base period, but will put the client over the standard at the next ER, they will not be eligible for MN at the next recertification. This is not a good candidate for the MNRW. This will be a training issue that needs to be in the training packet. Social workers will have to work with the clients and the facilities to explain that the clients may not be eligible for continued MNW services.

WAC 388-513-1325 is in the process of being amended. The reference to WAC 388-450-210 is not correct. WAC 388-450-210 was amended and the references changed. We will add the income requirements directly to WAC 388-513-1325 and not reference WAC 388-450-210.

ACES does not support the deduction of medical insurance premiums from income in the eligibility determination process. Currently in the noninstitutional MN program, medical insurance premiums for the entire base period is used as a deduction for spend down as the work around in ACES.

Deductions for guardianship fees and child support payments are not allowed for the noninstitutional MN program as income deductions or allowances to meet spenddown, so we are deleting them from this WAC. This WAC needs to reflect the criteria for meeting spenddown.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0194 Home and community services—Nursing services. (1) A registered nurse will review the plan of care for all Medicaid personal care clients.

(2) Upon department or designee referral, a registered nurse will consult about or visit a Community Options Program Entry System client, Medically Needy Residential waiver client or a Medicaid personal care client to perform a nursing service which may include the following activities:

- (a) Nursing assessment/reassessment;
- (b) Instruction to care providers and clients;
- (c) Care coordination;
- (d) Evaluation.

(3) The frequency and scope of the nursing service will be based on individual client need and will be provided as outlined in a nursing service design developed in coordination with each area agency on aging. Each design will include critical indicators of the need for the nursing service and must be approved by the following divisions as appropriate: aging and adult services administration, developmental disabilities, children's administration and mental health.

(4) This nursing service will not be provided if activities duplicate services that the client is receiving from some other resource. Coordination and/or referrals to appropriate health care providers will occur as necessary.

(5) The registered nurse providing this service will not perform skilled treatment except in the event of an emergency. The need for any skilled medical or nursing treatments will be referred to a health care provider, a home health agency or a contracted delegating nurse.

(6) The registered nurse must document the result of the nursing service provided on a department-approved form. The registered nurse provides a copy to the staff who has case management responsibility.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0202 Long-term care services—Definitions. The department shall use the definition in this section for long-term care services.

"Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

"Aged person" means a person sixty-five years of age or older.

"Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

"Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant

shall submit the request on a form prescribed by the department.

"Assessment" or **"reassessment"** means an inventory and evaluation of abilities and needs based on an in-person interview in the client's own home or other place of residence.

"Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

- (1) Assistance with personal care; or
- (2) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

"Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

(~~"Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.~~)

"Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Categorically needy" means the financial status of a person as defined under WAC 388-503-0310.

"Client" means an applicant for service or a person currently receiving services.

"Community residence" means:

- (1) The client's **"own home"** as defined in this section;
- (2) Licensed adult family home under department contract;
- (3) Licensed boarding home under department contract;
- (4) Licensed children's foster home;
- (5) Licensed group care facility, as described in chapter 388-148 WAC; or
- (6) Shared living arrangement as defined in this section.

"Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

"Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.

"Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

"COPES" means community options program entry system.

"Department" means the state department of social and health services.

"Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal

hygiene, positioning, self-medication, toileting, transfer, as defined in "personal care services" below.

"**Disabled**" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"**Disabling condition**" means a condition which prevents a person from self-performance of personal care tasks without assistance.

"**Estate recovery**" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-527-2742.

"**Grandfathered client**" means a chore personal care services client approved for either:

(1) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(2) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(3) The client was receiving the same services as of June 30, 1989.

"**Home health agency**" means a licensed:

(1) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(2) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(a) Private duty nursing; or

(b) Skilled nursing services under an approved Medicaid waiver program.

"**Household assistance**" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

"**Income**" means "income" as defined under WAC 388-500-0005.

"**Individual provider**" means a person employed by a community options program entry system (COPEs) or Medicaid personal care client when the person:

(1) Meets or exceeds the qualifications as defined under WAC 388-71-0500 through 388-71-0580;

(2) Has signed an agreement to provide personal care services to a client; and

(3) Has been authorized payment for the services provided in accordance with the client's service plan.

"**Individual provider program (IPP)**" means a method of chore personal care service delivery where the client

employs and supervises the chore personal care service provider.

"**Institution**" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

"**Institutional eligible client**" means a person whose eligibility is determined under WAC 388-513-1315. "**Institutionalized client**" means the same as defined in WAC 388-513-1365(f).

"**Institutional spouse**" means a person described under WAC 388-513-1365 (1)(e).

"**Medicaid**" means the federal aid Title XIX program under which medical care is provided to:

(1) Categorically needy as defined under WAC 388-503-0310; and

(2) Medically needy as defined under WAC 388-503-0320.

"**Medical assistance**" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

"**Medical institution**" means an institution defined under WAC 388-500-0005.

"**Medically necessary**" and "**medical necessity**" mean the same as defined under WAC 388-500-0005.

"**Medically oriented tasks**" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

"**Mental health professional**" means a person defined under WAC 388-865-0150.

"**Own home**" means the client's present or intended place of residence:

(1) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(2) In a building the client owns; or

(3) In a relative's established residence; or

(4) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"**Personal care aide**" means a person meeting the department's qualification and training requirements and providing direct ((Medicaid)) personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the ((Medicaid-personal-care)) client.

"**Personal care services**" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in (1) through (17) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the tasks without specific instructions. Personal care services do

not include assistance with tasks performed by a licensed health professional.

(1) **"Ambulation"** means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(2) **"Bathing"** means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(3) **"Body care"** means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC. **"Body care"** excludes:

(a) Foot care for clients who are diabetic or have poor circulation; or

(b) Changing bandages or dressings when sterile procedures are required.

(4) **"Dressing"** means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(5) **"Eating"** means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(6) **"Essential shopping"** means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(7) **"Housework"** means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(8) **"Laundry"** means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(9) **"Meal preparation"** means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(10) **"Personal hygiene"** means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(11) **"Positioning"** means assisting the client to assume a desired position, assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical functional level. (Range of motion ordered as part of a physical therapy treatment is not included.)

(12) **"Self-medication"** means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(13) **"Supervision"** means being available to:

(a) Help the client with personal care tasks that cannot be scheduled, such as toileting, ambulation, transfer, positioning, some medication assistance; and

(b) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(14) **"Toileting"** means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services colostomy care and catheterization using clean technique must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(15) **"Transfer"** means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(16) **"Travel to medical services"** means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(17) **"Wood supply"** means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. The department shall not allow payment for a provider to use a chain saw or to fell trees.

"Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

"Plan of care" means a **"service plan"** as described under WAC ((388-71-205)) 388-71-0205.

"Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

"Provider" or **"provider of service"** means an institution, agency, or person:

(1) Having a signed department agreement to furnish long-term care client services; and

(2) Qualified and eligible to receive department payment.

"Relative" means:

(1) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(2) For Medicaid personal care service:

(a) **"Legally responsible relative"** means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(b) **"Nonresponsible relative"** means a parent caring for an adult child and an adult child caring for a parent.

"Service plan" means a plan for long-term care service delivery as described under WAC ((388-71-205)) 388-71-0205.

"Shared living arrangement" for purposes of Medicaid personal care means an arrangement where:

(1) A nonresponsible relative as defined in **"relative"** above is the personal care provider and resides in the same residence with common facilities, such as living, cooking, and eating areas; or

(2) A minor child age seventeen or younger lives in the home of a legally responsible relative as defined in **"relative"** above.

"SSI-related" means a person who is aged, blind, or disabled.

"Supervision" means a person available to a long-term care client as defined under **"personal care services."**

"Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

"Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPES, Medically Needy Residential waiver and Medicaid personal care home and community-based services.

"Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

"Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0203 Long-term care services—Assessment of task self-performance and determination of required assistance. (1) Purpose. The assessor as identified in subsection (2)(a) of this section shall:

(a) Identify client strengths to maximize current strengths and promote client independence;

(b) Evaluate physical health, functional and cognitive abilities, social resources and emotional and social functioning for service planning for long-term care;

(c) Identify client values and preferences for effective service planning based on the person's values and lifestyles; and

(d) Determine client's need for informal support, community support and services, and department paid services.

(2) Assessment responsibility.

(a) Department staff or designee while assessing need for case management shall perform the assessment.

(b) Except for adult protective service, the assessors shall perform a separate assessment for each client.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment based on an in-person interview with the client in the client's home. A case manager may request the assessment be conducted in private.

(e) When performing the assessment, the assessors shall take into account the client's:

(i) Risk of and eligibility for nursing facility placement;

(ii) Health status, psychological/social/cognitive functioning, income and resources, and functional abilities;

(iii) Living situation; and

(iv) Availability of alternative resources providing needed assistance, including family, neighbors, friends, community programs, and volunteers.

(3) The adult client's functional ability to self-perform each personal care task and household task shall be determined using the following definitions of the assistance required:

(a) Ambulation:

(i) Independent. The client is mobile, with or without an assistive device, both inside and outside the household without the assistance of another person.

(ii) Minimal. The client is mobile inside without assistance but needs the assistance of another person outside; or the client needs occasional assistance of another person inside, and usually needs assistance of another person outside.

(iii) Substantial. The client is only mobile with regular assistance of another person both inside and outside.

(iv) Total. The client is not mobile.

(b) Bathing:

(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body care:

(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:

(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days; the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:

(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client.

(iii) Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person.

(iv) Total. The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access.

(f) Essential shopping:

(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:

(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:

(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:

(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(l) Self-medication:

(i) Independent. The client can take own medications or does not take medication.

(ii) Minimal. The client is physically able to take medications but requires another person to:

(A) Remind, monitor, or observe the taking of medications less than daily; or

(B) Open a container, lay out, or organize medications less than daily.

(iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.

(iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.

(m) Toileting:

(i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.

(ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The client may need a protective garment and may or may not be aware of this need.

(iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.

(iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.

(n) Transfer:

(i) Independent. The client can transfer without physical assistance.

(ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.

(iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.

(iv) Total. The client transfers must be done by someone else.

(o) Travel to medical services:

(i) Independent. The client can drive and is licensed; or is capable of using available public transportation.

(ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.

(iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.

(iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.

(p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from department programs after alternative resources have been taken into account.

(b) The assessor shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0 = none, M = minimal, S = substantial, and T = total:

TASK	0	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping	0	5	10	15
With client				
or				
For client	0	1	3	5
Meal preparation	0	4	7	10
Breakfast				
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry	0	1	2	3
Facilities in home				
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply		3	5	7

(c) The assessor shall add together the points awarded for each task to obtain the total score for the applicant or client.

(5) Hour computation. The assessor shall:

(a) Convert the total score into maximum hours per month which may be authorized using the scoring conversion chart.

EMERGENCY

Scoring Conversion Chart

MAXIMUM		MAXIMUM		MAXIMUM	
Score	Hours	Score	Hours	Score	Hours
1 - 4	5	60 - 64	44	120 - 124	83
5 - 9	8	65 - 69	47	125 - 129	87
10 - 14	11	70 - 74	51	130 - 134	90
15 - 19	14	75 - 79	54	135 - 139	93
20 - 24	18	80 - 84	57	140 - 144	97
25 - 29	21	85 - 89	60	145 - 149	100
30 - 34	24	90 - 94	64	150 - 154	103
35 - 39	28	95 - 99	67	155 - 159	106
40 - 44	31	100 - 104	70	160 - 164	110
45 - 49	34	105 - 109	74	165 - 169	113
50 - 54	37	110 - 114	77	170 and	
55 - 59	41	115 - 119	80	Above	116

(b) Recognize conversion hours show client need, and may not reflect department-paid hours as determined by program standards.

(6) The assessor shall determine the client's additional hours of supervision needed:

(a) Due to impaired judgment; and

(b) For standby assistance necessary for unscheduled tasks defined under WAC ((388-71-202)) 388-71-0202; and

(c) Recognize supervision hours show client need, and may not reflect department paid hours as determined by program standards.

(7) Department staff or the department's designee shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs or the eligibility criteria for the division authorizing the service. The department or the department's designee shall notify the client of the right to contest a denial or reduction of services.

(8) Department staff or the department designee shall be responsible for representing the department at any hearing involving the assessment or decisions made relating to such assessment.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0405 What are the home and community programs? The HCP are in-home and community residential services funded by:

(1) Community options program entry system (COPEs), ((codified under subsection 1915(e) of the Social Security Act and 42 C.F.R. 441.300 and 310)) authorized under RCW 74.39A.030.

(2) Medicaid personal care services (MPC), ((found)) authorized under RCW 74.09.520 ((and in the Medicaid state plan)).

(3) Chore personal care services, a state-only funded program authorized under RCW ((74.08.090, 74.09.520, and 74.08.570)) 74.39A.110.

(4) Medically Needy Residential waiver, authorized under RCW 74.09.700 and 74.39A.041.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0410 What services may I receive under HCP? You may receive the following HCP services:

(1) For COPEs, MPC or chore: Assistance with personal care tasks and household tasks ((in your own home)), as defined in WAC ((388-71-202)) 388-71-0202; and

(2) For all HCP programs: Assistance with personal care tasks and household tasks in a residential setting, as described in WAC 388-71-0600. Note: Household tasks are included as part of the board and room rate. ((You may receive, under MPC:

(a) Up to thirty hours of personal care services in an adult residential care facility; or

(b) Up to sixty hours of personal care services in an adult family home).

(3) For COPEs, MPC: Personal care assistance when temporarily traveling out of state, as long as:

(a) Your provider is contracted with the state of Washington; and

(b) The travel plans are coordinated with your social service case manager prior to departure; and

(c) Services are authorized on your service plan prior to departure; and

(d) Services are strictly for your personal care, which does not include your provider's travel time, expenses, lodging or subsistence.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0415 What other services may I receive under the COPEs program? In addition to the services listed in WAC 388-71-0410, you may be eligible for other services under the COPEs ((program)) or Medically Needy Residential waiver as indicated in your assessment and documented in your plan of care. Under one of these programs you may be eligible to receive((:)) the following services in your own home or in your residential setting. Note: The definition of own home as used throughout this section is defined in WAC 388-71-0202. The definition of residential settings is defined in WAC 388-71-0600.

(1) ((Adult day services, in an adult day care or adult day health center if you:

(a) Are ineligible for Medicaid state plan covered adult day health services;

(b) Are chronically ill or disabled, socially isolated and/or confused or have mild to moderate dementia; and

(c) Meet eligibility requirements for adult day services as required in:

(i) WAC 388-15-652, Eligibility for adult day care; or

(ii) WAC 388-15-653, Eligibility for adult day health)) For COPEs in-home clients, adult day care if you meet the eligibility requirements under WAC 388-15-652 or its successor.

EMERGENCY

(2) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes;

(e) Adaptions or improvements to the home, which are of general utility or add to the total square footage of the home are excluded.

(3) Home delivered meals provides nutritional balanced meals, limited to one meal per day, if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

(4) Home health aide service tasks in your own home, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands on personal care;

(b) Are beyond the amount, duration or scope of Medicaid reimbursed home health services (WAC 388-551-2100) and are in addition to those available services; ~~((and))~~

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a health-related task as long as it is not the sole purpose of the aide's visit; and

(d) Do not replace Medicare home health services.

(5) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if you:

(a) Live alone in your own home; or

(b) Are alone, in your own home, for significant parts of the day and have no regular provider for extended periods of time.

(6) Skilled nursing in your own home, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100.

(7) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 388-500-0005; and

(b) Necessary for life support~~((;~~

~~((b)))~~; or

(c) Necessary to increase your ability to perform activities of daily living; or

~~((e)))~~ (d) Necessary for you to perceive, control, or communicate with the environment in which you live; and

~~((d)))~~ (e) Directly medically or remedially beneficial to you; and

~~((e)))~~ (f) In addition to and do not replace any medical equipment and/or supplies otherwise provided under ((the state plan)) Medicaid and/or Medicare.

(8) Training needs identified in the comprehensive assessment or in a professional evaluation, if you need to meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(9) Transportation services if you live in your own home, if the service:

(a) Provides ~~((the client))~~ you access to community services and resources provided in accordance with a therapeutic goal;

(b) Is not merely diversional in nature;

(c) Is in addition to ~~((Medicaid-brokered transportation to medical services;))~~ and

~~((d)))~~ does not replace the Medicaid-brokered transportation or transportation services available in the community.

(10) For COPEs or Medically Needy Residential waiver clients, skilled nursing in a residential setting, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100; and

(c) In addition to and does not replace the services required by DSHS contract in residential settings.

(11) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 388-500-0005; and

(b) Necessary for life support; or

(c) Necessary to increase your ability to perform activities of daily living; or

(d) Necessary for you to perceive, control, or communicate with the environment in which you live; and

(e) Directly medically or remedially beneficial to you; and

(f) In addition to and do not replace any medical equipment and/or supplies otherwise provided under Medicaid and/or Medicare; and

(g) In addition to and do not replace the services required by DSHS contract in residential settings.

(12) Training needs identified in the comprehensive assessment or in a professional evaluation, if you need to meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers; and

(d) The service is in addition to and does not replace the services required by DSHS contract in residential settings.

(13) Transportation services if you live in a residential setting, if the service:

(a) Provides you access to community services and resources provided in accordance with a therapeutic goal;

(b) Is not merely diversional in nature;

(c) Is in addition to and does not replace the Medicaid-brokered transportation or transportation services available in the community; and

(d) Does not replace the services required by DSHS contract in residential settings.

Note: Clients who reside in enhanced residential care, assisted living or adult family homes are not eligible for waiver funded adult day care.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0420 What services are not covered under HCP? HCP does not cover the following services:

- (1) For chore personal care and MPC:
 - (a) Teaching, including teaching how to perform personal care tasks;
 - (b) Development of social, behavioral, recreational, communication, or other types of community living skills;
 - (c) Nursing care.
- (2) Personal care services provided outside of your residence, unless ~~((they))~~ the services are authorized in your written service plan.
- (3) Child care;
- (4) Sterile procedures, administration of medications, or other tasks requiring a licensed health professional, unless authorized as an approved nursing delegation task, client self-directed care task, or provided by a family member;
- (5) Services provided over the telephone;
- (6) Services provided outside the state of Washington if ~~((COPES or))~~ chore personal care;
- (7) Services to assist other household members not eligible for services;
- (8) Yard care.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0425 Who can provide HCP services? The following types of providers may provide COPEs, MPC, or chore services:

- (1) ~~((Individual))~~ For in-home clients, individual providers, who must meet the requirements outlined in WAC 388-71-0500 through 388-71-0580;
- (2) For in-home clients, home care agencies, which must be licensed under chapters 70.127 RCW and 246-336 WAC, or home health agencies, licensed under chapters 70.127 RCW and 246-327 WAC;
- (3) For residential clients, licensed adult family home and boarding home providers who are contracted with DSHS (see WAC 388-71-0600); and
- (4) As applicable, service providers who have contracted with the AAA to perform other waiver services under COPEs or Medically Needy Residential waiver services listed in WAC 388-71-0415.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0430 Am I eligible for one of the HCP programs? You are eligible to receive HCP services if you meet the functional and financial eligibility requirements in WAC 388-71-0435 for COPEs, WAC 388-71-0442 for Med-

ically Needy Residential waiver, WAC 388-71-0440 for MPC, or WAC 388-71-0445 for Chore. Functional eligibility for all ~~((three))~~ four programs is determined through an assessment as provided under WAC ~~((388-71-203))~~ 388-71-0203. Your eligibility begins upon the date of the department's service authorization.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0435 Am I eligible for COPEs-funded services? You are eligible for COPEs-funded services if you meet all of the following criteria. The department or its designee must assess your needs and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements~~((--This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, Community options program entry system (COPEs)))~~ as defined in WAC 388-515-1505.
- (3) You:
 - (a) Are not eligible for Medicaid personal care services; or
 - (b) Are eligible for Medicaid personal care services, but the department determines that the amount, duration, or scope of your needs is beyond what Medicaid personal care can provide.
 - (4) Your comprehensive assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless ~~((COPEs))~~ waiver services are provided) which means one of the following applies. You:
 - (a) Require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis;
 - (b) Have an unmet need requiring substantial or total assistance with at least two or more of the following activities of daily living (ADLS) as defined in WAC ~~((388-71-202 and 388-71-203))~~ 388-71-0202 and 388-71-0203:
 - (i) Eating,
 - (ii) Toileting,
 - (iii) Ambulation,
 - (iv) Transfer,
 - (v) Positioning,
 - (vi) Bathing, and
 - (vii) Self-medication.
 - (c) Have an unmet need requiring minimal, substantial or total assistance in three or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section; or
 - (d) Have:
 - (i) A cognitive impairment and require supervision due to one or more of the following: disorientation, memory impairment, impaired judgment, or wandering; and
 - (ii) An unmet need requiring substantial or total assistance with one or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section.

(5) You have a completed service plan, per WAC ((388-71-205)) 388-71-0205.

NEW SECTION

WAC 388-71-0442 Am I eligible for Medically Needy Residential waiver services? You are eligible for Medically Needy Residential waiver services if you will be receiving services in a residential setting and meet all of the following criteria. The department or its designee must assess your needs and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or
 - (b) Sixty-five or older.
- (2) You meet the financial eligibility requirements defined in WAC 388-515-1540.
- (3) You are not eligible for Medicaid personal care services or COPEs.
- (4) You meet the functional criteria for nursing facility level of care as defined in WAC 388-71-0435(4).
- (5) You have a completed service plan, per WAC 388-71-0205.
- (6) Note: Depending on the number of available spaces, you may be placed on a waiting list.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0445 Am I eligible for Chore-funded services? To be eligible for Chore-funded services, you must:

- (1) Be eighteen years of age or older;
- (2) Require assistance with at least one of the direct personal care tasks listed in WAC ((388-71-202)) 388-71-0202;
- (3) Not be eligible for MPC or COPEs, Medically Needy Residential waiver, Medicare home health or other programs if these programs can meet your needs;
- (4) Have net household income (as described in WAC 388-450-0005, 388-450-0020, 388-450-0040, and 388-511-1130) not exceeding:
 - (a) The sum of the cost of your chore services, and
 - (b) One-hundred percent of the FPL adjusted for family size.
- (5) Have resources, as described in chapter 388-470 WAC, which does not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.)
- (6) Not transfer assets on or after November 1, 1995 for less than fair market value as described in WAC 388-513-1365.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0460 Are there limitations to HCP services I can receive? The following are limitations to HCP services you can receive:

(1) HCP services may not replace other available resources, both paid and unpaid.

(2) AASA published rates and program rules establish your total hours and how much the department pays toward the cost of your services.

(3) The department will adjust payments to a personal care provider who is doing household tasks at the same time (e.g., essential shopping, meal preparation, laundry, house-work, travel to medical services, wood supply and supervision due to impaired judgement) for:

- (a) More than one client living in the same household; or
- (b) A client in a shared living arrangement (MPC).

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0465 Are there waiting lists for HCP services? ((If you are receiving)) For:

- (1) COPEs services, a waiting list may be created if:
 - (a) The caseload or expenditures exceed the legislative funding, or
 - (b) ((HCFA)) The federal Centers for Medicare and Medicaid Services (CMS) or the legislature imposes caseload limits.
- (2) ~~((Chore services, a waiting list may be created to maintain the monthly expenditures within the legislative appropriation. You receive priority if you:~~
 - ~~(a) Have received chore as of June 30, 1995; or~~
 - ~~(b) Need chore:~~
 - ~~(i) To return to the community from a nursing home,~~
 - ~~(ii) To prevent unnecessary nursing home placement, or~~
 - ~~(iii) For protection based on referral from an APS investigation.~~

(3)) MPC, there is no waiting list. Note: Instead of waiting lists, the department may be required to revise HCP rules to reduce caseload size, hours, rates, or payments in order to stay within the legislative appropriation.
- (3) For Medically Needy Residential waiver, the department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will be ranked in the following manner:
 - (a) Nursing home residents wanting MN waiver services will be ranked first on the wait list by date of application for services; and
 - (b) After nursing home residents are ranked, clients living in the community with a higher level of need as determined by the comprehensive assessment will be ranked higher on the wait list over clients with lower level of need; and
 - (c) As between two or more clients in the community with equal need levels, clients with earlier applications for services will have priority over later applications for services.

AMENDATORY SECTION (Amending WSR 00-18-099, filed 9/5/00, effective 10/6/00)

WAC 388-71-0470 Who pays for HCP services? Depending on your income and resources, you may be required to pay participation toward the cost of your care.

The department determines exactly what amount, if any, you pay. If you are receiving:

- (1) COPEs in-home or residential,
 - (a) You participate income per rules in WAC 388-515-1505;
 - (b) If you have nonexempt income that exceeds the cost of COPEs services, you may retain the difference.
- (2) MPC in-home services, you do not participate toward the cost of your personal care services.
- (3) MPC services in a residential setting and you are:
 - (a) An SSI beneficiary who receives only SSI income, you only pay for board and room. You are allowed to keep a personal needs allowance of at least thirty-eight dollars and eighty-four cents per month.
 - (b) An SSI beneficiary who receives SSI and SSA benefits, you only pay for board and room. You are allowed to keep a personal needs allowance of at least fifty-eight dollars and eighty-four cents per month.
 - (c) An SSI-related person per WAC 388-511-1105, you may be required to participate towards the cost of your personal care services in addition to your board and room if your financial eligibility is based on the facility's state contracted rate (~~plus add-on hours~~). You will receive a personal allowance of fifty-eight dollars and eighty-four cents.
 - (d) A GA-X client in a residential care facility, you are allowed to keep a personal allowance of thirty-eight dollars and eighty-four cents only per month. The remainder of your grant must be paid to the facility.

(4) Medically Needy Residential waiver services, the amount you pay is determined in WAC 388-515-1540.

(5) Chore services, you may retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance and pay the difference between the FPL and your **nonexempt** income. Exempt income includes:

- (a) Income listed in WAC 388-513-1340;
- (b) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPEs) services;
- (c) Amounts paid for medical expenses not subject to third party payment;
- (d) Health insurance premiums, coinsurance or deductible charges; and
- (e) If applicable, those work expense deductions listed as WAC 388-71-480(2).

AMENDATORY SECTION (Amending WSR 00-18-099, filed 9/5/00, effective 10/6/00)

WAC 388-71-0480 If I am employed, can I still receive HCP services? If you are disabled, as determined under WAC 388-511-1105, you may be employed and still be eligible to receive HCP services.

- (1) If you remain Medicaid eligible under the categorically needy program, you are financially eligible for MPC services.
- (2) If you are receiving Medically Needy Residential waiver services in a residential setting, you may have earned income allowances per WAC 388-515-1540.

(3) If you are not Medicaid eligible due to your earned income and resources, (~~you may be eligible to receive~~) and are receiving chore personal care services.

(a) You may be required to pay participation per WAC 388-71-0470(4) for any earned income above one hundred percent of the federal poverty level.

(b) The department will exempt fifty percent of your earned income after work expense deductions. Work expense deductions are:

- (i) Personal work expenses in the form of self-employment taxes (FICA); and income taxes when paid;
- (ii) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;
- (iii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars;
- (iv) Expenses necessary for continued employment such as tools, materials, union dues, transportation to service customers is not furnished by the employer; and
- (v) Uniforms needed on the job and not suitable for wear away from the job.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0600 What are residential services?

The residential service program provides personal care services, as defined in WAC (~~388-71-202~~) 388-71-0202, room, board, supervision, and nursing services for elderly and disabled adults. Eligible individuals may choose to receive services from any of the following licensed and contracted residential settings:

(1) **Adult family homes** with a state contract provide services for two to six unrelated adults (chapter 388-76 WAC). Services include room, board and supervision. Residents may also receive limited nursing services, under nurse delegation or if the sponsor or the manager is a nurse. Services are authorized according to the department's comprehensive assessment and service plan.

(2) **Assisted living** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and II). Structural requirements include two hundred twenty square foot private room, private bathroom, and a kitchen in each unit. Resident services may include room, board, assistance with ADL and IADL, and limited nursing services. Services are authorized according to the department's comprehensive assessment and service plan.

(3) **Enhanced adult residential care** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and III). Services may include a shared room, board, limited nursing services, assistance with ADL and IADL, limited nursing services, and supervision. Services are authorized according to the department's comprehensive assessment and service plan.

(4) **Adult residential care** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and IV). This service is not available under the COPEs or MN waiver program. Services (~~may~~) include room, board and supervision. Services are authorized

according to the department's comprehensive assessment and service plan.

AMENDATORY SECTION (Amending WSR 01-14-055, filed 6/29/01, effective 7/30/01)

WAC 388-71-0605 Am I eligible for residential services? (1) If you apply for services, you may be eligible to have the department pay for your services through one of the programs listed below. The department assesses and determines your functional and financial eligibility for residential services under one of the following long-term care programs:

(a) Community options program entry system (COPEs), described in WAC 388-71-0435; ~~((or))~~

(b) Medicaid personal care funding (MPC), described in WAC 388-71-0440; or

(c) Medically Needy Residential waiver described in WAC 388-71-0442.

(2) If you are not eligible for services under one of the programs listed above, you may receive state-only funding for residential services if you meet eligibility requirements for general assistance unemployable (GAU), described in WAC ~~((388-235-5000))~~ 388-400-0025.

(3) If you are on:

(a) MPC, you can receive services in adult family homes and adult residential care facilities.

Note: If you are under eighteen, you may receive MPC services in a children's foster family home or a children's group care facility.

(b) COPEs/Medically Needy Residential waiver, you can receive services in adult family homes, enhanced adult residential care facilities, and assisted living facilities.

(c) GAU, you can receive state-funded services in adult family homes and adult residential care facilities.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0610 Who pays for residential care?

You must use your income to pay for your room and board and services. You are allowed to keep some of your income for ~~((clothing and))~~ personal ~~((incidental (CPI)))~~ needs allowance (PNA). The department determines the amount of ~~((CPI))~~ PNA that you may keep. Rules regarding the amount you must pay or CPI are found in WAC 388-513-1380; 388-515-1505 for COPEs; 388-515-1540 for Medically Needy Residential waiver, or 388-478-0045 for all other programs.

(1) The department pays the facility for the difference between what you pay and the department-set rate for the facility. AASA published rates and program rules establish your total hours and how much the department pays toward the cost of your services.

(2) Washington state collects from your estate the cost of the care that the department provides based on chapter 388-527 WAC.

WSR 03-05-098

EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 19, 2003, 11:36 a.m., effective March 17, 2003]

Date of Adoption: February 18, 2003.

Purpose: **To replace emergency rules filed on February 13, 2003, as WSR 03-05-044, which contained errors in the rule text.** These rules amend chapter 388-71 WAC (see Citation of Existing Rules below) and adopt new WAC 388-515-1540 to establish the medically needy residential waiver (MNRW) program. Amending, clarifying, and reorganizing community options program entry system rules to:

- Comply with the Governor's Executive Order 97-02 and the DSHS Secretary's Order on Regulatory Improvement; and
- Reflect changes in program requirements and/or options.

EHB 1341 (chapter 269, Laws of 2001) authorizes DSHS to develop a new waiver program for individuals in need of long-term care services in the community. The legislation specifically requires the department to adopt rules to establish eligibility criteria, applicable income standards, and specific waiver services to be provided. This change is also necessary to reflect amendments to the COPEs waiver.

This amendment is necessary to implement two-year old legislation and will result in budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals. DSHS has been waiting for CMS approval to implement this program and has just received it. We are not expecting any opposition to this rule and many clients have been waiting for this opportunity for years.

Citation of Existing Rules Affected by this Order: New section WAC 388-71-0442; and amending WAC 388-71-0194, 388-71-0202, 388-71-0203, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0430, 388-71-0435, 388-71-0445, 388-71-0460, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0600, 388-71-0605, and 388-71-0610.

Statutory Authority for Adoption: SHB 1341 (chapter 269, Laws of 2001), RCW 74.09.700, chapter 74.39 RCW, RCW 74.08.090, 74.04.050, and 74.09.575.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This amendment is necessary to implement immediate budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. DSHS has been waiting for CMS approval to implement this program and has just received it. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals.

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 19, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 19, Repealed 0.

Effective Date of Rule: March 17, 2003.

February 18, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-515-1540 Medically needy residential waiver (MNRW). This section describes the financial eligibility requirements for waiver services under the medically needy residential waiver (MNRW) and the rules used to determine a client's responsibility in the total cost of care.

(1) To be eligible for MNRW, a client must meet the following conditions:

(a) Does not meet financial eligibility for Medicaid Personal Care or the COPES program;

(b) Is eighteen years of age or older;

(c) Meets the SSI related criteria described in WAC 388-511-1105(1);

(d) Requires the level of care provided in a nursing facility as described in WAC 388-71-0700;

(e) In the absence of waiver services described in WAC 388-71-0410 and 388-71-0415, would continue to reside in a medical facility as defined in WAC 388-513-1301, or will likely be placed in one within the next thirty days;

(f) Has attained institutional status as described in WAC 388-513-1320;

(g) Has been determined to be in need of waiver services as described in WAC 388-71-0442;

(h) Lives in one of the following department-contracted residential facilities:

(i) Licensed adult family home (AFH);

(ii) Assisted living (AL) facility; or

(iii) Enhanced Adult Residential Care (EARC) facility.

(i) Is not subject to a penalty period of ineligibility for the transfer of an asset as described in WAC 388-513-1364, 388-513-1365 and 388-513-1366; and

(j) Meets the resource and income requirements described in subsections (2) through (6).

(2) The department determines a client's nonexcluded resources under MNRW as described in WAC 388-513-1350 (1) through (4)(a) and WAC 388-513-1360;

(3) Nonexcluded resources, after disregarding excess resources described in (4), must be at or below the resource standard described in WAC 388-513-1350 (1) and (2).

(4) In determining a client's resource eligibility, the department disregards excess resources above the standard described in subsection (3) of this section:

(a) In an amount equal to incurred medical expenses such as:

(i) Premiums, deductibles, and co-insurance/co-payment charges for health insurance and Medicare premiums;

(ii) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan;

(iii) Necessary medical care covered under the state's Medicaid plan.

(b) As long as the incurred medical expenses:

(i) Are not subject to third-party payment or reimbursement;

(ii) Have not been used to satisfy a previous spend down liability;

(iii) Have not previously been used to reduce excess resources;

(iv) Have not been used to reduce client liability; and

(v) Are amounts for which the client remains liable.

(5) The department determines a client's countable income under MNRW in the following way:

(a) Considers income available described in WAC 388-513-1325 and 388-513-1330 (1), (2), and (3);

(b) Excludes income described in WAC 388-513-1340;

(c) Disregards income described in WAC 388-513-1345;

(d) Deducts monthly health insurance premiums, except Medicare premiums.

(6) If the client's countable income is:

(a) less than the residential facility's department-contracted rate, based on an average of 30.42 days in a month the client may qualify for MNRW subject to availability per WAC 388-71-0465;

(b) more than the residential facility's department-contracted rate, based on an average of 30.42 days in a month the client may qualify for MNRW when they meet the requirements described in subsections (7) through (9), subject to availability per WAC 388-71-0465.

(7) That portion of a client's countable income, which is over the department-contracted rate, is called "excess income."

(8) A client who has or will have "excess income" is not eligible for MNRW until the client has medical expenses which are equal in amount to that excess income. This is the process of meeting "spenddown." The excess income from each of the months in the base period is added together to determine the total "spenddown" amount.

(9) Medical expenses described in subsection (4) of this WAC may be used to meet spenddown if not already used in subsection (4) of this WAC to disregard excess resources or to reduce countable income in subsection (5)(d).

(10) A client who meets the requirements for MNRW chooses a three or six month base period. The months must be consecutive calendar months.

(11) A client is not certified for MNRW until they have attained institutional status described in WAC 388-513-1320.

(12) The client's income that remains after determining available income in WAC 388-513-1325 and 388-513-1330 (1), (2), (3) and excluded income in WAC 388-513-1340 is paid towards the cost of care after deducting the following amounts:

(a) An earned income deduction of the first sixty-five dollars plus one-half of the remaining earned income;

(b) Personal needs allowance (PNA) described in WAC 388-515-1505 (7)(b);

(c) Medicare and health insurance premiums not used to meet spend down or reduce excess resources;

(d) Incurred medical expenses described in (4) not used to meet spend down or reduce excess resources.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0194 Home and community services—Nursing services. (1) A registered nurse will review the plan of care for all Medicaid personal care clients.

(2) Upon department or designee referral, a registered nurse will consult about or visit a Community Options Program Entry System client, Medically Needy Residential waiver client or a Medicaid personal care client to perform a nursing service which may include the following activities:

(a) Nursing assessment/reassessment;

(b) Instruction to care providers and clients;

(c) Care coordination;

(d) Evaluation.

(3) The frequency and scope of the nursing service will be based on individual client need and will be provided as outlined in a nursing service design developed in coordination with each area agency on aging. Each design will include critical indicators of the need for the nursing service and must be approved by the following divisions as appropriate: aging and adult services administration, developmental disabilities, children's administration and mental health.

(4) This nursing service will not be provided if activities duplicate services that the client is receiving from some other resource. Coordination and/or referrals to appropriate health care providers will occur as necessary.

(5) The registered nurse providing this service will not perform skilled treatment except in the event of an emergency. The need for any skilled medical or nursing treat-

ments will be referred to a health care provider, a home health agency or a contracted delegating nurse.

(6) The registered nurse must document the result of the nursing service provided on a department-approved form. The registered nurse provides a copy to the staff who has case management responsibility.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0202 Long-term care services—Definitions. The department shall use the definition in this section for long-term care services.

"**Long-term care services**" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

"**Aged person**" means a person sixty-five years of age or older.

"**Agency provider**" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

"**Application**" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

"**Assessment**" or "**reassessment**" means an inventory and evaluation of abilities and needs based on an in-person interview in the client's own home or other place of residence.

"**Attendant care**" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

(1) Assistance with personal care; or

(2) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

"**Authorization**" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

~~("Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.)~~

"**Blind person**" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"**Categorically needy**" means the financial status of a person as defined under WAC 388-503-0310.

"**Client**" means an applicant for service or a person currently receiving services.

"Community residence" means:

- (1) The client's "own home" as defined in this section;
- (2) Licensed adult family home under department contract;
- (3) Licensed boarding home under department contract;
- (4) Licensed children's foster home;
- (5) Licensed group care facility, as described in chapter 388-148 WAC; or
- (6) Shared living arrangement as defined in this section.

"Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

"Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.

"Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

"COPES" means community options program entry system.

"Department" means the state department of social and health services.

"Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined in "personal care services" below.

"Disabled" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Disabling condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

"Estate recovery" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-527-2742.

"Grandfathered client" means a chore personal care services client approved for either:

- (1) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and
- (2) Family care services provided under the chore personal care program when these services began before December 14, 1987; and
- (3) The client was receiving the same services as of June 30, 1989.

"Home health agency" means a licensed:

- (1) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or
- (2) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

- (a) Private duty nursing; or
- (b) Skilled nursing services under an approved Medicaid waiver program.

"Household assistance" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

"Income" means "income" as defined under WAC 388-500-0005.

"Individual provider" means a person employed by a community options program entry system (COPES) or Medicaid personal care client when the person:

- (1) Meets or exceeds the qualifications as defined under WAC 388-71-0500 through 388-71-0580;
- (2) Has signed an agreement to provide personal care services to a client; and
- (3) Has been authorized payment for the services provided in accordance with the client's service plan.

"Individual provider program (IPP)" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

"Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

"Institutional eligible client" means a person whose eligibility is determined under WAC 388-513-1315. "Institutionalized client" means the same as defined in WAC 388-513-1365(f).

"Institutional spouse" means a person described under WAC 388-513-1365 (1)(e).

"Medicaid" means the federal aid Title XIX program under which medical care is provided to:

- (1) Categorically needy as defined under WAC 388-503-0310; and
- (2) Medically needy as defined under WAC 388-503-0320.

"Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

"Medical institution" means an institution defined under WAC 388-500-0005.

"Medically necessary" and **"medical necessity"** mean the same as defined under WAC 388-500-0005.

"Medically oriented tasks" means direct personal care services and household assistance provided as an integral but

subordinate part of the personal care and supervision furnished directly to a client.

"Mental health professional" means a person defined under WAC 388-865-0150.

"Own home" means the client's present or intended place of residence:

(1) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(2) In a building the client owns; or

(3) In a relative's established residence; or

(4) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"Personal care aide" means a person meeting the department's qualification and training requirements and providing direct ((Medicaid)) personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the ((Medicaid-personal care)) client.

"Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in (1) through (17) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the tasks without specific instructions. Personal care services do not include assistance with tasks performed by a licensed health professional.

(1) **"Ambulation"** means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(2) **"Bathing"** means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(3) **"Body care"** means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC. **"Body care"** excludes:

(a) Foot care for clients who are diabetic or have poor circulation; or

(b) Changing bandages or dressings when sterile procedures are required.

(4) **"Dressing"** means assistance with dressing and undressing. Dressing includes supervising and guiding client

when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(5) **"Eating"** means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(6) **"Essential shopping"** means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(7) **"Housework"** means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(8) **"Laundry"** means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(9) **"Meal preparation"** means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(10) **"Personal hygiene"** means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(11) **"Positioning"** means assisting the client to assume a desired position, assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical functional level. (Range of motion ordered as part of a physical therapy treatment is not included.)

(12) **"Self-medication"** means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(13) **"Supervision"** means being available to:

(a) Help the client with personal care tasks that cannot be scheduled, such as toileting, ambulation, transfer, positioning, some medication assistance; and

(b) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(14) **"Toileting"** means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services colostomy care and catheterization using clean technique must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(15) **"Transfer"** means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(16) **"Travel to medical services"** means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(17) **"Wood supply"** means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. The department shall not allow payment for a provider to use a chain saw or to fell trees.

"Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

"Plan of care" means a **"service plan"** as described under WAC ((388-71-205)) 388-71-0205.

"Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

"Provider" or **"provider of service"** means an institution, agency, or person:

(1) Having a signed department agreement to furnish long-term care client services; and

(2) Qualified and eligible to receive department payment.

"Relative" means:

(1) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(2) For Medicaid personal care service:

(a) **"Legally responsible relative"** means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(b) **"Nonresponsible relative"** means a parent caring for an adult child and an adult child caring for a parent.

"Service plan" means a plan for long-term care service delivery as described under WAC ((388-71-205)) 388-71-0205.

"Shared living arrangement" for purposes of Medicaid personal care means an arrangement where:

(1) A nonresponsible relative as defined in **"relative"** above is the personal care provider and resides in the same residence with common facilities, such as living, cooking, and eating areas; or

(2) A minor child age seventeen or younger lives in the home of a legally responsible relative as defined in **"relative"** above.

"SSI-related" means a person who is aged, blind, or disabled.

"Supervision" means a person available to a long-term care client as defined under **"personal care services."**

"Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

"Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPES, Medically Needy Residential waiver and Medicaid personal care home and community-based services.

"Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

"Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0203 Long-term care services—Assessment of task self-performance and determination of required assistance. (1) Purpose. The assessor as identified in subsection (2)(a) of this section shall:

(a) Identify client strengths to maximize current strengths and promote client independence;

(b) Evaluate physical health, functional and cognitive abilities, social resources and emotional and social functioning for service planning for long-term care;

(c) Identify client values and preferences for effective service planning based on the person's values and lifestyles; and

(d) Determine client's need for informal support, community support and services, and department paid services.

(2) Assessment responsibility.

(a) Department staff or designee while assessing need for case management shall perform the assessment.

(b) Except for adult protective service, the assessors shall perform a separate assessment for each client.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment based on an in-person interview with the client in the client's home. A case manager may request the assessment be conducted in private.

(e) When performing the assessment, the assessors shall take into account the client's:

(i) Risk of and eligibility for nursing facility placement;

(ii) Health status, psychological/social/cognitive functioning, income and resources, and functional abilities;

(iii) Living situation; and

(iv) Availability of alternative resources providing needed assistance, including family, neighbors, friends, community programs, and volunteers.

(3) The adult client's functional ability to self-perform each personal care task and household task shall be determined using the following definitions of the assistance required:

(a) Ambulation:

(i) Independent. The client is mobile, with or without an assistive device, both inside and outside the household without the assistance of another person.

(ii) Minimal. The client is mobile inside without assistance but needs the assistance of another person outside; or the client needs occasional assistance of another person inside, and usually needs assistance of another person outside.

(iii) Substantial. The client is only mobile with regular assistance of another person both inside and outside.

(iv) Total. The client is not mobile.

(b) Bathing:

(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body care:

(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:

(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days; the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:

(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client.

(iii) Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person.

(iv) Total. The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access.

(f) Essential shopping:

(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:

(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:

(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:

(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(l) Self-medication:

(i) Independent. The client can take own medications or does not take medication.

(ii) Minimal. The client is physically able to take medications but requires another person to:

(A) Remind, monitor, or observe the taking of medications less than daily; or

(B) Open a container, lay out, or organize medications less than daily.

(iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.

(iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.

(m) Toileting:

(i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.

(ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The client may need a protective garment and may or may not be aware of this need.

(iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.

(iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.

(n) Transfer:

(i) Independent. The client can transfer without physical assistance.

(ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.

(iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.

(iv) Total. The client transfers must be done by someone else.

(o) Travel to medical services:

(i) Independent. The client can drive and is licensed; or is capable of using available public transportation.

(ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.

(iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.

(iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.

(p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from department programs after alternative resources have been taken into account.

(b) The assessor shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0 = none, M = minimal, S = substantial, and T = total:

TASK	0	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10

EMERGENCY

TASK	0	M	S	T
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping	0	5	10	15
With client				
or				
For client	0	1	3	5
Meal preparation	0	4	7	10
Breakfast				
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry	0	1	2	3
Facilities in home				
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply		3	5	7

(c) The assessor shall add together the points awarded for each task to obtain the total score for the applicant or client.

(5) Hour computation. The assessor shall:

(a) Convert the total score into maximum hours per month which may be authorized using the scoring conversion chart.

Scoring Conversion Chart

MAXIMUM		MAXIMUM		MAXIMUM	
Score	Hours	Score	Hours	Score	Hours
1 - 4	5	60 - 64	44	120 - 124	83
5 - 9	8	65 - 69	47	125 - 129	87
10 - 14	11	70 - 74	51	130 - 134	90
15 - 19	14	75 - 79	54	135 - 139	93
20 - 24	18	80 - 84	57	140 - 144	97
25 - 29	21	85 - 89	60	145 - 149	100
30 - 34	24	90 - 94	64	150 - 154	103
35 - 39	28	95 - 99	67	155 - 159	106
40 - 44	31	100 - 104	70	160 - 164	110
45 - 49	34	105 - 109	74	165 - 169	113
50 - 54	37	110 - 114	77	170 and	
55 - 59	41	115 - 119	80	Above	116

(b) Recognize conversion hours show client need, and may not reflect department-paid hours as determined by program standards.

(6) The assessor shall determine the client's additional hours of supervision needed:

(a) Due to impaired judgment; and

(b) For standby assistance necessary for unscheduled tasks defined under WAC ((388-71-202)) 388-71-0202; and

(c) Recognize supervision hours show client need, and may not reflect department paid hours as determined by program standards.

(7) Department staff or the department's designee shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs or the eligibility criteria for the division authorizing the service. The department or the department's designee shall notify the client of the right to contest a denial or reduction of services.

(8) Department staff or the department designee shall be responsible for representing the department at any hearing involving the assessment or decisions made relating to such assessment.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0405 What are the home and community programs? The HCP are in-home and community residential services funded by:

(1) Community options program entry system (COPES), ~~((codified under subsection 1915(e) of the Social Security Act and 42 C.F.R. 441.300 and 310))~~ authorized under RCW 74.39A.030.

(2) Medicaid personal care services (MPC), ~~((found))~~ authorized under RCW 74.09.520 ~~((and in the Medicaid state plan)).~~

(3) Chore personal care services, a state-only funded program authorized under RCW ~~((74.08.090, 74.09.520, and 74.08.570))~~ 74.39A.110.

(4) Medically Needy Residential waiver, authorized under RCW 74.09.700 and 74.39A.041.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0410 What services may I receive under HCP? You may receive the following HCP services:

(1) For COPES, MPC or chore: Assistance with personal care tasks and household tasks ~~((in your own home)),~~ as defined in WAC ~~((388-71-202))~~ 388-71-0202; and

(2) For all HCP programs: Assistance with personal care tasks and household tasks in a residential setting, as described in WAC 388-71-0600. Note: Household tasks are included as part of the board and room rate. ~~((You may receive, under MPC:~~

~~((a) Up to thirty hours of personal care services in an adult residential care facility; or~~

~~((b) Up to sixty hours of personal care services in an adult family home)).~~

(3) For COPES, MPC: Personal care assistance when temporarily traveling out of state, as long as:

(a) Your provider is contracted with the state of Washington; and

(b) The travel plans are coordinated with your social service case manager prior to departure; and

(c) Services are authorized on your service plan prior to departure; and

EMERGENCY

(d) Services are strictly for your personal care, which does not include your provider's travel time, expenses, lodging or subsistence.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0415 What other services may I receive under the COPEs program? In addition to the services listed in WAC 388-71-0410, you may be eligible for other services under the COPEs (~~(program)~~) or Medically Needy Residential waiver as indicated in your assessment and documented in your plan of care. Under one of these programs you may be eligible to receive((:)) the following services in your own home or in your residential setting. Note: The definition of own home as used throughout this section is defined in WAC 388-71-0202. The definition of residential settings is defined in WAC 388-71-0600.

(1) ((Adult day services, in an adult day care or adult day health center if you:

(a) Are ineligible for Medicaid state plan covered adult day health services;

(b) Are chronically ill or disabled, socially isolated and/or confused or have mild to moderate dementia; and

(c) Meet eligibility requirements for adult day services as required in:

(i) WAC 388-15-652, Eligibility for adult day care; or

(ii) WAC 388-15-653, Eligibility for adult day health))

For COPEs in-home clients, adult day care if you meet the eligibility requirements under WAC 388-15-652 or its successor.

(2) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes;

(e) Adaptions or improvements to the home, which are of general utility or add to the total square footage of the home are excluded.

(3) Home delivered meals provides nutritional balanced meals, limited to one meal per day, if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

(4) Home health aide service tasks in your own home, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands on personal care;

(b) Are beyond the amount, duration or scope of Medicaid reimbursed home health services (WAC 388-551-2100) and are in addition to those available services; ((and))

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a

health-related task as long as it is not the sole purpose of the aide's visit; and

(d) Do not replace Medicare home health services.

(5) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if you:

(a) Live alone in your own home; or

(b) Are alone, in your own home, for significant parts of the day and have no regular provider for extended periods of time.

(6) Skilled nursing in your own home, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100.

(7) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 388-500-0005; and

(b) Necessary for life support((:;

(b)); or

(c) Necessary to increase your ability to perform activities of daily living; or

((e)) (d) Necessary for you to perceive, control, or communicate with the environment in which you live; and

((d)) (e) Directly medically or remedially beneficial to you; and

((e)) (f) In addition to and do not replace any medical equipment and/or supplies otherwise provided under ((the state plan)) Medicaid and/or Medicare.

(8) Training needs identified in the comprehensive assessment or in a professional evaluation, if you need to meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(9) Transportation services if you live in your own home, if the service:

(a) Provides ((the client)) you access to community services and resources provided in accordance with a therapeutic goal;

(b) Is not merely diversional in nature;

(c) Is in addition to ((Medicaid brokered transportation to medical services;)) and

((d)) does not replace the Medicaid-brokered transportation or transportation services available in the community.

(10) For COPEs or Medically Needy Residential waiver clients, skilled nursing in a residential setting, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of Medicaid-reimbursed home health services as provided under WAC 388-551-2100; and

(c) In addition to and does not replace the services required by DSHS contract in residential settings.

(11) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

- (a) Medically necessary under WAC 388-500-0005; and
- (b) Necessary for life support; or
- (c) Necessary to increase your ability to perform activities of daily living; or
- (d) Necessary for you to perceive, control, or communicate with the environment in which you live; and
- (e) Directly medically or remedially beneficial to you; and
- (f) In addition to and do not replace any medical equipment and/or supplies otherwise provided under Medicaid and/or Medicare; and
- (g) In addition to and do not replace the services required by DSHS contract in residential settings.

(12) Training needs identified in the comprehensive assessment or in a professional evaluation, if you need to meet a therapeutic goal such as:

- (a) Adjusting to a serious impairment;
- (b) Managing personal care needs; or
- (c) Developing necessary skills to deal with care providers; and
- (d) The service is in addition to and does not replace the services required by DSHS contract in residential settings.

(13) Transportation services if you live in a residential setting, if the service:

- (a) Provides you access to community services and resources provided in accordance with a therapeutic goal;
- (b) Is not merely diversional in nature;
- (c) Is in addition to and does not replace the Medicaid-brokered transportation or transportation services available in the community; and
- (d) Does not replace the services required by DSHS contract in residential settings.

Note: Clients who reside in enhanced residential care, assisted living or adult family homes are not eligible for waiver funded adult day care.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0420 What services are not covered under HCP? HCP does not cover the following services:

- (1) For chore personal care and MPC:
 - (a) Teaching, including teaching how to perform personal care tasks;
 - (b) Development of social, behavioral, recreational, communication, or other types of community living skills;
 - (c) Nursing care.
- (2) Personal care services provided outside of your residence, unless ~~((they))~~ the services are authorized in your written service plan.
- (3) Child care;
- (4) Sterile procedures, administration of medications, or other tasks requiring a licensed health professional, unless authorized as an approved nursing delegation task, client self-directed care task, or provided by a family member;
- (5) Services provided over the telephone;

- (6) Services provided outside the state of Washington if ~~((COPEs or))~~ chore personal care;
- (7) Services to assist other household members not eligible for services;
- (8) Yard care.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0425 Who can provide HCP services? The following types of providers may provide COPEs, MPC, or chore services:

- (1) ~~((Individual))~~ For in-home clients, individual providers, who must meet the requirements outlined in WAC 388-71-0500 through 388-71-0580;
- (2) For in-home clients, home care agencies, which must be licensed under chapters 70.127 RCW and 246-336 WAC, or home health agencies, licensed under chapters 70.127 RCW and 246-327 WAC;
- (3) For residential clients, licensed adult family home and boarding home providers who are contracted with DSHS (see WAC 388-71-0600); and
- (4) As applicable, service providers who have contracted with the AAA to perform other waiver services under COPEs or Medically Needy Residential waiver services listed in WAC 388-71-0415.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0430 Am I eligible for one of the HCP programs? You are eligible to receive HCP services if you meet the functional and financial eligibility requirements in WAC 388-71-0435 for COPEs, WAC 388-71-0442 for Medically Needy Residential waiver, WAC 388-71-0440 for MPC, or WAC 388-71-0445 for Chore. Functional eligibility for all ~~((three))~~ four programs is determined through an assessment as provided under WAC ~~((388-71-203))~~ 388-71-0203. Your eligibility begins upon the date of the department's service authorization.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0435 Am I eligible for COPEs-funded services? You are eligible for COPEs-funded services if you meet all of the following criteria. The department or its designee must assess your needs and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements~~((This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, Community options program entry system (COPEs)))~~ as defined in WAC 388-515-1505.
- (3) You:
 - (a) Are not eligible for Medicaid personal care services; or

EMERGENCY

(b) Are eligible for Medicaid personal care services, but the department determines that the amount, duration, or scope of your needs is beyond what Medicaid personal care can provide.

(4) Your comprehensive assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless ((COPEs)) waiver services are provided) which means one of the following applies. You:

(a) Require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis;

(b) Have an unmet need requiring substantial or total assistance with at least two or more of the following activities of daily living (ADLS) as defined in WAC ((388-71-202 and 388-71-203)) 388-71-0202 and 388-71-0203:

- (i) Eating,
- (ii) Toileting,
- (iii) Ambulation,
- (iv) Transfer,
- (v) Positioning,
- (vi) Bathing, and
- (vii) Self-medication.

(c) Have an unmet need requiring minimal, substantial or total assistance in three or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section; or

(d) Have:

(i) A cognitive impairment and require supervision due to one or more of the following: disorientation, memory impairment, impaired judgment, or wandering; and

(ii) An unmet need requiring substantial or total assistance with one or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section.

(5) You have a completed service plan, per WAC ((388-71-205)) 388-71-0205.

NEW SECTION

WAC 388-71-0442 Am I eligible for Medically Needy Residential waiver services? You are eligible for Medically Needy Residential waiver services if you will be receiving services in a residential setting and meet all of the following criteria. The department or its designee must assess your needs and determine that:

(1) You are age:

(a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or

(b) Sixty-five or older.

(2) You meet the financial eligibility requirements defined in WAC 388-515-1540.

(3) You are not eligible for Medicaid personal care services or COPEs.

(4) You meet the functional criteria for nursing facility level of care as defined in WAC 388-71-0435(4).

(5) You have a completed service plan, per WAC 388-71-0205.

(6) Note: Depending on the number of available spaces, you may be placed on a waiting list.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0445 Am I eligible for Chore-funded services? To be eligible for Chore-funded services, you must:

(1) Be eighteen years of age or older;

(2) Require assistance with at least one of the direct personal care tasks listed in WAC ((388-71-202)) 388-71-0202;

(3) Not be eligible for MPC or COPEs, Medically Needy Residential waiver, Medicare home health or other programs if these programs can meet your needs;

(4) Have net household income (as described in WAC 388-450-0005, 388-450-0020, 388-450-0040, and 388-511-1130) not exceeding:

(a) The sum of the cost of your chore services, and

(b) One-hundred percent of the FPL adjusted for family size.

(5) Have resources, as described in chapter 388-470 WAC, which does not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.)

(6) Not transfer assets on or after November 1, 1995 for less than fair market value as described in WAC 388-513-1365.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0460 Are there limitations to HCP services I can receive? The following are limitations to HCP services you can receive:

(1) HCP services may not replace other available resources, both paid and unpaid.

(2) AASA published rates and program rules establish your total hours and how much the department pays toward the cost of your services.

(3) The department will adjust payments to a personal care provider who is doing household tasks at the same time (e.g., essential shopping, meal preparation, laundry, house-work, travel to medical services, wood supply and supervision due to impaired judgement) for:

(a) More than one client living in the same household; or

(b) A client in a shared living arrangement (MPC).

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0465 Are there waiting lists for HCP services? ((If you are receiving)) For:

(1) COPEs services, a waiting list may be created if:

(a) The caseload or expenditures exceed the legislative funding, or

(b) ((HCFA)) The federal Centers for Medicare and Medicaid Services (CMS) or the legislature imposes caseload limits.

(2) ~~((Chore services, a waiting list may be created to maintain the monthly expenditures within the legislative appropriation. You receive priority if you:~~

- (a) ~~Have received chore as of June 30, 1995; or~~
 (b) ~~Need chore:~~
 (i) ~~To return to the community from a nursing home,~~
 (ii) ~~To prevent unnecessary nursing home placement, or~~
 (iii) ~~For protection based on referral from an APS investigation.~~

(3)) MPC, there is no waiting list. Note: Instead of waiting lists, the department may be required to revise HCP rules to reduce caseload size, hours, rates, or payments in order to stay within the legislative appropriation.

(3) For Medically Needy Residential waiver, the department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will be ranked in the following manner:

(a) Nursing home residents wanting MN waiver services will be ranked first on the wait list by date of application for services; and

(b) After nursing home residents are ranked, clients living in the community with a higher level of need as determined by the comprehensive assessment will be ranked higher on the wait list over clients with lower level of need; and

(c) As between two or more clients in the community with equal need levels, clients with earlier applications for services will have priority over later applications for services.

AMENDATORY SECTION (Amending WSR 00-18-099, filed 9/5/00, effective 10/6/00)

WAC 388-71-0470 Who pays for HCP services?

Depending on your income and resources, you may be required to pay participation toward the cost of your care. The department determines exactly what amount, if any, you pay. If you are receiving:

(1) COPES in-home or residential,

(a) You participate income per rules in WAC 388-515-1505;

(b) If you have nonexempt income that exceeds the cost of COPES services, you may retain the difference.

(2) MPC in-home services, you do not participate toward the cost of your personal care services.

(3) MPC services in a residential setting and you are:

(a) An SSI beneficiary who receives only SSI income, you only pay for board and room. You are allowed to keep a personal needs allowance of at least thirty-eight dollars and eighty-four cents per month.

(b) An SSI beneficiary who receives SSI and SSA benefits, you only pay for board and room. You are allowed to keep a personal needs allowance of at least fifty-eight dollars and eighty-four cents per month.

(c) An SSI-related person per WAC 388-511-1105, you may be required to participate towards the cost of your personal care services in addition to your board and room if your financial eligibility is based on the facility's state contracted rate (~~plus add-on hours~~). You will receive a personal allowance of fifty-eight dollars and eighty-four cents.

(d) A GA-X client in a residential care facility, you are allowed to keep a personal allowance of thirty-eight dollars and eighty-four cents only per month. The remainder of your grant must be paid to the facility.

(4) Medically Needy Residential waiver services, the amount you pay is determined in WAC 388-515-1540.

(5) Chore services, you may retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance and pay the difference between the FPL and your **nonexempt** income. Exempt income includes:

(a) Income listed in WAC 388-513-1340;

(b) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPES) services;

(c) Amounts paid for medical expenses not subject to third party payment;

(d) Health insurance premiums, coinsurance or deductible charges; and

(e) If applicable, those work expense deductions listed as WAC 388-71-480(2).

AMENDATORY SECTION (Amending WSR 00-18-099, filed 9/5/00, effective 10/6/00)

WAC 388-71-0480 If I am employed, can I still receive HCP services? If you are disabled, as determined under WAC 388-511-1105, you may be employed and still be eligible to receive HCP services.

(1) If you remain Medicaid eligible under the categorically needy program, you are financially eligible for MPC services.

(2) If you are receiving Medically Needy Residential waiver services in a residential setting, you may have earned income allowances per WAC 388-515-1540.

(3) If you are not Medicaid eligible due to your earned income and resources, (~~you may be eligible to receive~~) and are receiving chore personal care services.

(a) You may be required to pay participation per WAC 388-71-0470(4) for any earned income above one hundred percent of the federal poverty level.

(b) The department will exempt fifty percent of your earned income after work expense deductions. Work expense deductions are:

(i) Personal work expenses in the form of self-employment taxes (FICA); and income taxes when paid;

(ii) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(iii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars;

(iv) Expenses necessary for continued employment such as tools, materials, union dues, transportation to service customers is not furnished by the employer; and

(v) Uniforms needed on the job and not suitable for wear away from the job.

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-71-0600 What are residential services?

The residential service program provides personal care services, as defined in WAC (~~388-71-202~~) 388-71-0202, room, board, supervision, and nursing services for elderly

and disabled adults. Eligible individuals may choose to receive services from any of the following licensed and contracted residential settings:

(1) **Adult family homes** with a state contract provide services for two to six unrelated adults (chapter 388-76 WAC). Services include room, board and supervision. Residents may also receive limited nursing services, under nurse delegation or if the sponsor or the manager is a nurse. Services are authorized according to the department's comprehensive assessment and service plan.

(2) **Assisted living** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and II). Structural requirements include two hundred twenty square foot private room, private bathroom, and a kitchen in each unit. Resident services may include room, board, assistance with ADL and IADL, and limited nursing services. Services are authorized according to the department's comprehensive assessment and service plan.

(3) **Enhanced adult residential care** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and III). Services may include a shared room, board, limited nursing services, assistance with ADL and IADL, limited nursing services, and supervision. Services are authorized according to the department's comprehensive assessment and service plan.

(4) **Adult residential care** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and IV). This service is not available under the COPEs or MN waiver program. Services ~~(may)~~ include room, board and supervision. Services are authorized according to the department's comprehensive assessment and service plan.

AMENDATORY SECTION (Amending WSR 01-14-055, filed 6/29/01, effective 7/30/01)

WAC 388-71-0605 Am I eligible for residential services? (1) If you apply for services, you may be eligible to have the department pay for your services through one of the programs listed below. The department assesses and determines your functional and financial eligibility for residential services under one of the following long-term care programs:

(a) Community options program entry system (COPEs), described in WAC 388-71-0435; ~~((e))~~

(b) Medicaid personal care funding (MPC), described in WAC 388-71-0440; or

(c) Medically Needy Residential waiver described in WAC 388-71-0442.

(2) If you are not eligible for services under one of the programs listed above, you may receive state-only funding for residential services if you meet eligibility requirements for general assistance unemployable (GAU), described in WAC ~~((388-235-5000))~~ 388-400-0025.

(3) If you are on:

(a) MPC, you can receive services in adult family homes and adult residential care facilities.

Note: If you are under eighteen, you may receive MPC services in a children's foster family home or a children's group care facility.

(b) COPEs/Medically Needy Residential waiver, you can receive services in adult family homes, enhanced adult residential care facilities, and assisted living facilities.

(c) GAU, you can receive state-funded services in adult family homes and adult residential care facilities.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0610 Who pays for residential care?

You must use your income to pay for your room and board and services. You are allowed to keep some of your income for ~~((clothing and))~~ personal ~~((incidental-CPI))~~ needs allowance (PNA). The department determines the amount of ~~((CPI))~~ PNA that you may keep. Rules regarding the amount you must pay or CPI are found in WAC 388-513-1380; 388-515-1505 for COPEs; 388-515-1540 for Medically Needy Residential waiver, or 388-478-0045 for all other programs.

(1) The department pays the facility for the difference between what you pay and the department-set rate for the facility. AASA published rates and program rules establish your total hours and how much the department pays toward the cost of your services.

(2) Washington state collects from your estate the cost of the care that the department provides based on chapter 388-527 WAC.

WSR 03-05-099

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed February 19, 2003, 11:37 a.m.]

Date of Adoption: February 14, 2003.

Purpose: The purpose of this emergency filing is to amend sections of chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities, and agencies, which impact the receipt of federal funding for eligible children in care with Children's Administration. See Citation of Existing Rules below.

Citation of Existing Rules Affected by this Order: Amending WAC 388-148-0040 What first aid and cardiopulmonary resuscitation (CPR) training is required?, 388-148-0045 What HIV/AIDS training is required?, 388-148-0050 How do I apply for a license?, 388-148-0060 When am I not allowed to receive a license from a child-placing agency?, 388-148-0065 When may I be certified to provide care to children?, 388-148-0120 What incidents involving children must I report?, 388-148-0125 What are your requirements for keeping client records?, 388-148-0140 What personnel policies must I have?, 388-148-0220 What fire safety requirements must I follow to qualify for a license?, 388-148-0260 What are the general requirements for bedrooms?, 388-148-0270 What are the requirements for beds?, 388-148-0335 When must I get medical exams for the children under my care?, 388-148-0345 What must I do to prevent the spread of infections and communicable diseases?, 388-148-0350 How

do I manage medications for children under my care?, 388-148-0395 What requirements must I meet for feeding babies?, 388-148-0460 What requirements do you have for supervising children?, 388-148-0520 What are the training requirements for foster parents and prospective foster parents?, 388-148-0560 Do I need a treatment plan for children under my care?, 388-148-0585 What social service staff do I need?, 388-148-0630 What fire prevention measures must I take?, 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency?, 388-148-0720 What qualifications must the child care staff for a group care program and a child-placing agency have?, 388-148-0725 What is the ratio of child care staff to children in group care facilities?, 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services?, 388-148-0800 What levels of secure CRCs exist?, 388-148-0915 What steps must be taken after a youth is admitted into a CRC?, 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?, 388-148-1060 What services may a child-placing agency provide?, 388-148-1070 What health histories need to be provided to adoptive parents?, 388-148-1115 Do you have requirements for adoptive services? and 388-148-1120 What is the process for adoptions?; and new WAC 388-148-0058 May I have a license for both child day care and child foster care?, 388-148-0427 Are there specific requirements regarding Native American children?, 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home?, 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home?, 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency?, 388-148-0892 What are the requirements for a level three secure CRC?, 388-148-1076 What are the qualifications for an executive director of a child-placing agency?, 388-148-1077 What are the qualifications for a case aide for a child-placing agency programs?, 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?, 388-148-1079 What are the qualifications for consultants for child-placing agency programs?, 388-148-1140 May a licensed child-placing agency provide emergency respite services?, 388-148-1145 Does an agency or individual need to be licensed as a child-placing agency to provide emergency respite services that are not center-based?, 388-148-1150 Does a child-placing agency providing emergency respite services need specific program staff?, 388-148-1155 What are the education and training requirements for a program manager for an emergency respite program at a child-placing agency?, 388-148-1160 What services do child-placing agencies provide if they offer an emergency respite program?, 388-148-1165 Does a child-placing agency need approval from the division of licensed resources to provide emergency respite services?, 388-148-1170 What age children may receive emergency respite services?, 388-148-1175 Who may place a child for emergency respite?, 388-148-1180 Must all children accepted for emergency respite care have current immunizations?, 388-148-1185 What are the record-keeping requirements for a child-placing agency providing emergency respite services?, and 388-148-

1190 What written information is needed before a child is accepted for emergency respite care by a child-placing agency?

Statutory Authority for Adoption: Chapter 74.15 RCW.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Children's Administration has found that some of the sections of chapter 388-148 WAC require waivers in order for provider compliance. The approval of waivers then jeopardizes federal funds received by Children's Administration to support services to children and their families.

Children's Administration is engaged in working with stakeholders for the permanent adoption of rule changes. Children's Administration will be reviewing the proposed changes to the chapter in the next few weeks. The tentative date for the filing of the proposed rules for public comment is mid-April 2003.

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 21, Amended 31, 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 21, Amended 31, Repealed 0.

Effective Date of Rule: Immediately.

February 14, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0040 What first aid and cardiopulmonary resuscitation (CPR) training is required? You ~~(and)~~, your staff, interns, volunteers, or any adult who may at any time be the sole caregiver, must have the following first-aid and CPR training:

(1) If you have a home or facility that provides care, the care givers must have current training in:

(a) Basic standard first aid; and
(b) Age-appropriate cardiopulmonary resuscitation (CPR).

(2) Approved first aid and CPR training must be in accordance with a nationally recognized standard such as the American Red Cross or American Heart Association.

(3) For any facilities other than foster homes, the person with first aid and CPR training must be on the premises at all times when children are present.

(4) The ~~((requirement for))~~ CPR training ~~((may be waived))~~ is not required for persons with a statement from their physician that the training is not advised for medical reasons.

(5) You must keep records in your home or facility showing who has completed current first aid and CPR training.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0045 What HIV/AIDS training is required? (1) You must provide or arrange for training for yourself ~~((and any of))~~, your staff, and any adult who may at anytime be the sole caregiver, on the prevention, transmission, and treatment of HIV and AIDS. Such training must include infection control requirements.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

~~((3) The staff of group care programs are required to complete blood borne pathogen training.))~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0050 How do I apply for a license? To apply for a license, the person or legal entity responsible for your home or facility must follow these procedures:

(1) You must send the application form to your licensor at DLR or a child-placing agency.

(2) With the application form, you must send written verification for each applicant of the following information:

~~((Written verification for each applicant of:~~

~~((i))~~ A tuberculosis test or an x-ray unless you can demonstrate ~~((religious))~~ medical reasons prohibiting the test;

~~((ii))~~ (b) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

~~((iii))~~ (c) HIV/AIDS training including infection control standards.

~~((b))~~ (3) A completed background check form for anyone age sixteen years or older on the premises of the home or facility including, but not limited to:

(a) Each applicant~~((;))~~;

(b) Family member~~((;))~~;

(c) Staff person~~((;))~~;

(d) Board member~~((;))~~;

(e) Intern or volunteer who:

(i) Is at least sixteen years old;

(ii) Is not a foster child; and

(iii) Has unsupervised access to children (see chapter 388-06 WAC).

~~((e))~~ (4) If you ~~((have))~~ or anyone age sixteen years or older in your home or facility has lived in Washington state

less than three years, you must provide us with a completed FBI fingerprint form for that person.

~~((d) We may require additional information from you including, but not limited to:~~

~~((i) Substance and alcohol abuse evaluations and/or documentation of completed treatment;~~

~~((ii) Psychiatric evaluations;~~

~~((iii) Psycho-sexual evaluations; and~~

~~((iv) Medical evaluations and/or medical records.~~

~~((3) Except foster homes, if you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.))~~

NEW SECTION

WAC 388-148-0058 May I have a license for both child day care and child foster care? The department does not issue licenses for both a foster home and a child day care home, except under the following conditions:

(1) It must be clear that one type of care does not interfere with the health and safety of any child while providing the other type of care.

(2) The total number of children in both categories must not exceed the number permitted by the most stringent capacity standards for the licensed care of children.

(3) Any exceptions to the limitation on capacity require the written approval of the director of the division of licensed resources or their designee and the appropriate division of child care and early learning approval.

(4) Approval to have both a child foster care license and a child day care license must:

(a) Be in writing; and

(b) Signed by a licensor from the division of licensed resources (for a foster care license) and from the division of child care and early learning (for a child day care license).

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0060 When am I not allowed to receive a license from a child-placing agency? (1) You or your relatives, are not allowed to be certified by a child-placing agency as a foster home, if you or your relative is in an administrative or supervisory role or directly involved in certification, placement, or authorization of payment to yourself or your relative for that same child-placing agency.

(2) You or your relative may apply to a different child-placing agency for a license.

(3) Licensed foster parents who become employed by ~~((the department))~~ children's administration or a child-placing agency must be relicensed through an agency other than their employer within six months of employment.

Note: Relative as defined under RCW 74.15.020 (4)(i) through (iv).

AMENDATORY SECTION (Amending 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0065 When may I be certified to provide care to children? You may apply for certification of your home or facility by the department rather than a license, if ~~((you))~~ the following four conditions apply:

- (1) You are exempt from needing a license (per chapter 74.15 RCW);
- (2) You meet the licensing requirements; ~~((and))~~
- (3) You wish to serve department-funded children; and
- (4) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

AMENDATORY SECTION (Amending 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0120 What incidents involving children must I report? (1) You or your staff must report any of the following incidents ~~((immediately))~~ as soon as possible and in no instance later than forty-eight hours to your local children's administration intake staff, the child's social worker or case manager, and parent or legal guardian when the parent has placed the child:

- (a) Any reasonable cause to believe that a child has suffered child abuse or neglect;
- (b) Any violations of the licensing or certification requirements;
- (c) Death of a child;
- (d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;
- (e) Any use of physical restraint that is alleged improper or excessive;
- (f) Sexual contact between two or more children that is not considered typical play between preschool age children;
- (g) Any disclosures of sexual or physical abuse by a child in care;
- (h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;
- (i) ~~((Unexpected health problems that require off-site medical treatment;~~
- (j) ~~((Any medication that is given incorrectly and requires off-site medical treatment; or~~
- (k) ~~((Serious property damage that is a safety hazard and is not immediately corrected~~
- (l) ~~((Any emergent medical care)).~~
- (2) ~~((You or your staff must report immediately))~~ The following are examples of significant incidents that must be reported as soon as possible or in no instance later than forty-eight hours, ((any of the following incidents)) to the child's social worker, if the child is in the department's custody or to the case manager if placed with a child-placing agency program:
 - (a) Suicidal/homicidal ideations, gestures, or attempts that do not require professional medical treatment;
 - (b) Unexpected health problems that do not require professional medical treatment;
 - (c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children that result in injury but did not require professional medical treatment;

- (e) Runaways; ~~((and))~~
- (f) Any emergent medical care; and
- (g) Use of physical restraints for routine behavior management.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0125 What are your requirements for keeping client records? (1) Any identifying and personal information about a child and the child's family must be kept confidential.

(2) You must keep records about children and their families in a secure place. If the child is in the department's custody, at the end of the child's placement, reports written by others about the child or the child's family must be returned to the child's social worker.

(3) During a placement in your foster home, your records must be kept at your home and contain, if available, at a minimum, the following information:

- (a) The child's name, birth date, and legal status;
- (b) Name and telephone number of the social worker for each child in care;
- (c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;
- (d) Information on specific cultural needs of the child;
- (e) Medical history including any medical problems, name of doctor, type of medical coverage and provider;
- (f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available;
- (g) Other pertinent information related to the child's health, including dental records;
- (h) Record of immunizations. Receiving and interim care homes and facilities do not need to keep records of immunizations for children in their care less than thirty days. Crisis residential centers and children placed in a foster home by a child-placing agency licensed to provide emergency respite services do not need to keep records of immunizations for children in their care;
- (i) Child's school records, report cards, school pictures, and individual education plans (IEP);
- (j) Special instructions including supervision requirements and suggestions for managing problem behavior;
- (k) Inventory of personal belongings at the time of placement; and
- (l) The child's visitation plan.
- (4) During a child's placement in a staffed residential home ~~((or a)),~~ group care program, or a child-placing agency program your records must be kept at your site and contain, at a minimum, the following information in addition to the information in subsection (3)(a) through (l) of this section:
 - (a) Written consent from the child placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);
 - (b) Names, addresses, and telephone numbers of persons authorized to take the child under care out of the facility;

(c) A copy of the court order or voluntary placement agreement that gives approval to place the child;

(d) Case plans, such as children's administration's "individual service and safety plan";(~~and~~)

(e) Daily logs of therapy treatment received by children with the signature of the person making the entry in the log; and

(f) Facility or program logs documenting the following:

(i) Date, time, and which residents and staff are participating in an activity;

(ii) Narrative to note behavior and issues of residents;

(iii) Any health or safety issues;

(iv) Signature of staff reviewing the log during each shift;

(v) Staff to resident ratio on each shift;

(vi) On-call and relief staff on premises during emergencies; and

(vii) After-hours telephone number of the supervisor.

(5) If you operate a group care program, staffed residential home, or child-placing agency and have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0140 What personnel policies must I have? You must follow the personnel requirements listed below, at any home or facility we license.

(1) Each employee, intern, contractor, or volunteer who has unsupervised access to children must have completed an application for employment and signed a form enabling us to do a background check (chapter 388-06 WAC). You must keep a log of all the background check results.

(2) Misrepresentation by the prospective employee, interns, or volunteer will be grounds for termination or denial of employment or volunteer service.

(3) If you have five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license? (1) If you operate a program or facility other than a foster home, staffed residential home, or child-placing agency, you must follow the regulations developed by the Washington State Fire Marshal's office. The regulations are minimum requirements for protecting life and property against fire. You can find these contained in the current Uniform Fire Code with Washington state amendments.

(2) Foster homes and staffed residential homes (~~need~~) must have inspections by fire marshal or local fire department if either:

(a) Licensors request the inspections; or

(b) Local ordinances or State Fire Marshal regulations require these inspections.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0260 What are the general requirements for bedrooms? You must meet all of the following requirements for bedrooms if you provide full-time care in a home or facility.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping. In foster homes only, children age one through five years may sleep on separate floors provided that they are supervised with an electronic "baby" monitor to ensure health and safety. Infants under age one year must be on the same floor as an adult.

(2) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) For facilities licensed after December 31, 1986, bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally, this would be seven and a half feet; and

(b) A window of not less than one-tenth of the required floor space that can open into the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(5) For any foster children six years of age and over, you must furnish separate sleeping quarters for each gender.

(6) Children in care must not share the same bed.

(7) In group care facilities, single occupancy bedrooms must provide at least fifty square feet of floor space.

(8) In foster homes, single occupancy bedrooms must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0270 What are the requirements for beds? (1) Each child in care must have a bed of his or her own.

(2) For each child in care, you must provide a bed at least thirty inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each child's pillow must be covered with waterproof material or be washable.

(3) Bedding must be clean.

(4) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(5) You must provide an infant with a crib that ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(6) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(7) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices

(8) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant.

(9) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep.

(10) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(11) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Preschool age children, expectant mothers and children with disabilities.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0335 When must I get medical exams for the children under my care? (1) ~~((You, together))~~ In consultation with the child's social worker, you must schedule a medical exam for any child who, within the past year, has not:

(a) Been under regular medical supervision; or

(b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0345 What must I do to prevent the spread of infections and communicable diseases? You must take precautions to guard against infections and communicable diseases infecting the children under care in your home or facility.

General communicable diseases and infections

(1) In each home or facility, other than a foster home, staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(2) Each home or facility, other than a foster home, that cares for severely and multiple-handicapped children must have an infection control program supervised by a registered nurse.

(3) Foster homes with medically fragile children may use other alternatives, such as in-home nursing services, to consult on infection control procedures.

Tuberculosis

(4) Applicants for a license or adults authorized to have unsupervised access to children in a home or facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(5) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically unadvisable.

(6) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(7) The department does not require retesting unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(8) The facility must keep the results of the applicant and employees TB test results in the personnel file on the premises of the facility.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0350 How do I manage medications for children under my care? (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider (example: respite provider) may ~~((give or))~~:

(a) Have access to medications for the child under your care;

~~((4))~~ (b) Give medications, prescription and nonprescription, only on the written approval of a parent, person or agency having authority by court order to approve medical care;

~~((5))~~ (c) Except for foster homes, keep a record of all medications you give a child;

~~((6))~~ (d) Foster homes must keep a record of all prescription medication given to foster children; and

~~((7) Properly dispose)~~

(4) You or another authorized care provider must follow the department of health protocol in the proper disposal of medications that are no longer being taken or have expired.

Prescription medications

~~((8))~~ (5) You or another authorized care provider must:

(a) Give prescription medications:

- (i) Only as specified on the prescription label; or
- (ii) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(b) Check with the physician or pharmacist about possible side effects for any prescription medications, herbal supplements and remedies, and interactions with nonprescription drugs the child is taking.

Psychotropic medications

~~((9))~~ (6) Care providers must not approve giving psychotropic medications to a child in care. Approval can only be given by one of these:

- (a) The child's parent;
- (b) Dependency guardians;
- (c) A court order; or
- (d) The child's social worker, if:
 - (i) The child is legally free and in the permanent custody of the department; or
 - (ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

~~((10))~~ (7) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately.

Nonprescription medications

~~((11))~~ (8) Children taking psychotropic medications must have the prescribing physician's authorization before any nonprescription drugs and herbal supplements are given.

~~((12))~~ (9) You or another authorized care provider must follow these requirements for nonprescription medications. You must:

(a) Give certain classifications of nonprescribed medications, only with the dose and directions on the manufacturer's label for the age and/or weight of the child needing the medication. These nonprescribed medications include but are not limited to:

- (i) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
- (ii) Nonnarcotic cough suppressants;
- (iii) Decongestants;
- (iv) Antacids and anti-diarrhea medication;
- (v) Anti-itching ointments or lotions intended specifically to relieve itching;
- (vi) Shampoo for the removal of lice;
- (vii) Diaper ointments and powders intended specifically for use in the diaper area of children;
- (viii) Sun screen (for children over six months); and
- (ix) Antibacterial ointments for first aid use.

(b) Give any other nonprescription medications only when approved in writing by a physician. These nonprescription medications may be given with a physician's standing order. Physician's standing orders must be patient specific.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0395 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) In group care settings, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared if more than one child is bottle-fed.

(2) You must refrigerate filled bottles if bottles are not used immediately and contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) If breast milk is provided by anyone other than a baby's biological mother, approval must be obtained from the child's social worker.

(5) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. You must take bottles from the child when the child finishes feeding or when the bottle is empty.

(6) You must not prop bottles while feeding infants.

NEW SECTION

WAC 388-148-0427 Are there specific requirements regarding Native American children? You must comply with all requirements of the Federal Indian Child Welfare Act, 25 USC 1901, et. seq. and all applicable state laws.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0460 What requirements do you have for supervising children? (1) You must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) You must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Foster parents and facility staff must provide the children in their care with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In group care children must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

(c) The youth's behavior poses a risk to self or others.

(6) In foster homes and staffed residential homes, children must be supervised during sleeping hours by at least one awake staff when it is part of the written supervision plan with the child's social worker.

(7) Adequate supervision should be arranged and maintained during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(8) When special supervision is required and agreed upon between the department and the agency or foster parent, the agency or foster parent provides the necessary supervi-

sion. This supervision may require auditory or visual supervision at all times.

(9) When a child has exhibited behavior in a previous placement or the placement agency believes the child poses a risk to other children the agency must inform the provider and jointly develop a plan to address the risk.

(10) When a child exhibits behavior that poses a safety risk to other children in care, ~~((the child must not share a))~~ sleeping arrangements and/or bedroom ((with)) assignments must be made, in consultation with the child's social worker, to ensure the safety of other children.

NEW SECTION

WAC 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home? (1) A foster parent may allow a friend, or a relative to provide care to a foster child in the foster home when the conditions that follow are met. The foster parent must:

- (a) Be familiar and comfortable with the individual who will be caring for the foster child;
- (b) Meet with the substitute caregiver and review the expectations regarding supervision and discipline of the foster child;
- (c) Be responsible for providing the caregiver any special care instructions;
- (d) Provide information on how to be contacted by the substitute caregiver; and
- (e) Ensure the child has a safety plan.

(2) On an occasional basis and for less than twenty-four hours, the foster parent may use a friend or a relative as a substitute caregiver, without verifying criminal and founded child abuse/neglect history when the foster parent has no reason to suspect the substitute caregiver:

- (a) Has a history that would disqualify them from caring for a department child; or
- (b) Would be at risk in the their care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0520 What are the training requirements for foster parents and prospective foster parents? (1) ~~((To receive a))~~ All foster ((home license, you)) parents (both parents in a two-parent household) must ((attend required orientation and preservice training programs that the department sponsors, or that your licensed child placing agency offers.

~~((2) You need))~~ have:

- (a) Proof of completion of current first-aid/CPR training that is geared for the ages of the foster children ((you)) they want in your home((-
- ~~((3) You need)); and~~
- (b) Proof of completion of HIV/AIDS prevention training.
- ~~((4) The primary care givers must))~~

(2) The CPR training is not required for person with a statement from their physician that the training is not advised for medical reasons.

(3) At least one foster parent must:

(a) Attend required orientation and pre-service training programs that the department sponsors or that your licensed child-placing agency offers; and

(b) Complete all required DLR-approved training after licensing.

NEW SECTION

WAC 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home? (1) A foster parent may use a friend or relative who is sixteen or seventeen to supervise (baby sit) a foster child under the following conditions:

(a) The foster parent knows the youth babysitter to be reliable and mature enough to provide appropriate care to the foster child.

(b) The youth babysitter has completed a background check within the past year. Exception: For occasional care of less than twenty-four hours, the verification of the background check is not required, provided the foster parent has no reason to suspect:

- (i) The babysitter has a disqualifying criminal history or founded complaint of child abuse/neglect; and
- (ii) The child would be at risk in the care of the babysitter.

(c) The youth babysitter must not be responsible for more than three foster children.

(2) If the care by the youth babysitter is a regular arrangement, the foster parents must have the written approval of the social worker for the foster child.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0560 Do I need a treatment plan for children under my care? (1) ~~((If you operate a))~~ All group homes, staffed residential home ((or a group care program you)), a child-placing agency, or foster homes that have contracts or agreements with the department to provide treatment or therapeutic services to dependent children must assist in developing and implementing a written treatment plan for each child ((accepted for care in any of the programs you provide)) in care after thirty days.

(2) The treatment plan must:

- (a) Identify the service needs of the child, parent or guardian;
 - (b) Describe the treatment goals and strategies for achieving those goals;
 - (c) Include a running account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and
 - (d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.
- (3) A social service staff person must review and sign approving the child's treatment plan.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0585 What social service staff do I need (~~for my home or facility~~)? (1) Except for foster homes, you must provide or arrange for social services by qualified persons who have specific educational training. Except for juvenile detention facilities, social service staff must meet education and training requirements that follow:

((1)) (2) One person who provides social services must have a master's degree in social work or a closely related field from an accredited school.

((2)) (3) Social service staff without a master's degree in social work or closely related field must have a bachelor's degree in social work or a closely related field. A person with a master's degree must consult at least eight hours per month with any social service staff who have only a bachelor's degree.

((3)) (4) When social services are provided by another agency, you must have a written agreement with the agency describing the scope of service they provide. Written agreements must meet the requirements of this rule.

((4)) (5) A social service staff person must review and sign approving the child's treatment plan.

((5)) (6) A social service staff person must review and sign approving licensing application packets before they are submitted to DLR.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0630 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your staffed residential home and group care facility:

(1) You must request the local fire department to visit your home or facility to:

~~(a) Assist care givers in meeting all necessary fire safety requirements; and~~

~~(b)) become familiar with your home or facility.~~

(2) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(3) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(4) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(5) All electrical motors must be kept free of dust.

(6) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(7) Candles must not be used.

(8) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension

cords and multi-plug adapters must not be used in place of permanent wiring and proper outlets.

(9) House and facility numbers must be clearly visible from the street or road in front of the property. Where the home or facility is not clearly visible from the road, the address must be posted at the head of the driveway.

Note: This is to allow emergency vehicles and fire trucks to easily find addresses.

(10) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

GROUP CARE AND CHILD-PLACING AGENCIES

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency? (1) A group care program or child-placing agency executive director or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in social science or closely related field from an accredited school; or

(b) Have a minimum of two years of successful, full-time relevant experience, such as working in a group care facility; or

(c) Have a minimum of two years as a foster parent with a letter of recommendation from the licensing agency and supervising agency.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0720 What qualifications must the child care staff for a group care program and a child-placing agency have? The child care staff person of a group care program and child-placing agency is responsible for the care, supervision, and behavior management of children under your care. The department requires ~~(the)~~ child care staff of each group care program and child-placing agency:

(1) Be at least twenty-one years old;

(2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;

(3) Have a high school diploma or GED;

(4) Have one year of experience working with children;

(5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and

(6) Have effective communication and problem solving skills.

NEW SECTION

WAC 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency? (1) The health care staff, such as a licensed practical nurse (LPN) and certified nurse's assistant/aide (CNA), must meet the full professional competency requirements in their respective field.

(2) The health care staff must maintain their certification or licensure as required by the department of licensing.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0725 What is the ratio of child care staff to children in group care facilities? The department has specific requirements for the ratio of child care staff to children in group care.

(1) The ratio for group homes is at least one child care staff member on site for every eight children during waking and sleeping hours.

Note: Crisis residential centers, staffed residential homes, maternity programs, and programs for children with severe developmental disabilities have different requirements.

(2) At least two adults, including at least one child care staff person, must be on site whenever more than eight children are on the premises.

(3) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff and maintenance staff may serve temporarily as child care staff if they have adequate training.

(4) During sleeping hours of youth, at least one staff person must be awake in all group home programs when:

(a) There are more than six youth in care; and

(b) The major focus of the program is behavioral change rather than the development of independent living skills, such as teen parent and independent living skills programs; or

(c) The youth's behavior poses a safety risk to self or others.

(5) When only one child care staff is on site, a second staff must be on call.

(6) You must have relief staff so that all staff can have the equivalent of two days off a week.

(7) If you have more than one program in one building, such as a group care program and a crisis residential center, you must follow the most stringent staffing ratio requirements.

(8) For certified juvenile detention facilities, at least one child care staff member must be on duty for every ten children in care during the sleeping and waking hours.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services? Residential programs provide twenty-four-hour care to expectant mothers and to new mothers with infants.

(1) These programs must employ sufficient numbers of residential staff to meet the physical, safety, health and emotional needs of the residents. Residential staff are in charge of supervising the day-to-day living situation for youth.

Note: Child care staff may carry out any maintenance tasks that do not detract from their primary function.

(2) When youth are on the premises, the ratio of staff to residents must be as follows:

(a) At least one residential staff member must be on duty for every eight (~~mothers~~) persons.

(b) When more than eight persons (~~including mothers and children~~) are on the premises, at least two adults, including at least one child care staff must be on duty.

(3) You must have relief staff so that all staff can have the equivalent of two days off a week.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0880 What levels of secure CRCs exist? The department licenses (~~two~~) three types of secure crisis residential centers (CRCs): Level one (~~and~~), level two, and level three. Level one is the most secure facility and level (~~two~~) three is the least secure facility.

NEW SECTION

WAC 388-148-0892 What are the requirements for a level three secure CRC? A level-three secure crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit or separate building within a campus with exterior doors that have special egress-control devices;

(2) Meet or exceed the current state building code for facilities with special egress-control devices; and

(3) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. (Any fences used to secure the recreation area must meet or exceed the specifications of the level-two secure CRC referenced in WAC 388-148-0890(3)).

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?

All CRCs

(1) The director or designee of (~~(a)~~) any crisis residential center (CRC) must immediately notify the parents of the youth who has been admitted.

(2) If the director or designee of any CRC is unable to contact the youth's parents within, forty-eight hours, he or she must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document the contact with the department in the youth's case record.

(3) After a youth is admitted to any CRC, the director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.

(4) By the first school day after admission, the staff of any crisis residential center must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

Secure CRCs

~~((3))~~ (5) Within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours after, the director or designee must assess the youth's risk of running.

~~((4))~~ (6) The secure CRC director or designee must determine what type of CRC, regular or secure, would be best for the youth.

~~((5))~~ (7) The secure CRC director or designee must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

- (a) The youth's age and maturity;
- (b) The youth's physical, mental, and emotional condition upon arrival at the center;
- (c) The circumstances that led to the youth's placement at the facility;
- (d) The youth's behavior;
- (e) The youth's history of running away;
- (f) The youth's willingness to cooperate in conducting the assessment;
- (g) The youth's need for continued assessment, protection, and intervention services in a CRC; and
- (h) The likelihood the youth will remain at a CRC.

~~((6))~~ (8) The secure CRC director or designee must put the decision about the youth's status in writing in the youth's file.

~~((7) After a youth is admitted, the CRC director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.~~

~~(8) By the first school day after admission, the crisis residential center staff must:~~

~~(a) Notify the youth's school district about the youth's placement; and~~

~~(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.)~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?

(1) You must ensure the safety of the youth that are residing in crisis residential centers (CRCs) by maintaining staffing ratios. This may require a staffing ratio higher than the minimum listed if necessary for the health and safety of youth and/or staff.

Regular CRCs

(2) At all times, regular crisis residential centers must have at least one youth care staff on duty for every four youth in care.

(3) Regular crisis residential centers must have at least two awake youth care staff on duty during waking hours of the youth.

(4) Regular crisis residential centers must have at least one awake youth care staff on duty during sleeping hours of the youth. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios.

Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

Secure CRCs

(5) At all times, secure crisis residential centers must have at least two staff on duty ~~((at all times))~~ when youth are present.

(6) At all times, secure crisis residential centers not co-located with a detention center must have at least one youth care staff on duty for every three youth in care.

(7) At all times, secure crisis residential centers that are located in the same facility as a detention ~~((facilities))~~ center must have ~~((the))~~ at least one awake youth care staff on duty for every four youth in care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1060 What services may a child-placing agency provide? The department licenses child-placing agencies to provide:

- (1) Certification of eligible foster homes meeting full licensing requirements;
- (2) Maternity services to expectant mothers;
- (3) Specialized (treatment) foster care;
- (4) Emergency respite services;
- (5) Residential care programs, such as group homes, crisis residential centers, and independent living skills programs; and
- ~~((5))~~ (6) Adoption services.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1070 What health histories need to be provided to ~~((foster or))~~ adoptive parents? ~~((1) To meet department requirements,))~~ Your child-placing agency must provide adoptive ~~((see WAC 388-25-0330), or foster))~~ parents with ~~((the following))~~ information ~~((when available, at the time of placement:~~

~~(a) The mental and physical health histories of the birth parents;~~

~~(b) A written health history for each child prior to placement, including a history of immunizations, allergies, previous illnesses, and conditions that may adversely affect the child's health; and~~

~~(c) The developmental and psychological history for the adoptive children.~~

~~Note: You must arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-148-0335 and 388-148-0340.~~

~~(2) The adoptive parent(s) must sign one copy of the report, showing that they have received the information. You must retain this signed copy in the child's permanent file.~~

~~(3) When the child is being placed for adoption, your report must not contain information that might identify the birth parents)) that meets the federal and state statutes.~~

NEW SECTION

WAC 388-148-1076 What are the qualifications for an executive director of a child-placing agency? The executive director of a child-placing agency must meet the executive director qualifications outlined for programs and agencies in section WAC 388-148-0700.

NEW SECTION

WAC 388-148-1077 What are the qualifications for a case aide for a child-placing agency program? The qualifications for a case aide at a child-placing agency program must meet the qualifications for the child care staff at a group care program outlined in WAC 388-148-0720.

NEW SECTION

WAC 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care? A child-placing agency health care staff, such as licensed practical nurses (LPN) and certified nursing assistants (CNA) must meet the health care staff qualifications outlined in WAC 388-148-0722.

NEW SECTION

WAC 388-148-1079 What are the qualifications for consultants for child-placing agency programs? The qualifications for consultants for child-placing agency programs are outlined in WAC 388-148-0600.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1115 Do you have requirements for adoptive services? (1) As a child-placing agency providing adoption services, you must ~~((meet the department's requirements under chapter 388-25 WAC.~~

~~(2) You must)) follow federal and state adoption laws.~~

~~(a) Recruit potential adoptive families that reflect the diversity of children in your community((-~~

~~(3) You must)); and~~

~~(b) Provide adoptive applicants with the following services, at a minimum:~~

~~((a)) (i) Information about the adoption process;~~

~~((b)) (ii) Your agency's policies, practices and legal procedures;~~

~~((c)) (iii) Types of children available for adoption and implications for parenting different types of children; and~~

~~((d)) (iv) Information on adoption support programs.~~

~~((4)) (2) You must document that you provided this information to the adoptive applicant in the applicant's file.~~

~~(3) You must visit the adoptive home of all adoptive placements at least once in the first thirty days of placement and an additional face-to-face visit to observe the parent and child each sixty days after that until the adoption is finalized.~~

~~(4) You must be available for consultation regarding the adjustment of the adopted child and the family after finalization of the adoption.~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1120 What is the process for adoptions? You must go through the following steps to place a child for adoption.

(1) The applicants must submit an application (including a completed background inquiry form) to the child-placing agency.

(2) Once you have received an application, but before you have sign a contract for services, you must give the applicants a written statement about:

(a) The adoption agency's fixed fees and fixed charges to be paid by the applicant;

(b) An estimate of additional itemized expenses to be paid by applicant; and

(c) Specific services covered by fees that you offer for child placement or adoption.

(3) Your staff must complete an adoptive home study as required in RCW 26.33.190 with the participation of the applicant(s). For the study, your staff and the applicants ~~((need to))~~ must decide ((about)) the following:

(a) The suitability of the applicant(s) to be adoptive parent(s); and

(b) The type of child(ren) for which the applicant or applicants are best suited.

(4) Your staff must accept or deny the application and give an explanation for your decision.

(5) You must file preplacement (home study) reports with the court (as required by RCW 26.33.180 through 26.33.190).

(6) Your staff must prepare the potential adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family ~~((as described in chapter 388-25 WAC))~~ provided under federal and state statute;

(b) Discussing the likely implications of the child's background for adjusting in the adoptive family.

(7) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

CHILD-PLACING AGENCIES— EMERGENCY RESPITE SERVICES

NEW SECTION

WAC 388-148-1140 May a licensed child-placing agency provide emergency respite services? A licensed child-placing agency may offer emergency respite services by providing direct child care in a licensed foster home (for thirty days or less) or by contracting or by written agreement with a licensed child day care home or center (up to ten hours/day).

NEW SECTION

WAC 388-148-1145 Does an agency or individual need to be licensed as a child-placing agency to provide emergency respite services that are not center-based? An agency or individual must be licensed as a child-placing agency to provide community-based emergency respite services to children.

NEW SECTION

WAC 388-148-1150 Does a child-placing agency providing emergency respite services need specific program staff? A child-placing agency must have a program manager responsible for the emergency respite program.

NEW SECTION

WAC 388-148-1155 What are the education and training requirements for a program manager for an emergency respite program at a child-placing agency? The education and training requirements for a program manager for an emergency respite program at a child-placing agency are:

- (1) A bachelor's degree in social services, child development, or a related field; or
- (2) Five years of successful full-time experience in a relevant field; and
- (3) Current first aid and CPR training; and
- (4) HIV/AIDS prevention training; and
- (5) If supervising other staff, then supervisory abilities that promote effective staff performance and relevant experience, training, and demonstrated skills in each area that he or she will be supervising.

NEW SECTION

WAC 388-148-1160 What services do child-placing agencies provide if they offer an emergency respite program? (1) A child-placing agency must provide the following emergency respite services:

- (a) A family assessment of the need for the services;

(b) Direct child care; and

(c) Appropriate community service referrals.

(2) Family support services may be provided by the child-placing agency offering emergency respite services.

NEW SECTION

WAC 388-148-1165 Does a child-placing agency need approval from the division of licensed resources to provide emergency respite services? (1) An emergency respite program provided by a child-placing agency must be approved by DLR.

(2) The child-placing agency must send to DLR a detailed written program description outlining education, recreational, and any therapeutic services the agency will provide to children and their families.

(3) A foster home used for emergency respite care must be designated as a respite care home only, unless DLR gives administrative approval for a foster home to provide emergency respite care and regular foster care.

(4) The foster home must be assessed for health and safety with each emergency respite placement considering the other respite children in the home.

NEW SECTION

WAC 388-148-1170 What age children may receive emergency respite services? Emergency respite services may be provided to children birth through seventeen years.

NEW SECTION

WAC 388-148-1175 Who may place a child for emergency respite? Only a parent or legal guardian of a child may voluntarily place a child in emergency respite care. This is not to be used by foster parents for respite care for foster children.

NEW SECTION

WAC 388-148-1180 Must all children accepted for emergency respite care have current immunizations? A child accepted by a child-placing agency for emergency respite care may be placed with a licensed foster home without current immunizations.

NEW SECTION

WAC 388-148-1185 What are the record-keeping requirements for a child-placing agency providing emergency respite services? (1) Emergency respite service records must be kept at the child-placing agency and contain, at a minimum, the following information:

- (a) Logs of children accepted for emergency respite care;
- (b) A copy of any suspected child abuse and/or neglect referrals made to children's administration with the child's name and birthdate;

(c) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;

(d) Dates and illnesses or accidents while in emergency respite care;

(e) Any medications and treatments given to a child while in emergency respite care; and

(f) Health screening information including any allergy information.

(2) Identifying and personal information about the child and their family must be kept confidential as described under federal and state laws, unless the parent has given permission for release.

(3) Information about the child and their families must be kept in a secure place.

NEW SECTION

WAC 388-148-1190 What written information is needed before a child is accepted for emergency respite care by a child-placing agency? Before accepting a child for emergency respite care, a child-placing agency must obtain the following written consent and information from the parent or legal guardian:

(1) Permission from the child's parent or guardian authorizing the placement of their child;

(2) Permission to seek emergency medical care or surgery on behalf of their child;

(3) Permission to transport the child;

(4) Basic family information, including address, telephone numbers, and emergency contacts; and

(5) Basic medical information, including current medication, immunization history (if available), known allergies, and at-risk behaviors of the child.

**WSR 03-06-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-33—Filed February 19, 2003, 2:18 p.m., effective February 24, 2003]

Date of Adoption: February 19, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300C and 220-52-07300D; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of red and green sea urchins exist in the areas described. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days

and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

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

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

Effective Date of Rule: February 24, 2003.

February 19, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07300D Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective February 24, 2003 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin District 3 is open only on February 24, 25, 26, 27 and March 3, 4, 5, and 6, 2003. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(2) Red sea urchins: Sea Urchin District 3 is open only on February 24, 25, 26, 27 and March 3, 4, 5, and 6, 2003. The maximum daily landing of red sea urchins for a harvest vessel in Sea Urchin District 3 is 500 pounds. It is unlawful to harvest red sea urchins smaller than 3.25 inches or larger than 5.0 inches in Sea Urchin District 3 (size in largest test diameter exclusive of the spines).

(3) It is unlawful to dive for any purpose from a commercially licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, within Sea Urchin District 3 on Saturdays and Sundays of each week.

REPEALER

The following section of the Washington Administrative Code is repealed effective February 24, 2003:

WAC 220-52-07300C Sea urchins. (03-05)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 7, 2003:

WAC 220-52-07300D Sea urchins.

WSR 03-06-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-38—Filed February 20, 2003, 4:13 p.m.]

Date of Adoption: February 20, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000A and 220-33-01000B; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Closed remaining days of the large mesh non-Indian commercial fishery because the impacts to upriver spring chinook are greater than expected for this time frame. Remaining upriver spring chinook impacts are needed to access the commercial allocation of Willamette spring chinook. Fishery will resume when test fishing shows that larger numbers of Willamette fish are present in the catch. This rule is consistent with actions of the Columbia River compact of February 20, 2003, and conforms Washington and Oregon state rules. The select area fisheries are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

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

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

Effective Date of Rule: Immediately.

February 20, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-33-01000B Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Blind Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Blind Slough

Gear: 7 1/4-inch minimum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Dates: 7:00 p.m. February 22 to 7:00 a.m. February 23, 2003

7:00 p.m. March 1 to 7:00 a.m. March 2, 2003

Allowable Sale: Salmon, sturgeon, shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each period.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000A Columbia River gillnet seasons below Bonneville. (03-21)

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. March 2, 2003:

WAC 220-33-01000B Columbia River gillnet seasons below Bonneville.

WSR 03-06-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-36—Filed February 20, 2003, 4:13 p.m., effective March 1, 2003, 12:01 a.m.]

Date of Adoption: February 20, 2003.

Purpose: Amend personal use rules.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900J; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The preseason forecast for the Green River wild steelhead run is not large enough to allow any targeted fisheries. The wild fish escapement goal has not been reached the last three years and is showing a declining trend. Regulations have required the release of wild steelhead since December 1, 2002. In addition, the return of hatchery steelhead this season has been poor and few hatchery fish remain in the river. Therefore, closing the river February 28 will not significantly effect harvest opportunities for hatchery fish and will provide additional protection for the predicted low wild run. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: March 1, 2003, 12:01 a.m.

February 20, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900J Exceptions to statewide rules—Green (Duwamish) River (King County). Notwithstanding the provisions of WAC 232-28-619, effective March 1, 2003 through March 15, 2003 those waters of the Green (Duwamish) River from the S. 277th Bridge to the Tacoma Headworks Dam are closed to all fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 16, 2003:

WAC 232-28-61900J Exceptions to statewide rules—Green (Duwamish) River (King Co.)

WSR 03-06-009 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-35—Filed February 20, 2003, 4:14 p.m., effective March 1, 2003, 12:01 a.m.]

Date of Adoption: February 20, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900I; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Significant hatchery-origin winter steelhead harvest opportunity exists due to the good run this season. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: March 1, 2003, 12:01 a.m.

February 20, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules—Humptulips River (Grays Harbor Co.) Notwithstanding

the provisions of WAC 232-28-619, effective March 1, 2003 through March 16, 2003 the Humptulips River from its mouth (Jessie Slough) to the Highway 101 bridge is open to the harvest of hatchery steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 17, 2003:

WAC 232-28-619001 Exceptions to statewide rules—Humptulips River (Grays Harbor Co.)

WSR 03-06-014

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 21, 2003, 8:59 a.m.]

Date of Adoption: February 20, 2003.

Purpose: To add an approved vehicle type, to those approved for travel in high occupancy vehicle lanes.

Citation of Existing Rules Affected by this Order: Amending WAC 468-510-010.

Statutory Authority for Adoption: RCW 46.61.165 and 47.52.025.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: About five years ago, WAC 468-510-010 was adopted to prescribe by rule the types of vehicles authorized to use high occupancy vehicle lanes. The Department of Transportation recently determined that the use of such lanes by law enforcement vehicles significantly enhances enforcement, emergency response, and incident management activities. Thus, an emergency rule is necessary so that these vehicles may immediately use high occupancy vehicle lanes when performing these activities.

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

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

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

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

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

Effective Date of Rule: Immediately.

February 19, 2003
John F. Conrad
Assistant Secretary

AMENDATORY SECTION (Amending Order 178, filed 6/1/98, effective 7/2/98)

WAC 468-510-010 High occupancy vehicles (HOVs). Pursuant to RCW 46.61.165 and 47.52.025, the department has reserved portions of interstate highways, state highways, and ramps, as HOV lanes for the exclusive use of public transportation vehicles or private motor vehicles with the number of occupants specified on signs. Motor vehicles authorized to use HOV lanes are:

(1) Rubber tired municipal transit vehicles conforming to RCW 46.04.355.

(2) Buses with a carrying capacity of sixteen or more persons, including the operator.

(3) Motorcycles conforming to RCW 46.04.330.

(4) Recreational vehicles with the number of occupants specified on signs.

(5) Official marked law enforcement vehicles equipped with emergency lights and siren, issued by a state, local or county law enforcement agency and operated by an on-duty state patrol, local, or county law enforcement personnel.

(6) All other vehicles with the number of occupants specified on signs, except that trucks in excess of 10,000 lb. G.V.W. are prohibited from the use of HOV lanes regardless of the number of occupants. Tow trucks that would be otherwise prohibited because of weight or number of occupants may use HOV lanes when en route to an emergency on a specific roadway or roadside.

WSR 03-06-016

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Filed February 21, 2003, 11:22 a.m.]

Date of Adoption: February 21, 2003.

Purpose: WAC 458-20-185 explains the tax reporting responsibilities of tobacco distributors.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-185 Tax on tobacco products.

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

Other Authority: Section 5, chapter 325, Laws of 2002.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule was previously adopted on an emergency basis to provide tax information regarding the effects of chapter 325, Laws of 2002. This legislation amended chapter 82.26 RCW, Tax on tobacco products, by adding definitions, adding a new class of tobacco dis-

tributor, and explaining the obligations applicable to the new class of tobacco distributor. The department is again adopting Rule 185 on an emergency basis because a permanent rule cannot be adopted before the expiration date of the previous emergency adoption. There have been no changes to the rule being adopted with this filing.

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.

Effective Date of Rule: Immediately.

February 21, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-10-061, filed 5/3/94, effective 6/3/94)

WAC 458-20-185 Tax on tobacco products. (1) **Introduction.** This ((section)) rule explains the tax liabilities of persons engaged in business as a distributor or subjobber of tobacco products. It addresses only those taxes which apply exclusively to tobacco products. See WAC 458-20-186 for tax liabilities associated with taxes which apply exclusively to cigarettes.

Recent changes to the tobacco products tax program include the following:

(a) Initiative 773, which imposed a surtax on tobacco products effective January 1, 2002. The rate of the surcharge is set forth in RCW 82.26.028; and

(b) Chapter 325, laws of 2002, which is effective July 1, 2002. This legislation:

(i) Added a new class of distributor, see subsection (2)(b)(iv) of the rule;

(ii) Provided a definition of person specific to the tobacco products tax, see subsections (2)(g) and (h) of the rule;

(iii) Added a new taxable event regarding the handling of tobacco products upon which the tax has not been imposed, see subsection (3) of the rule; and

(iv) Provided for invoice requirements to be established by rule, see subsection (4)(b) of the rule.

(2) **Definitions.**

(a) "Tobacco products" means all tobacco products except cigarettes. The term includes cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed or

other smoking tobacco; snuff, snuff flour, cavendish, plug, twist, fine cut, or other chewing tobacco; shorts, refuse scraps, clippings, cuttings, sweepings, or other kinds or forms of tobacco.

(b) "Distributor" means

(i) Any person engaged in the business of selling tobacco products in this state who brings or causes to be brought into this state from without the state any tobacco products for sale, or

(ii) Any person who makes, manufactures, or fabricates tobacco products in state for sale in this state, or

(iii) Any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state.

(iv) Any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(c) "Subjobber" means any person, other than a tobacco manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers.

(d) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever by any person for a consideration. It includes all gifts by persons selling tobacco products.

(e) "Wholesale sales price" means the established manufacturer's price to the distributor, exclusive of any discount or other reduction.

(f) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(g) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(h) "Indian country" means the same as defined WAC 458-20-192 (2)(b).

(3) **Nature of tax.** The Washington state tobacco products tax is an excise tax levied on the value of the wholesale sales price on all tobacco products sold, used, consumed, handled, or distributed within the state((f-)). The rate of tax is a combination of statutory percentage rates found in RCW 82.26.020 ((and)), 82.26.025, and 82.26.028. Charts with current rates are available from the special programs division at the department of revenue. The tax is to be paid by the distributor at the time the distributor brings or causes to be brought into this state from without the state tobacco products for sale or handles for sale any tobacco products that are within this state but upon which tax has not been imposed. A retailer who fails to keep invoices as required in chapter

82.32 RCW is liable for the tax on any uninvoiced tobacco products.

(4) **Books and records.** Since the tobacco products tax is paid on returns as computed by the taxpayer rather than by affixing of stamps or decals, the law contains stringent provisions requiring that accurate and complete records be maintained and preserved for five years for examination by the department of revenue.

(a) The records to be kept by distributors include itemized invoices of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state or shipped or transported to retailers in this state, and of all sales (including customers' names and addresses) of tobacco products except retail sales. All other pertinent papers and documents relating to purchase, sale, or disposition of tobacco products must be retained.

(b) Retailers and subjobbers must secure and retain legible and itemized invoices of all tobacco products purchased, showing name and address of the seller and the date of purchase.

(c) Records of all deliveries or shipments (including ownership, quantities) of tobacco products from any public warehouse of first destination in this state must be kept by the warehouse.

(5) **Reports and returns.** The tax is reported on the combined excise tax return, Form REV 40 2406, to be filed according to the reporting frequency assigned by the department. Detailed instructions for preparation of these returns may be secured from the department.

Out-of-state wholesalers or distributors selling directly to retailers in Washington should apply for a certificate of registration, and the department will furnish returns for reporting the tax.

(6) **Interstate and sales to U.S.** The tax does not apply to tobacco products sold to federal government agencies, nor to deliveries to retailers or wholesalers outside the state for resale by such retailers or wholesalers, and a credit may be taken for the amount of tobacco products tax previously paid on such products.

(7) **Returned or destroyed goods.** A credit may also be taken for tobacco products destroyed or returned to the manufacturer on which tax was previously paid, but returns on which such credits are claimed must be accompanied by appropriate affidavits or certificates conforming to those illustrated below:

(a) Certificate of taxpayer.

Claim for Credit on Tobacco Products
Tax Merchandise Destroyed

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a dealer in tobacco products; that the dealer has destroyed merchandise unfit for sale, said tobacco products having a wholesale sales price of \$; that tobacco tax had been paid on such tobacco products; that the tobacco products were

destroyed in the following manner and in the presence of an authorized agent of the department of revenue:

.....
(State date and manner of destruction)

Attested to:
Date

By
Signature of Taxpayer or
Authorized Representative.
.....
Position with Dealer
.....
Dealer
.....
Address of Dealer

APPROVED:

.....
Authorized Agent of
Department of Revenue of the
State of Washington.

(b) Certificate of manufacturer.

Claim for Credit on Tobacco Products
Tax Merchandise Returned:

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a manufacturer of tobacco products; that the manufacturer has received from (Dealer), (Address), a dealer in tobacco products within the State of Washington, certain tobacco products which were unfit for sale, the tobacco products having a wholesale sales price of \$; that the tobacco products were destroyed in the following manner:

.....
(Indicate date and manner of destruction)
Credit issued on Memo No.
credit approved by: Signature of Taxpayer or
Authorized Representative
.....
on behalf of the Department Name of Manufacturer
of Revenue - State of
Washington Address

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

EMERGENCY

WSR 03-06-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-39—Filed February 21, 2003, 4:23 p.m.]

Date of Adoption: February 21, 2003.

Purpose: Amend commercial and personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600R and 220-56-33000S; and amending WAC 220-52-046 and 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is in response to Washington State Department of Health (DOH) closure of Willapa Bay to the harvest of crab due to potential health risk posed to consumers. DOH tests indicate that crab viscera sampled from Dungeness crab taken in the southern portion of Willapa Bay is below the action level for domoic acid and are safe for human consumption. This action will allow harvest of the resource in this area. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

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

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

Effective Date of Rule: Immediately.

February 21, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04600T Crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful to possess Dungeness crab from those waters of Willapa Bay for commercial purposes, except that it is lawful to fish for, set gear, and possess crab taken in the waters of Willapa Bay due south of a line (running east to west) at 46°38'00 N. It is law-

ful to transport crab caught in the waters of the Pacific Ocean through the waters of Willapa Bay.

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 220-56-33000U Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to possess Dungeness crab from those waters of Willapa Bay, except that it is lawful to fish for, set gear, and possess crab taken in the waters of Willapa Bay due south of a line (running east to west) at 46°38'00 N. It is lawful to transport crab caught in the waters of the Pacific Ocean through the waters of Willapa Bay.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-04600R	Crab fishery—Seasons and areas. (03-16)
WAC 220-56-33000S	Crab fishery—Areas and seasons. (03-17)

WSR 03-06-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-37—Filed February 25, 2003, 1:15 p.m., effective March 1, 2003, 12:01 a.m.]

Date of Adoption: February 25, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900K; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The current rule, adopted in 2002, was contested by landowners in the affected area. A compromise proposal was approved for the 2003/2004 rules pamphlet, but does not take effect until May 1, 2003. The months of March and April in 2003, therefore, are not covered by this recent adoption. These changes will allow anglers the opportunity to harvest walleye above state Highway 17 during March and April. The gear restriction will reduce illegal harvest activities during the spring spawning run of walleye. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: March 1, 2003, 12:01 a.m.

February 25, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900K Exceptions to statewide rules—Crab Creek Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. March 1, 2003 through April 30, 2003, it is lawful to fish for gamefish in those waters of Crab Creek and tributaries upstream of Highway 17 upstream to Grant County Road 7.

(2) Effective 12:01 a.m. March 1, 2003 through April 30, 2003, terminal gear is restricted to one single hook measuring 3/4 inch or less from point to shank in those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill, and from Moses Lake downstream to the confluence of the outlet streams.

[REPEALER]

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 1, 2003:

WAC 232-28-61900K Exceptions to statewide rules—Crab Creek.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**WSR 03-06-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-40—Filed February 25, 2003, 2:44 p.m., effective February 27, 2003, 12:01 a.m.]

Date of Adoption: February 25, 2003.
Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000M.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Pot limits are repealed to allow the state commercial fishery to reach its quota in Marine Fish Shellfish Catch Areas 20A, 20B, 21A, 21B, 22A, and 22B. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: February 27, 2003, 12:01 a.m.

February 25, 2003

J. P. Koenings

Director

by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 27, 2003:

WAC 220-52-04000M Commercial crab fishery—
Exceptions to permanent
rules for pot limits. (02-305)

**WSR 03-06-045
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed February 28, 2003, 3:19 a.m., effective March 1, 2003]

Date of Adoption: February 25, 2003.

Purpose: Copayment levels of \$25 or more a month for families of the subsidized child care program (working connections child care, WCCC) will increase by \$25. The WCCC program will also cease authorization of unfunded portions of the program. These changes are due to budget

EMERGENCY

shortfalls and at the request of the governor. The sections of chapter 388-290 WAC that are being revised are WAC 388-290-0075, 388-290-0085, and 388-290-0190. WAC 388-290-0210 is being repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-290-210; and amending WAC 388-290-0075, 388-290-0085, and 388-290-0190.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085, 74.12.340.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The governor has directed the Department of Social and Health Services to increase copayment levels for families of the subsidized child care program and cease authorization of unfunded portions of the program due to budget shortfalls. All families currently paying a \$25 a month or larger copay will have their on-going copay increased \$25.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 1.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 1.

Effective Date of Rule: March 1, 2003.

February 25, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-14-067, filed 6/27/02, effective 8/1/02)

WAC 388-290-0075 What are the steps the WCCC program takes to determine my family's WCCC eligibility and copayment amount? The WCCC program takes the following steps to determine your WCCC income eligibility and copayment:

- (1) Determine your family size (under WAC 388-290-0015); and
- (2) Determine your countable income (under WAC 388-290-0065).
- (3) If your family's countable monthly income falls within the range below, then your copayment is:

YOUR INCOME	YOUR COPAYMENT is:
At or below 82% of the FPL	\$15
Above 82% of the FPL up to 137.5% of the FPL	\$((25)) <u>50</u>
Above 137.5% of the FPL - 200% of the FPL	The dollar amount equal to subtracting 137.5% of FPL from countable income, multiplying by 44%, then adding \$((25)) <u>50</u>
Income above 200% of the FPL, you are not eligible for WCCC benefits.	

AMENDATORY SECTION (Amending WSR 02-14-067, filed 6/27/02, effective 8/1/02)

WAC 388-290-0085 When might my WCCC copayment change? (1) Once we have determined that you are eligible for WCCC benefits, your copayment could change when:

- (a) Your activity changes under WAC 388-290-0040, 388-290-0045, or 388-290-0050;
- (b) Your monthly income decreases;
- (c) Your family size increases;
- (d) You are no longer eligible for the three-month TANF grant exemption under WAC 388-290-0070(h) or the minimum copayment under WAC 388-290-0090;
- (e) There is a mass change in benefits due to a change in law or program funding.

(2) If your copayment changes during your eligibility period, the change is effective the first of the month following the change.

(3) We do not increase your copayment during your current eligibility period when your countable income remains at or below two hundred percent of the FPL, and:

- (a) Your monthly countable income increases; or
- (b) Your family size decreases.

AMENDATORY SECTION (Amending WSR 02-12-069, filed 5/31/02, effective 7/1/02)

WAC 388-290-0190 What does the WCCC program pay for and when can the program pay more? (1) We pay for:

- (a) Basic child care hours, either full day, half day or hourly:
 - (i) A full day of child care is authorized to licensed/certified facilities and seasonal day camps that have contracted with us to provide subsidized child care when care is needed for five or more hours per day;
 - (ii) A half day of child care is authorized to licensed/certified facilities and seasonal day camps that have contracted with us to provide subsidized child care when care is needed for less than five hours per day; and
 - (iii) Hourly child care is authorized when the provider is an in-home/relative.
- (b) A registration fee (under WAC 388-290-0245);
- (c) An activity fee (under WAC 388-290-0245);

EMERGENCY

(d) (~~Care for nonstandard hours (under WAC 388-290-0210 and 388-290-0215);~~

(~~e~~)) An infant bonus (under WAC 388-290-0250); and
(((~~f~~))) (e) Special needs care when the child has a documented need for higher level of care (under WAC 388-290-0220, 388-290-0225, 388-290-0230, and 388-290-0235).

(2) We pay more than the basic child care subsidy daily rate if:

(a) Care is not available at our daily rate within a reasonable distance, then the provider's usual daily rate is authorized; or

(b) Care is over ten hours per day, then an additional amount of care is authorized.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-290-0210 When can the WCCC program authorize the nonstandard hour child care bonus?

WSR 03-06-050
EMERGENCY RULES
DEPARTMENT OF HEALTH
[Filed February 28, 2003, 11:33 a.m.]

Date of Adoption: February 26, 2003.

Purpose: Amends WAC 246-562-020 to increase the availability of specialist waivers from 25% to 50% of total waivers each program year; and makes all unused waivers as of June 1 of each year available to both specialists and primary care physicians.

Citation of Existing Rules Affected by this Order: Amending WAC 246-562-020.

Statutory Authority for Adoption: Chapter 70.185 RCW.

Other Authority: Public Law 107-273.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Public Law 107-273, passed as HR 2215 on November 2, 2002. Recent direction for implementation from the United States Department of State makes it necessary for the Department of Health to immediately change the rules to not adversely impact applications already in process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Effective Date of Rule: Immediately.

February 28, 2003

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

WAC 246-562-020 Authority to sponsor visa waivers. (1) The department of health may assist communities to recruit and retain physicians, or other health care professionals, as directed in chapter 70.185 RCW, by exercising an option provided in federal law, 8 U.S.C. Sec. 1184(l) as amended by Public Law 107-273 and 22 C.F.R. 514.44(e). This option allows the department of health to sponsor a limited number of visa waivers each federal fiscal year if certain conditions are met.

(2) The department may acknowledge sponsorship proposed by federal agencies, including the United States Department of Agriculture.

(3) The department may carry out a visa waiver program, or, in the event of resource limitations or other considerations, may discontinue the program. Purposes of the program are:

(a) To increase the availability of physician services in existing federally designated shortage areas for health care facilities that have long standing vacancies;

(b) To improve access to physician services for communities and specific under-served populations that are having difficulty finding physician services;

(c) To serve Washington communities which have identified a physician currently holding a J-1 visa as an ideal candidate to meet the community's need for primary health care services or specialist services as allowed by WAC 246-562-080.

(4) The department may only sponsor a visa waiver request when:

(a) The application contains all of the required information and documentation;

(b) The application meets the criteria contained in chapter 246-562 WAC.

(5) The department will limit its activities:

(a) Prior to submission of an application, the department may provide information on preparing a complete application;

(b) For applicants that have benefited from department sponsorship previously, the applicant's history of compliance will be a consideration in future sponsorship decisions;

(c) Because the number of sponsorships the department may provide is limited, and because the number of shortage areas is great, sponsorship will be limited. In any single pro-

EMERGENCY

gram year, a health care facility in any one designated health professional shortage area or medically underserved area:

- (i) Will not be allotted more than two sponsorships; and
- (ii) Will not be allotted more than one specialist sponsorship as allowed by WAC 246-562-080((4)) (5);

(d) In any given program year ((seventy-five)) fifty percent of federally allocated sponsorships will be allotted for primary care physicians((-Twenty-five)) and fifty percent of federally allocated sponsorships will be allotted for specialists through May 31. Any waiver sponsorships that remain unfilled on June 1 of each program year will be available to both primary care physicians and specialists consistent with the provisions of this chapter.

WSR 03-06-052

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 28, 2003, 3:43 p.m.]

Date of Adoption: February 28, 2003.

Purpose: To amend chapter 468-70 WAC so that certain rules conflicting with 2002 legislative activity are corrected.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-70-080 Fee schedule; and amending WAC 468-70-070 Permits and procedure.

Statutory Authority for Adoption: ESHB 2451, the 2002 Supplemental Appropriations Bill.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: ESHB 2451 removed the Department of Transportation's funds used to administer its motorist information sign program. The procedures and fees contained in WAC 468-70-070 and 468-70-080, respectively, were dependent on the funds. Thus, passage of ESHB 2451 created a conflict within these rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 1.

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

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

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

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

Effective Date of Rule: Immediately.

February 28, 2003

John F. Conrad

Assistant Secretary

AMENDATORY SECTION (Amending Order 196, filed 12/22/99, effective 1/22/00)

WAC 468-70-070 Permits and procedure. (1) No business signs will be installed on motorist information sign panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation regional office in care of the regional administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application forms, which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of the business location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, measured to the bottom of the sign for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW 47.36.310, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. Business signs may not display messages advertising products or services incidental to the qualifying motorist service activity. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

~~(6) ((A nonrefundable application processing fee as prescribed in WAC 468-70-080 (1)(a)) will accompany each application. Such fee may only be refunded if, after approval, the activity is not signed for reasons caused by the department.~~

~~(7))~~ Any party aggrieved by an application determination of the department shall be accorded hearing rights before

the secretary of transportation or his designee pursuant to chapter 34.05 RCW.

~~((8))~~ (7) Fabrication and installation of business signs:

(a) Once an application is approved, the department will request the business to provide the signs for installation. Such signs shall be built to the department's specifications prescribed by WAC 468-70-060. Prior to installation the business shall ~~((be billed and pay for the installation cost prescribed in WAC 468-70-080(1)(b)))~~ agree to reimburse the department for the actual installation costs.

(b) ~~((When requested by a business, the department will manufacture business signs composed of standard solid color background with standard die-cut or silk screened highway sign letters used for messages. The department does not manufacture business signs having nonstandard colors, nonstandard letters, or pictorial business symbols or trademarks. The manufacturing and installation fees for business signs manufactured by the department are prescribed in WAC 468-70-080(2)(a) or (b), and shall be prepaid prior to manufacture and installation.))~~ The reimbursable business sign installation fees referenced in (a) of this subsection may vary from sign site to sign site.

~~((9))~~ (8) Business sign and motorist information sign panel maintenance and replacement:

(a) ~~((For a business which provides its own business signs to the department, an annual permit fee of fifty dollars shall be charged. (Effective January 1, 2001, this annual permit fee will no longer be charged by the department.))~~ Maintenance replacement business signs shall be provided by the business, when requested by the department to replace weather worn business signs. The department will install the replacement business sign after ~~((prepayment for the installation fees as prescribed in WAC 468-70-080(1)(b)))~~ the business agrees to reimburse the department for the actual installation costs as described in subsection (7) of this section.

(b) ~~((For business signs manufactured by the department, the department will notify businesses when business signs need replacement because of weather wear and will manufacture and install such replacement business signs after prepayment for the manufacturing and installation fees prescribed in WAC 468-70-080(2)(a) or (b).))~~

(e)) The annual maintenance replacement fee charged to each business for motorist information sign ~~back~~ panels is ~~((prescribed in WAC 468-70-080(3)))~~ one hundred dollars for businesses signed at interchanges and thirty-five dollars for businesses signed at intersections.

~~((4))~~ (c) Annual maintenance fees shall be paid within thirty calendar days after the anniversary of the permit issue. These fees will not be prorated for fractions of the year in the event of business sign removal or coverage. Failure to pay the annual maintenance fees within thirty calendar days after the anniversary of the permit issue will cause the permit to expire and the business signs to be removed from the motorist information sign panels.

~~((10))~~ (9) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department. The department will not reassign permits in the event of change of both ownership and operation.

~~((11))~~ (10) Revocation and expiration:

(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.05 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:

(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that exceeds the height requirements set forth in this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the motorist service activity must meet the requirements of any other applying motorist service activity.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-70-080 Fee schedule.

WSR 03-06-059

EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed February 28, 2003, 4:54 p.m.]

Date of Adoption: February 28, 2003.

Purpose: The department is amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750, and implementing new WAC 388-805-350 and 388-805-040, regulating opiate substitution treatment programs. Emergency WAC adoptions were submitted to the Washington State Code Reviser's Office on March 8, 2002, July 5, 2002, and November 1, 2002, that modified Washington Administrative Codes to begin recognizing the Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration (SAMHSA) certification standards and implement the requirements of SSB 5417, an act relating to opiate substitution treatment programs that amended chapter 70.96A RCW effective July 22, 2001. This emergency rule adoption will extend the first three emergency rules for another one hundred twenty days. Preproposal statement of inquiries were filed as WSR 02-10-112, and the department is actively undertaking appropriate procedures to adopt the rules as permanent rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750.

Statutory Authority for Adoption: Chapter 70.96A RCW, and 42 Code of Federal Regulations (C.F.R.), Part 8.

Other Authority: SSB 5417 (chapter 242, Laws of 2001).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The CSAT, SAMHSA adopted 42 C.F.R., Part 8, Certification of Opioid Treatment Programs January 17, 2001, effective May 18, 2001, regulating opiate substitution treatment programs. SSB 5417, an act relating to opiate substitution treatment programs amended chapter 70.96A RCW effective July 22, 2001. Emergency rules are necessary to permit the department to certify eligible opioid treatment programs while permanent rules are being developed.

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 2, Amended 11, 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 2, Amended 11, Repealed 0.

Effective Date of Rule: Immediately.

February 22, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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 03-07 issue of the Register.

WSR 03-06-091
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)
[Filed March 4, 2003, 3:58 p.m.]

Date of Adoption: March 4, 2003.

Purpose: The purpose of the proposed emergency rule adoption for emergency respite centers (ERC) (WAC 388-148-1205 through 388-148-1300) is to establish licensing standards immediately for programs providing out-of-home

placement to children at risk of child abuse/neglect. Licensing standards do not currently exist for ERC. The emergency rules would provide protection to the children placed by their parents or legal guardians with ERC.

Statutory Authority for Adoption: RCW 74.15.020, as amended by chapter 230, Laws of 2001, RCW 74.15.280.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are emergency respite centers sometimes called crisis nurseries in operation across the state. Several agencies have built new facilities that have not received certificates of compliance from the Department of Health or Office of State Fire Marshal. Children's Administration is proposing the emergency WACs to provide for the safety of any child placed in an emergency respite center while permanent rules are developed. Progress has been made on the development of permanent rules. Proposed rules were filed as WSR 03-01-117, and a public hearing was held on February 25, 2003. When permanent rules are filed and effective, they will replace and supersede these emergency rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 20, 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 20, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 4, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

EMERGENCY RESPITE CENTER—
EMERGENCY WAC

NEW SECTION

WAC 388-148-1205 What is an emergency respite center? An emergency respite center is a licensed facility sometimes called a crisis nursery that provides emergency and crisis care for up to seventy-two hours to children who are admitted by their parents or guardians to prevent abuse or neglect.

NEW SECTION

WAC 388-148-1210 What services may be provided or arranged for by the emergency respite center? An emergency respite center must maintain current information on community services or provide referral services that are needed by the families they serve. The services also may include:

- (1) An intake assessment and referral; and
- (2) The provision of direct child care.

NEW SECTION

WAC 388-148-1215 What services must emergency respite centers not provide? An emergency respite center may not provide services that substitute for crisis residential centers, HOPE centers, or any other services required under chapter 13.32A (Family reconciliation services) or 13.34 RCW (Child welfare dependencies).

NEW SECTION

WAC 388-148-1220 Who may provide emergency respite services? Emergency respite centers may provide emergency respite services to children who are admitted by their parents or legal guardians to prevent abuse or neglect.

NEW SECTION

WAC 388-148-1225 May a facility be licensed as an emergency respite center and a child care center? A licensed emergency respite center may also be licensed as a child care center.

NEW SECTION

WAC 388-148-1230 Who may an emergency respite center serve? (1) Emergency respite centers may provide care for children from birth through seventeen years.

(2) There is one situation when an emergency respite centers may provide care for a person eighteen through twenty years of age. That situation is when an eighteen through twenty-year old person is developmentally disabled and admitted by their parent or legal guardian with a sibling who is under eighteen.

NEW SECTION

WAC 388-148-1235 What hours are emergency respite centers open? An emergency respite center may be open twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-148-1240 Who may place children in emergency respite center? A parent or legal guardian of a child may place a child in an emergency respite center.

NEW SECTION

WAC 388-148-1245 How long may a child stay in an emergency respite center? A child may be placed in an emergency respite center for up to seventy-two hours.

NEW SECTION

WAC 388-148-1250 What written information is needed before a child is admitted to an emergency respite center? An emergency respite center must obtain the following written consent and information from the parent or guardian before a child may be accepted for emergency respite care:

- (1) Permission from the child's parent or guardian authorizing the placement of their child in an emergency respite center;
- (2) Permission to seek emergency medical care on behalf of their child;
- (3) Basic family information, including address, telephone numbers, and emergency contact; and
- (4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

NEW SECTION

WAC 388-148-1255 Is a health history required upon admission to an emergency respite center? Emergency respite centers are not required, but may obtain a health history upon admission from the parent, legal guardian, or child-placing agency placing a child for emergency respite services.

NEW SECTION

WAC 388-148-1260 Must all children accepted for care in an emergency respite center have current immunizations? Emergency respite centers may accept a child who is not current with immunizations for care in an emergency respite center.

NEW SECTION

WAC 388-148-1265 What are the qualifications for an executive director or an emergency respite center? The executive director of an emergency respite center must meet the qualifications for a group care executive director (WAC 388-148-0700), except that a degree in early childhood education may substitute for a degree in social science.

NEW SECTION

WAC 388-148-1270 What are the qualifications for the on-site program manager for an emergency respite center? The on-site program manager for an emergency respite center must meet the qualifications for the group care on-site program manager (WAC 388-148-0720), except that a degree in early childhood education may be substituted for a degree in social science.

NEW SECTION

WAC 388-148-1275 Are professional consultants needed for an emergency respite center? (1) Emergency respite centers must have consultants available, as needed to work with your staff, the children you serve, and the children's families. The consultants must meet the full professional competency requirements in their respective fields. The consultant or consultants must have:

- (a) The training, experience, knowledge and demonstrated skills in each area that he or she will be supervising;
 - (b) The ability to ensure your staff develop their skills and understanding needed to effectively manage their cases;
 - (c) Knowledge of mandatory child abuse and neglect reporting requirements; and
 - (d) Training and experience in early childhood education.
- (2) Consultants may be hired as staff or operate under a contract with an emergency respite center.

NEW SECTION

WAC 388-148-1280 What is the ratio of child care staff to children in an emergency respite center? (1) At all times, emergency respite centers must have the following minimum staffing ratios:

- (a) At least two staff on duty when children are present;
 - (b) One child care staff providing visual or auditory supervision;
 - (c) One staff for every two children when children are birth through two years old;
 - (d) One staff for every three children when children are three through five years old;
 - (e) One staff for every eight children when children are six through seventeen years old.
- (2) You must have relief staff so that all staff can have the equivalent of two days off a week.

NEW SECTION

WAC 388-148-1285 What are the requirements for supervision of children placed in an emergency respite center? (1) Emergency respite centers must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) Emergency respite centers must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Staff, volunteers, and others caring for children at an emergency respite center must provide the children with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In emergency respite centers, children must be within visual or auditory range at all times.

(6) When a child exhibits behavior that poses a safety risk to other children in care, the child must not share a bedroom with other children.

NEW SECTION

WAC 388-148-1290 What fire safety requirements must I follow to receive a license as an emergency respite center? An emergency respite center must comply with the requirements for fire and life safety of the office of the State Fire Marshal under chapter 212-12 WAC.

NEW SECTION

WAC 388-148-1295 Does an emergency respite center need approval from the department of health? An emergency respite center must receive a certificate of compliance from the department of health before the department (DSHS) will issue an emergency respite center license.

NEW SECTION

WAC 388-148-1300 What licensing requirements in chapter 388-148 WAC must I follow to be licensed as an emergency respite center? (1) An emergency respite center must comply with the group care licensing requirements and the following sections of chapter 388-148 WAC:

- (a) WAC 388-148-0005 through 388-148-0215;
- (b) WAC 388-148-0260 through 388-148-0330;
- (c) WAC 388-148-0345 through 388-148-0450;
- (d) WAC 388-148-0465 through 388-148-0490;
- (e) WAC 388-148-0565;
- (f) WAC 388-148-0575 through 388-148-0605;
- (g) WAC 388-148-0660 through 388-148-0690;
- (h) WAC 388-148-0700 through 388-148-0720; and
- (i) WAC 388-148-0730 through 388-148-0740.

(2) To be licensed as an emergency respite center you must comply with the specific section of chapter 388-148 WAC that applies to emergency respite centers WAC 388-148-1205 through 388-148-1300, in addition of the subsection (1) above.

WSR 03-05-016
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed February 7, 2003, 3:53 p.m.]

Following is the Department of Social and Health Services' Semi-Annual Rule-Making Agenda, by administration, for January 1, 2003, through June 30, 2003. This report will

be published in the state register pursuant to RCW 34.05.314, and distributed to interested parties.

This report represents rule-making activity that can be forecast at this time. There may be additional rule-making activity resulting from legislative actions, to comply with federal mandates, from the on-going reviews to meet the regulatory reform efforts of Executive Order 97-02, or to meet unforeseen circumstances

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Semi-Annual Rule-Making Agenda
January 1, 2003 through June 30, 2003

This report describes the projected rule-making activity by DSHS administrations and divisions from January 1, 2003, through June 30, 2003. DSHS publishes this rule-making agenda semi-annually to comply with RCW 34.05.314.

The rule-making agenda represents activity that can be forecast at this time. There may be additional DSHS rule-making activity during this period to comply with new laws, to meet federal requirements, or to respond to unforeseen circumstances.

For questions about this rule-making agenda and the DSHS rule-making process, please contact Andy Fernando, DSHS Rules Coordinator, at P.O. Box 45850, Olympia, WA 98504-5850, by phone at (360) 664-6094, or by e-mail at FernaAX@dshs.wa.gov. If you are interested in receiving DSHS rule-making notices, please contact Fred Swenson at the DSHS Rules and Policies Assistance Unit by phone at (360) 664-6097 or by e-mail at SwensFH@dshs.wa.gov.

Following the tables are explanations of the terms CR-101, CR-102, CR-103 and CR-105.

AGING AND DISABILITY SERVICES ADMINISTRATION			
Division of Developmental Disabilities			
WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
WAC 388-820-020, 388-820-050, 388-820-300, 388-820-400, 388-820-690	DDD community residential services and supports	Same	CR-101, CR-102, CR-103 Adding definitions; mental health bed service; exemption for clients in mental health beds; requirements for mental health beds; reference to mental health beds.
WAC 388-820-030, 388-820-050, 388-820-070, 388-820-090, 388-820-100, 388-820-120, 388-820-230, 388-820-260, 388-820-290, 388-820-310, 388-820-320, 388-820-330, 388-820-350, 388-820-550, 388-820-560, 388-820-580, 388-820-610, 388-820-640, and 388-820-650	DDD community residential services and supports	Same	CR-101, CR-102, CR-103 Amending and clarifying language.
Chapters 388-825, 388-820, and 388-850 WAC	DDD community residential services and supports; DDD services rules	DDD state supplementary payment program	CR-102, CR-103 Amending and adopting new rules to implement legislation (SSB 6387) on DDD state supplementary payment program; and revising eligibility rules.
Chapter 388-825 WAC	DDD services rules	Eligibility for DDD services	CR-101, CR-102, CR-103 Revising rules affected by new legislative budget directives; other changes to eligibility criteria.

MISC.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
Home and Community Services Division			
Chapters 388-72A (new), 388-71, and 388-105 WAC	Untitled new chapter; Social services for adults; and Medicaid rates for contracted home and community residential care service rates	Comprehensive assessment reporting and evaluation (CARE) tool	CR-102, CR-103 Developing a new chapter of Title 388 WAC to implement the new home and community services comprehensive assessment tool and rates. Also, related amendments to chapters 388-71 and 388-105 WAC as appropriate. Public hearing scheduled for February 4, 2003.
WAC 388-15-650 through 388-15-662; Chapter 388-71 WAC	From "Child protective services" to "Social services for adults"	Adult day care/adult day health	CR-102, CR-103 Moving and revising adult day care/adult day health rules from chapter 388-15 WAC (now Child protective services) to chapter 388-71 WAC, Social services for adults. Public hearings scheduled for February 4, 2003, in Lacey, and February 5, in Spokane.
Chapters 388-71 and 388-515 WAC	Social services for adults; Alternate living—Institutional medical	Medically needy (MN) waiver and community options program entry system (COPES)	CR-102, CR-103 Adopting rules to establish the medically needy waiver program; amending COPES rules to reflect changes in the program requirements and/or options; and complying with Executive Order 97-02.
WAC 388-71-0400 through 388-71-0480	Social services for adults, home and community programs	Home and community programs	CR-102, CR-103 To establish and clarify: (1) What constitutes living with other for clients who receive in-home services from Medicaid personal care, COPES or Chore; (2) what services may be authorized when a client lives with another person(s); and (3) the amount of services a person can receive when they live with another person(s).
WAC 388-71-0805, 388-71-0810, 388-71-0815, 388-71-0820, and 388-71-0840	Social services for adults, program for all-inclusive care for the elderly	Program for all-inclusive care for the elderly (PACE)	CR-102, CR-103 To clarify PACE requirements, additional options under PACE, and make other amendments as necessary.
WAC 388-71-1065 through 388-71-1095	Respite care	Family caregiver support program	CR-101 Amending the respite care subchapter to include the family caregiver support program per state legislation.
WAC 388-79-010, 388-79-020, 388-79-030, and 388-79-040	Guardianship fees for clients of the department	Same	CR-102, CR-103 To provide for a total of thirty days for proceedings; prohibit deductions from participation for fees and costs incurred prior to Medicaid eligibility; limit, to the extent possible, the court's ability to advance fees at one accounting and to award higher fees at a later accounting.
Chapters 388-112 and 388-71 WAC	Residential long-term care services; Social services for adults	Same	CR-102, CR-103 Amending rules adopted in 2002 to correct typographical errors without changing the effect of the rules.

MISC.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
Residential Care Services Division			
WAC 388-76-650, 388-76-655, 388-76-76500 series	Adult family homes	Same	CR-102 To incorporate changes consistent with food worker rules of the Department of Health; address access to liability insurance; and clarify emergency evacuation and safety requirements.
Chapter 388-78A WAC	Boarding homes	Same	CR-102, CR-103 To review and update rules to be consistent with current practices in residential care and to make it more applicable to today's boarding home residents. Current rules will be repealed and replaced with new rules in chapter 388-78A WAC. Public hearing scheduled for March 11, 2003.
Chapter 388-110 WAC	Contracted residential care services	Same	CR-102 To incorporate dementia care pilot project standards into rule for contracting with boarding homes to provide dementia care to department clients, and to make revisions necessary as a result of amendments to chapter 388-78A WAC.
CHILDREN'S ADMINISTRATION			
Chapter 388-27 WAC	Child welfare services—Adoption services and adoption support	Adoption support eligibility	CR-103 Amending adoption support rules to clarify eligibility. Permanent rules adopted and effective January 27, 2003.
WAC 388-32-0020 and 388-32-0030	Child welfare services to prevent out-of-home placement and achieve family reconciliation	Family reconciliation services	CR-102 Amending rules to implement recent legislation and implement new twenty-four hour intake service.
New chapter 388-140 WAC	Licensing standards for group receiving centers	Same	CR-102 To establish under new rules licensing procedures and standards for group receiving center currently approved under waivers.
New chapter 388-145 WAC	Emergency respite centers	Licensing standards	CR-102, CR-103 New rules written to implement legislation (chapter 230, Laws of 2001). Public hearing scheduled for February 25, 2003.
Chapter 388-148 WAC	Foster homes and facility licensing requirements	Same	CR-102 Workgroup convened to develop amendments and additions to licensing chapter identified as problematic.
New chapter 388-180 WAC	Washington school for the deaf	Health and safety standards	CR-103 Adopting new rules to implement legislation (SHB 2568). Permanent rules filed January 24, 2003.

MISC.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
ECONOMIC SERVICES ADMINISTRATION			
Division of Child Care and Early Learning			
Chapters 388-150 and new 388-295 WAC	Minimum licensing requirements for child care centers	Same	CR-102, CR-103 Revising, repealing and moving the current chapter 388-150 WAC into new chapter 388-295 WAC.
Chapter 388-155 WAC	Minimum licensing requirements for family child care homes	Same	CR-102, CR-103 Revising this chapter to meet the governor's clear rule-writing mandate. Revisions may result in adopting new chapters of Title 388 WAC.
WAC 388-155-070 and 388-155-090	Minimum licensing requirements for family child care homes	Application and reapplication for licensure—Orientation, training, and investigation; and License denial, suspension, or revocation	CR-102, CR-103 Revising the rules to require family home providers must have government-issued identification, a valid social security card or individual tax identification to be licensed by the department.
Chapter 388-290 WAC	Working connections child care	Activity fees, copays and mandatory cooperation	CR-102 Changing and clarifying the rules including but not limited to activity fees, change in copayments during the authorization period and mandatory cooperation with quality assurance reviews.
New Chapter 388-292 WAC	Seasonal child care program	Same	CR-102 Moving and adopting new rules on eligibility, parent responsibilities and program guidelines for seasonal child care currently in chapter 388-165 WAC. New rule will be adopted in chapter 388-292 WAC.
Division of Child Support (DCS)			
WAC 388-14A-2000, 388-14A-2025, 388-14A-2080, 388-14A-3800, 388-14A-3810, 388-14A-4000, 388-14A-4300, and 388-14A-4304	Division of child support rules	Modifying support obligations	CR-102 Amending the rules to allow the Division of Child Support (DCS) to modify support obligations when both parties make informal arrangements and are unable to return to court to officially change the support order.
WAC 388-14A-3100, 388-14A-3102, 388-14A-3110, 388-14A-3115, 388-14A-3120, 388-14A-3370, and 388-14A-3810	Division of child support rules	Uniform Parentage Act	CR-102 Bringing DCS rules into compliance with new legislation (chapter 302, Laws of 2002).
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Modification of a support order	CR-102 Allowing for modification of a support order when it will not change by more than the current standard.
WAC 388-14A-4100, 388-14A-4110, 388-14A-4120, and 388-14A-4130	Division of child support rules	Medical child support obligations	CR-102 Developing new rules and procedures for enforcing medical child support obligations using the National Medical Support Notice.

MISC.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
New WAC 388-14A-6105, 388-14A-6110, 388-14A-6115, 388-14A-6120, and 388-14A-6125	Division of child support rules	Hearing procedures	CR-102, CR-103 Clarify hearing, reconsideration and review rights for individuals affected by DCS rules consistent with amendments to chapter 388-02 WAC, DSHS hearing rules.
Division of Employment and Assistance Programs			
Chapter 388-408 WAC	Assistance units	Same	CR-102, CR-103 This chapter will be revised to simplify the rules regarding inclusion in the assistance unit.
WAC 388-410-0030	Benefit error	How does the department calculate and set up my food assistance overpayment?	CR-103 Amending the rule to notify clients when their food assistance overpayment calculation disallows the earned income disregard or unreported income.
WAC 388-414-0001	Categorical eligibility for food assistance	Some food assistance units do not have to meet all eligibility requirements	CR-102, CR-103 Amendment will reflect changes in WorkFirst support services that impact which clients are categorically eligible for food assistance and do not have to meet certain requirements to get food assistance benefits.
Chapters 388-418, 388-424, 388-444, 388-450, and 388-478 WAC	Change of circumstance; Citizenship/ alien status; Food stamp employment and training; Income; and, Standards for payments	Eligibility and benefit level	CR-102, CR-103 Amending all necessary sections of Title 388 WAC to implement changes that affect client's eligibility and benefit level for food stamps and the state-funded food assistance program for legal immigrants.
WAC 388-424-0020, 388-450-0156, and 388-450-0160	Citizenship, alien status; Income	Alien status and requirements for food assistance; Exemptions; Counting sponsor's income	CR-102, CR-103 Adopting rules consistent with federal legislation concerning restored benefits to certain legal immigrants.
WAC 388-434-0010, 388-434-0015, 388-434-0020, and 388-434-0025	Eligibility reviews and recertification	Food stamp program—State options	CR-103 Amending rules on food assistance to implement changes in federal regulations and exercise state options for the food stamp program.
Chapters 388-440 and 388-426 WAC	Exception to rule; Client complaints	Same	CR-102, CR-103 Clarifying program requirements on exceptions and complaints and to comply with clear writing guidelines of the Governor's Executive Order 97-02.
Chapter 388-444 WAC	Food stamp employment and training	Same	CR-102, CR-103 Simplify and update language so that the rules are easier to read and use.
Chapter 388-448 WAC	Incapacity	Individual responsibility plan requirements—General assistance	CR-102, CR-103 Developing new individual responsibility plan requirements for general assistance recipients enrolled in WorkPlus.

MISC.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
WAC 388-448-0180	Incapacity	How and when we redetermine your eligibility if we decide you are eligible for GAX	CR-102, CR-103 Amending the rule to make reference to the correct type of hearing. "Administrative hearing" needs to be replaced by "appeals court review."
Chapter 388-450 WAC	Income	Income budgeting	CR-102, CR-103 Revising rules to incorporate federal requirements on income budgeting into the rule.
WAC 388-454-0006 and 388-454-0025	Living with a relative	Background checks	CR-101 Revising rules on background checks on adults who are acting in <i>loco parentis</i> without court ordered custody.
WAC 388-450-0045	Income	How do we count income from employment and training programs?	CR-102, CR-103 Updating the rule on how the department treats income from employment and training for cash, food and medical programs.
WAC 388-450-0135	Income	Allocating Income of an ineligible spouse to a GA-U client	CR-102, CR-103 Simplifying how the department allocates income from an ineligible spouse to a general assistance recipient.
WAC 388-460-0005	Payees on benefit issuances	Authorized representative for food assistance benefits	CR-102, CR-103 Updating the rule to reflect the department's use of electronic benefit transfer (EBT) for food assistance.
WAC 388-470-0005, 388-470-0012, 388-470-0045, and 388-470-0055 (amend); repealing WAC 388-470-0010, 388-470-0015, 388-470-0030, 388-470-0035, 388-470-0050, and 388-470-0065	Resources	Resources the client may own	CR-103 Amending the rules to make them easier for department client to understand how resources may affect their eligibility for assistance; repealing rules where the same information may be found in other rules.
WAC 388-484-0005	TANF/SFA five year time limit	There is a five year (sixty month) time limit for TANF, SFA and GA-S assistance	CR-103 Amending the rule to explain the time limit for cash assistance and how months are counted toward this time limit.
Chapter 388-490 WAC	Verification	Proof of eligibility	CR-102, CR-103 Streamlining the application process by standardizing how the department requests proof of eligibility.
WAC chapter not yet specified		Client reporting requirements	CR-101, CR-102, CR-103 Implementing quarterly reporting for clients.
WAC chapter not yet specified		Overpayments to clients	CR-101, CR-102, CR-103 Eliminating overpayments caused by agency error and amend all related rules.
WAC 388-448-0130		General assistance—Unemployable	CR-101, CR-102 Revising rules on services provided through the WorkPlus program to selected GA-U recipients to become employed.

MISC.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
WAC 388-61-001		Family violence amendment—TANF	CR-101, CR-102 Amending rules to align their intent with current practice.
HEALTH AND REHABILITATIVE SERVICES ADMINISTRATION			
Division of Alcohol and Substance Abuse			
Chapter 388-805 WAC	Certification requirements for chemical dependency treatment providers	Opiate substitution treatment programs, and certification requirements for service providers	CR-102, CR-103 Amending and adopting rules implementing SSB 5417 on certifying opiate substitution treatment programs. Review and revise rules using Governor's criteria for regulatory improvement.
Division of Vocational Rehabilitation			
Chapter 388-890, new 388-891 WAC	Rehabilitation services for individuals with disabilities	Vocational rehabilitation and independent living case services to individuals with disabilities	CR-103 Revising rules to comply with changes in federal and state laws, and with requirements of the department. Existing vocational rehabilitation services moved to a new chapter 388-891 WAC. Permanent rules filed December 20, 2002, and effective February 2, 2003.
Chapter 388-891 WAC	Rehabilitation services for individuals with disabilities	Disability related accommodations in institutions of higher education	CR-102 Adopting new rules to comply with changes in federal and state laws, and with requirements of the department.
WAC 490-500-520 (repeal and create new DVR chapter 388-XXX WAC)	Purchase of services—Selection criteria—Community rehabilitation programs	Change standards for community rehabilitation programs. Create standards for assistive technology service providers	CR-102 Amending rules to comply with changes in federal and state laws, and with requirements of the department. Subject matter will be adopted as a new chapter of Title 388 WAC.
Chapter 388-XXX WAC, (chapter not determined)	Rehabilitation service providers	Background checks	CR-101 Adopting rules to clarify background check requirements for providers supplying services to vocational rehabilitation clients.
Office of Deaf and Hard of Hearing Services			
Chapter 388-818 WAC	Deaf and hard of hearing services	Same	CR-102, CR-103 Implementing chapter 210, Laws of 2001; revising rules to incorporate technology advancements; revising the rules for clarity and to be more easily understood. Public hearing held January 7, 2003.
JUVENILE REHABILITATION ADMINISTRATION			
Chapter 388-700 WAC	Juvenile rehabilitation administration—Practices and procedures	Background checks	CR-101, CR-102, CR-103 Potential revisions due to changes in background check procedures.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
Chapter 388-720 WAC	Collection of costs of support, treatment, and confinement of juveniles	BOA related rules and process improvement review	CR-103 Review of chapter for potential process improvements and amending the rule to require administrative law judges to enter final orders on juvenile rehabilitation administration cases determine parent/guardian financial responsibility to pay support, treatment or confinement costs. Permanent rules filed December 10, 2002.
Chapter 388-730 WAC	Placement of juvenile offenders committed to the juvenile rehabilitation administration	Residential facilities for minimum security classification youth	CR-103 Amending sections in this chapter to reflect changes in available residential facilities for minimum-security classification youth. Permanent rules filed January 15, 2003.
Chapter 388-740 WAC	Juvenile parole revocation	Parole revocation process	CR-101 Potential rule changes for parole and revocation process clarification.
Chapter 388-745 WAC	Transfer of juvenile offenders to the Department of Corrections	Transfers to DOC	CR-101, CR-102, CR-103 Potential revisions due to changes in transfer procedures.
Chapter 388-750 WAC	Impact account—Criminal justice cost reimbursement	Reimbursement rates and procedures for criminal justice impact	CR-101 Potential rule changes to clarify reimbursement rates.
MEDICAL ASSISTANCE ADMINISTRATION			
WAC 388-416-0035, 388-478-0085, 388-517-0300	Certification periods; Standards for payments; Medicare-related eligibility	Medicare cost sharing; Medicare savings programs	CR-102, CR-103 Amending the rules concerning elimination of the QI-1 and QI-2 programs. No federal legislation to extend the programs.
WAC 388-475-1250	Healthcare for workers with disabilities program	Premium payments	CR-102 Amending the rule to comply with federal requirements regarding premium amounts to insure federal financial participation and to reflect policy contained in the Medicaid state plan.
WAC 388-500-0005	Medical definitions	Same	CR-103 Updating the general definitions used throughout MAA rules. Public hearing held January 7, 2003.
WAC 388-500-0005 and 388-501-0165	Medical definitions; and Administration of medical programs—General	"Medically necessary" definition	CR-102, CR-103 Amending the definition of "medically necessary" to incorporate the use of medical information that is supported by scientific evidence in its determination of services. Amending WAC 388-501-0165 to be consistent with the medically necessary definition.
WAC 388-501-0135	Administration of medical programs	Patients requiring regulation	CR-102, CR-103 Amending policy to improve medical supervision of patients who inappropriately overuse medical and pharmaceutical services.

MISC.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
WAC 388-502-0220, 388-502-0230, and 388-502-0260	Administration of medical programs—Providers	Vendor dispute resolution	CR-102, CR-103 Updating vendor dispute resolution process.
WAC 388-513-1350 and 388-513-1380	Client not in own home—Institutional medical	Maximum resources allowed and client participation for long-term care services	CR-102, CR-103 Amending the rules to increase the community spouse standards for long-term care program to be consistent with federal standards effective January 1, 2003.
WAC 388-513-1364, 388-561-0100 [388-513-0100] and 388-561-0100	Client not in own home—Institutional medical; and Trust, annuities and life estates	Evaluating the transfer of an asset made on or after March 1, 2003, for long-term care services; and Trusts	CR-103 Amending the rule to change the way the department determines a client's penalty period for transferring assets without adequate consideration. Amending the rules to clarify lifetime care contracts and sole benefit trusts as they relate to long-term care services financial eligibility.
WAC 388-513-1365	Client not in own home—Institutional medical	Evaluating the transfer of an asset made on or after March 1, 1997, for long-term care services	CR-102, CR-103 Amending rule to add closure date to time period to which this rule applies, in light of new asset transfer rule (WAC 388-513-1364) being adopted.
WAC 388-515-1530	Coordinated community AIDS alternative program (CASA)	Same	CR-105, CR-103 Expedited repeal of this rule is proposed because more appropriate chronic care services are now provided under COPES. The CASA waiver is no longer used.
WAC 388-527-2700	Estate recovery	Same	CR-102 Implementing changes from new federal guidelines and chapter 7, Laws of 2001, for estate recovery.
WAC 388-530-1270	Pharmacy services	Prescription drug mail order program	CR-103 Implementing legislative directives to provide a mail-order pharmacy option.
WAC 388-531-0050	Physician-related services	Same	CR-103 Correcting obsolete WAC cross-references.
WAC 388-533-1000	Maternity-related services	First steps childcare program	CR-102, CR-103 Revisions to clarify and update language pertaining to background check requirements, and to mirror background check requirements of other agencies.
Chapter 388-536 WAC	Federally qualified health centers and rural health centers	Same	CR-102 New WAC chapter will comply with federal financial changes, section 702 of BIPA 2000, and legislative directive to implement prospective payment system.
WAC 388-540-101	Kidney centers	Freestanding kidney centers	CR-102, CR-103 Implementing new payment methods and limits.
WAC 388-543-1100	Durable medical equipment provider requirements	Scope of coverage and coverage limitations	CR-105, CR-103 Correcting an erroneous cross-reference in subsection (3).

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
WAC 388-543-1225 (new)	Durable medical equipment provider requirements	Add section on provider requirements for proof of delivery	CR-103 Establishing specific documentation requirements for providers of durable medical equipment.
WAC 388-550-1900	Hospital services	Interns, residents, teaching physicians and physician preceptorships	CR-102 Amending rules to be consistent with industry standards; to establish MAA standards for supervising interns and residents in nonhospital settings; and expanding definition of "under primary care exception."
WAC 388-550-2501, 388-550-2511, 388-550-2521, 388-550-2531, 388-550-2541, 388-550-2551, 388-550-2561, 388-550-3381, and 388-550-3401	Hospital services	Acute physical medication and rehabilitation program	CR-103 Incorporates language from contract into WAC and eliminating contract; clarifies and updates program policy.
WAC 388-551-1000, 388-551-1010, 388-551-1200, 388-551-1210, 388-551-1300, 388-551-1310, 388-551-1315, 388-551-1320, 388-551-1330, 388-551-1340, 388-551-1350, 388-551-1360, 388-551-1400, 388-551-1410, 388-551-1500, 388-551-1510, 388-551-1520, and 388-551-1530	Alternatives to hospital services	Hospice care program	CR-102 Incorporating language from current agreements with hospice care centers into rule, and to update and clarify language.
Chapter 388-555 WAC	Interpreter services	Same	CR-102, CR-103 Changing how interpreter services are purchased and delivered. Implements legislative directive in SB 6832.
Chapter 388-556 WAC	Medical care—Other services provided	Disease management (new)	CR-102 Establishing a new supplemental service for individuals who are not institutionalized, not enrolled in managed care, and who suffer from certain diseases.
MANAGEMENT SERVICES ADMINISTRATION			
WAC 388-02-0215	DSHS hearing rules	Same	CR-102, CR-103 Clarifying cases where a department board of appeals may review an initial hearing decision by an administrative law judge.
Chapter 388-06 WAC	Background checks	Same	CR-101 Revising background check rules to incorporate additional DSHS programs.

WAC Chapter or WAC Section #	Chapter, Subpart Caption	Subject Matter or Section Caption	Anticipated Rule-Making Actions In the Period January through June 2003
DSHS HEADQUARTERS			
Chapter 388-01 WAC	DSHS organization/disclosure of public records	Same	CR-102 Updating and clarifying rules to reflect changes and improvements in procedures for responding to requests for disclosure of public records.

Explanation of terms as used in these tables:

"CR-101" is a **Preproposal Statement of Inquiry**, filed per RCW 34.05.310. A CR-101 is a preliminary notice to the public that the agency is in the planning stages to adopt, amend or repeal rules on a particular subject, and the laws authorizing the agency's action. The notice also lets the public know how to participate in the development of the agency rule, and identifies the agency's contact person.

"CR-102" is a **Proposed Rule-Making** notice, filed per RCW 34.05.320. A CR-102 is an announcement that includes: (1) A general description of the rules that the agency proposes to adopt, amend or repeal; (2) the laws authorizing the agency action; (3) the complete text of proposed rules; (4) if applicable, a small business economic impact statement; and (5) agency staff whom the public may contact about the rules. A CR-102 notice also includes the date and location of a public hearing to take formal comments about the proposed rules, the deadline for written comments, and where written comments may be sent. Except for expedited rules, an agency must file a CR-102, invite public comments and conduct a public hearing before adopting proposed rules as permanent.

"CR-103" is a **Rule-Making Order**, filed per RCW 34.05.360 and 34.05.380. A CR-103 is the official action and notice that an agency is adopting new, amended or repealed rules. A CR-103 includes the purpose of the rule-making order, the laws authorizing the agency's action, the date the permanent rules will take effect, and the complete text of the rules being adopted or the citation and caption of rules being repealed. Agencies also may use a CR-103 notice to adopt temporary emergency rules. Emergency rules may not become permanent unless the agency files a CR-102 notice, invites public comment on the proposed rules, conducts a public hearing, and complies with other applicable rule-making statutes.

"CR-105" is an **Expedited Rule-Making** notice, filed per RCW 34.05.353. Agencies may use this process to notify the public that it intends to adopt, amend or repeal limited types of rules without accepting public comment or conducting a public hearing. A CR-105 notice contains a description of the rule, the laws authorizing the agency's action, and the complete text of the rule being adopted or amended, or the citation and caption of rules being repealed. Within forty-five days after the CR-105 is published in the State Register, anyone may file a written objection to the agency using the expedited rule-making process to adopt the rule. If a written objection is received, the agency must file a CR-102 notice, invite public comments and hold a public hearing on the proposed rule before adopting it as permanent. If no objection is

received by the deadline, the agency may adopt the rule by filing a CR-103 Rule-Making Order.

All rule-making notices and orders are filed with the state Office of the Code Reviser for legal publication in the Washington State Register. Interested parties may receive copies of DSHS rule-making notices postal or e-mail by contacting Fred Swenson the DSHS Rules and Policies Assistance Unit, at (360) 664-6097, or at SwensFH@dshs.wa.gov. This document is also available electronically, by contacting Andy Fernando, DSHS Rules Coordinator, by e-mail at FernAX@dshs.wa.gov.

Andy Fernando
DSHS Rules Coordinator

WSR 03-06-010
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Memorandum—February 20, 2003]
NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

2405 East College Way
Mount Vernon, WA 98273

Tuesday, February 18, 2003
5:00 p.m.

Max Dale's Restaurant
2030 Riverside Drive
Mount Vernon, WA 98273

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Tuesday, February 18, 5:00 p.m. at Max Dale's Restaurant, 2030 Riverside Drive, Mount Vernon, WA.** This meeting is being held as an executive session to evaluate the qualifications of applicants for public employment.

MISC.

WSR 03-06-011

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—February 20, 2003]

NOTICE OF SPECIAL MEETING

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE**

2405 East College Way
Mount Vernon, WA 98273

Wednesday, February 19, 2003

5:00 p.m.

Sweetwater Bistro
416 Myrtle Street

Mount Vernon, WA 98273

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Wednesday, February 19, 5:00 p.m. at the Sweetwater Bistro, 416 Myrtle Street, Mount Vernon, WA.** This meeting is being held as an executive session to evaluate the qualifications of applicants for public employment.

WSR 03-06-012

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—February 20, 2003]

NOTICE OF SPECIAL MEETING

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE**

2405 East College Way
Mount Vernon, WA 98273

Thursday, February 20, 2003

5:00 p.m.

Max Dale's Restaurant
2030 Riverside Drive

Mount Vernon, WA 98273

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Thursday, February 20, 5:00 p.m., at Max Dale's Restaurant, 2030 Riverside Drive, Mount Vernon, WA.** This meeting is being held as an executive session to evaluate the qualifications of applicants for public employment.

WSR 03-06-013

**NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY**

(Public Employees Benefits Board)

[Memorandum—February 19, 2003]

**PUBLIC EMPLOYEES BENEFITS BOARD
2003 Meeting Schedule**

All meetings are held on Tuesdays and begin at 1:30 p.m. (unless otherwise noted).

1.	April 22, 2003 1:30 - 4:30 p.m. Location: To be determined
2.	July 29, 2003 1:30 - 4:30 p.m. Location: To be determined
3.	August 5, 2003 1:30 - 4:30 p.m. Location: To be determined
4.	October 21, 2003 (planning session retreat) 8:30 a.m. - 3:30 p.m. Location: To be determined
5.	November 25, 2003 (telephone) 1:30 - 4:30 p.m.

If you are a person with a disability and need a special accommodation, or if you have any questions regarding the meeting schedule or need further information, please contact Shelley Westall at (360) 923-2829.

WSR 03-06-017

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—February 21, 2003]

**BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETING
February 20, 2003**

The board of trustees of Eastern Washington University will hold a special meeting on Thursday, February 20, beginning at 7:00 p.m. at the Spokane Club, 1002 West Riverside, Spokane, WA 99201. The purpose of the meeting is to discuss with board members of the Community Colleges of Spokane K-20: Partnerships for Spokane's Future.

No final action will be taken at this meeting. Adjournment is scheduled for 9:30 p.m.

MISC.

WSR 03-06-018
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)
 [Memorandum—February 20, 2003]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, March 13, beginning at 9:30 a.m. in the Tacoma Rhodes Center, Vashon Room.

Action items for this one-day meeting include: Funding recommendations for projects in the nonhighway off-road vehicle (NOVA) program (NHR and ORV), and adoption of the future participation report. Additional agenda items include policy guidance for the NOVA program changes, discussion of the Thurston County Sports Park closure, policy manual updates, and management reports.

If you plan to participate or have materials for committee review, please submit information to IAC no later than February 27, 2003. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by March 3, at (360) 902-2637 or TDD (360) 902-1996.

WSR 03-06-019
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—February 21, 2003]

Notice of Special Meeting
for the Forest Practices Board

Per WAC 222-080-040, the Forest Practices Board will hold a special meeting on March 19, 2003, 9 a.m. - 5 p.m., at the Ramada Inn Governor House, 621 Capitol Way South, Washington Room, Olympia.

Mailing agendas to all individuals and groups on the board's mailing list also provides notice of these meetings. To be added to this distribution list, please use the contact Board Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1758, fax (360) 902-1428, e-mail forest.practicesboard@wadnr.gov.

To view this and other board related information on-line, log on to the Forest Practices Board's web site at www.wa.gov/dnr.

WSR 03-06-022
ATTORNEY GENERAL'S OFFICE

[Filed February 24, 2003, 3:07 p.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by March 26, 2003. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

03-02-05 Request by Rosemary McAuliffe
State Senator, 1st District

Has the State Board of Education exceeded the authority delegated to it by the Legislature under RCW 28A.195.040 and 010 when it adopted WAC 180-90-112 (State Register 03-04-053)?

WSR 03-06-023
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—February 24, 2003]

The board of trustees of Bellingham Technical College, Skagit Valley College, and Whatcom Community College will hold a special dinner meeting with legislators from the 10th, 39th, 40th, and 42nd Districts on Monday, February 24, 2003, at 6:30 p.m., at Portofino's Restaurant in Olympia, Washington. No action will be taken. Call 738-3105 ext. 334 for information.

WSR 03-06-025

AGENDA

DEPARTMENT OF AGRICULTURE

[Filed February 24, 2003, 4:03 p.m.]

**Additions to the
WSDA Semi-Annual Rules Development Agenda
(January 1, 2003 to June 30, 2003)**

Following are additions to the Department of Agriculture's Semi-annual Rules Development Agenda for the period January 1, 2003, through June 30, 2003, which was originally filed on January 31, 2003, in compliance with RCW 34.05.314. If you have any questions, please call George Huffman at (360) 902-1802 or e-mail ghuffman@agr.wa.gov.

**Washington State Department of Agriculture
Semi-Annual Rules Agenda,
January 1, 2003 - June 30, 2003
Additions as of February 24, 2003
P.O. Box 42560,
Olympia, WA 98504-2560**

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Pesticide Management Division						
WAC 16-200-750 through 16-200-887	Rules relating to commercial feeds.	Ali Kashani Pesticide Registration Pesticide Management Division Phone (360) 902-2028	11/6/02	5/03	7/03	As part of the department's Executive Order 97-02 rule review process, WAC 16-200-750 through 16-200-950 will be repealed and a new WAC chapter or chapters for commercial feed (including pet and specialty pet food) and processed animal waste products reflecting current industry practices will be proposed. The new chapter or chapters will be written in a clear and readable style. The rewritten rules will: (1) Increase the safety of animal feed by adapting applicable sections of Part 589.2000 of Title 21 of the Code of Federal Register (Animal proteins prohibited in ruminant feed) to WSDA feed rules. (2) Increase consistency between WSDA feed rules and the feed rules of many other states as well as the Association of American Feed Control (AAFCO) model regulations by incorporating applicable parts of the AAFCO commercial feed rules into WSDA feed rules. In addition to improving consistency between states the new WSDA rules will improve free trade between states.

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Chapter 16-228 WAC	General pesticide rules.	Ann Wick Program Manager Pesticide Management Division Phone (360) 902-2051	11/6/02	3/03	9/03	As part of its regular four year Executive Order 97-02 rule review, WSDA is proposing clarifying modifications to chapter 16-228 WAC and the incorporating of WAC 16-219-010 into the chapter. The department also proposes to repeal WAC 16-219-016 and 16-230-250 through 16-230-290.
WAC 16-219-010	Ziram—Bosc pears.					
WAC 16-219-016	Restricted use pesticides—Mevinphos (Phosdrin).					
WAC 16-230-250 through 16-230-290	Microencapsulated methyl parathion.					
Plant Protection Division						
NEW	Labeling rules for nursery stock.	Tom Wessels Program Manager Plant Services Phone (360) 902-1984	12/19/02	2/5/03	3/03	Rules would implement statutory requirement that nursery stock offered for sale in Washington state be labeled with the botanical and/or common name of the stock.
Commodity Inspection Division						
Chapter 16-403 WAC	Standards for apples marketed within Washington.	Jim Quigley Program Manager Fruit and Vegetable Inspection Program Commodity Inspection Division Phone (360) 902-1883	3/19/03 (CR-105)	Expedited Adoption	5/20/03	Amendments may be necessary to accommodate changes in United States standards for apples. WSDA, with industry involvement, is reviewing chapter 16-403 WAC to make sure that department apple standards are at-least-as-effective-as new United States standards for apples.
WAC 16-400-210	Other charges.	Jim Quigley Program Manager Fruit and Vegetable Inspection Program Commodity Inspection Division Phone (360) 902-1883	1/22/03	3/19/03	5/03	Proposing fee increases for fiscal years 2003 and 2004 for the hourly rate fees in WAC 16-400-210 (1)(a) and (b) and (5)(c). The fee increases for fiscal year 2003 will be at the fiscal growth rate factor of 3.29% and for 2004 at the rate of 3.2%. The fee increases are necessary to cover the increased cost of providing the related services identified in WAC 16-400-210. Also, WSDA is proposing to adopt USDA fee for good agricultural practices/good handling practices audit certifications.
Chapter 16-238 WAC	WSDA Grain inspection program—Fee schedule.	Randy Deike Program Manager Grain Inspection Program Commodity Inspection Division Phone (360) 902-1921	1/22/03	3/19/03	5/03	Proposing an increase in grain inspection fees for fiscal years 2003 and 2004 by the fiscal growth rate factors for those years (2003-3.29% and 2004-3.2%). The fee increases are necessary to cover the increased cost of providing inspection services. The chapter is also being rewritten in a clear and readable format.

MISC.

George Huffman
Rules Coordinator

WSR 03-06-027
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—February 24, 2003]

Special Board of Trustees Meeting for the Seattle Community College District VI

The Seattle Community College District VI board of trustees will be holding a special meeting on March 4, 2003, from 6:00 to 6:30 p.m. at Anthony's Homeport, 704 Columbia Street N.W., Olympia, WA.

WSR 03-06-037
RULES COORDINATOR
EMPLOYMENT SECURITY DEPARTMENT
 [Filed February 26, 2003, 2:10 p.m.]

In accordance with RCW 34.05.310, the Employment Security Department has designated Larry Oline to serve as the acting agency rules coordinator and hearings officer, effective October 1, 2002. Larry can be contacted at the ESD Contracts Office, 4317 Sixth Avenue S.E., P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 438-4010.

Cynthia Harris
 Acting Assistant Commissioner
 Administrative Services Division

WSR 03-06-041
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—February 25, 2003]

State Board of Education
 Meeting Schedule for 2003
 Revised

The State Board of Education will meet for regular business at the locations listed on the following dates:

January 15-17, 2003
 Educational Service District 113
 601 McPhee Road S.W.
 Olympia, WA 98502
 (360) 586-2933

March 19-21, 2003
 Educational Service District 113
 601 McPhee Road S.W.
 Olympia, WA 98502
 (360) 586-2933

May 21-23, 2003
 Sun Mountain Lodge
 P.O. Box 1000
 Winthrop, WA 98862-1000
 (509) 996-2211

June 20, 2003
 Fife School District Board Room
 5802 20th Street East
 Tacoma, WA 98424-2000
 (253) 284-1000

August 20-22, 2003
 Centralia School District
 2320 Borst Avenue
 Centralia, WA 98531
 (360) 330-7600

October 22-24, 2003
 Edmonds School District Board Room
 20420 68th Avenue West
 Lynnwood, WA 98036-7400
 (425) 670-7000

WSR 03-06-068
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Memorandum—February 28, 2003]

Special Board Meeting
Board of Trustees

The board of trustees of Bates Technical College will have a special meeting on March 4, 2003, from 12:00 p.m. to approximately 2:00 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The board will go into executive session for the purpose of discussing personnel matters. No action will be taken during executive session.

WSR 03-06-077
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—March 4, 2003]

BOARD OF TRUSTEES

Committee Meetings
 and
 Board of Trustees Meeting
 March 2003

Thursday, March 6, 2003
Cheney Campus, Pence Union Building
 5:00 - 8:00 p.m. Committee of the Whole—Strategic
 Plan Work Session
 PUB 263-267

MISC.

Friday, March 7, 2003

Riverpoint Campus, SIRTI Building

- 8:00 - 10:00 a.m. Academic Affairs Committee
SIRTI 425
Chair: Mark Mays
Staff: Brian Levin-Stankevich
- 10:00 - 11:45 a.m. Student Affairs Committee
SIRTI 425
Chair: Ines Zozaya-Geist
Staff: Bill Ponder
- 12:00 - 1:00 p.m. Executive Session
SIRTI 425
- 1:00 p.m. Board of Trustees Meeting
SIRTI 432

WSR 03-06-078

NOTICE OF PUBLIC MEETINGS

MARINE EMPLOYEES' COMMISSION

[Memorandum—March 3, 2003]

Change in March 2003 Public Meeting

There will be a change in the previously adopted schedule for the 2003 meeting schedule of the Marine Employees' Commission. The March 21, 2003, meeting will now begin at 10:30 a.m., rather than as originally published at 10:00 a.m. The location remains the same: 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way South. As previously published, the quarterly management team meeting will be held immediately following the commission meeting.

For further information, please call (360) 586-6354 or send an e-mail to mec@olywa.net.

WSR 03-06-082

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF AGRICULTURE

(Asparagus Commission)

[Memorandum—March 4, 2003]

Following is a change to the previously scheduled quarterly meeting of the Washington Asparagus Commission: Tuesday, March 25, 2003, **1:00 p.m.** This replaces the 9:00 a.m. time originally released. The meeting location remains the same: Franklin County PUD, 1411 West Clark Street, Pasco, WA 99301. If you have any questions please contact Cynthia Hayes, (509) 266-4303, or c_hayes@centurytel.net.

WSR 03-06-083

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed March 4, 2003, 3:46 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-85 MAA.
Subject: New rates for hospice services.
Effective Date: December 1, 2002.

Document Description: Retroactive to dates of service on and after October 1, 2002, the Medical Assistance Administration (MAA) implemented and began using the attached hospice fee schedule.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

February 28, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-06-084

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed March 4, 2003, 3:56 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-95 MAA.
Subject: Targeted vendor rate increase for ambulance services.

Effective Date: January 6, 2003.

Document Description: Effective with dates of service on and after January 1, 2003, the Medical Assistance Administration (MAA) will implement a one-time targeted vendor rate increase for ambulance services equal to approximately 25% of MAA's overall budget for the ambulance transportation program. This action was authorized by the 2002 legislature. Based on input from the Washington Ambulance Association (WAA), MAA will apply the rate increases stipulated in the numbered memorandum.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

February 28, 2003

E. A. Myers, Manager
Rules and Publications Section

MISC.

WSR 03-06-085
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 4, 2003, 3:56 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-97 MAA.
 Subject: Family planning clinics—Year 2003 changes and additions to CPT™ and HCPCS codes.

Effective Date: January 15, 2003.

Document Description: Effective for claims with dates of service on and after January 1, 2003, the Medical Assistance Administration (MAA) will begin using the year 2003 CPT™ and HCPCS Level II code additions as discussed in this memorandum. Maximum allowable fees for the year 2003 additions are also included.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

February 28, 2003

E. A. Myers, Manager
 Rules and Publications Section

WSR 03-06-087

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 4, 2003, 3:57 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-99 MAA.
 Subject: Therapy programs—Year 2003 changes and additions to CPT™ and HCPCS codes.

Effective Date: January 15, 2003.

Document Description: Effective for dates of service on and after January 1, 2003, the Medical Assistance Administration (MAA) will begin using the year 2003 CPT™ and HCPCS Level II code additions as discussed in this memorandum. Maximum allowable fees for the year 2003 additions are also included.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

February 28, 2003

E. A. Myers, Manager
 Rules and Publications Section

WSR 03-06-086

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 4, 2003, 3:57 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-98 MAA.
 Subject: Outpatient hospitals—Year 2003 changes and additions to CPT™ and HCPCS codes.

Effective Date: January 15, 2003.

Document Description: Effective for dates of service on and after January 1, 2003, the Medical Assistance Administration (MAA) will begin using the year 2003 CPT™ and HCPCS Level II code additions as discussed in this memorandum. Maximum allowable fees for the year 2003 additions are also included.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

February 28, 2003

E. A. Myers, Manager
 Rules and Publications Section

WSR 03-06-088

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 4, 2003, 3:57 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-03 MAA.
 Subject: Updates to prescription drug program expedited prior authorization codes and criteria.

Effective Date: February 1, 2003.

Document Description: Included with the attached February 2003 update of the Medical Assistance Administration's (MAA's) prescription drug program billing instructions is a revised expedited prior authorization (EPA) criteria code list. This EPA criteria code list is effective February 1, 2003, and contains revised criteria and codes, as well as additions and deletions of certain drugs, and replaces Memorandum #00-08.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

February 26, 2003

E. A. Myers, Manager
Rules and Publications Section

Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

February 26, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-06-089

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 4, 2003, 3:57 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-04 MAA.

Subject: Revised fee schedule for "other" durable medical equipment.

Effective Date: February 1, 2003.

Document Description: Effective for claims with dates of service on and after February 1, 2003, the Medical Assistance Administration (MAA) will begin using the attached fee schedule for MAA's wheelchairs, durable medical equipment, and supplies billing instructions.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

February 28, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-06-090

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 4, 2003, 3:58 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-05 MAA.

Subject: MAA taking positive steps to contain escalating costs of mass mailing provider publications.

Effective Date: March 1, 2003.

Document Description: The Medical Assistance Administration (MAA) is taking steps to help contain the escalating costs of mass mailing billing instructions and numbered memoranda to providers and other interested parties. **This memorandum explains MAA's plan to increase the use of electronic communications.**

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical

WSR 03-06-096

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 4, 2003, 4:02 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instruction.

Subject: Prescription drug program.

Effective Date: February 1, 2003.

Document Description: These are billing instructions for prescription drug providers to use when billing for services rendered to medical assistance clients. Included in this document are definitions, client eligibility, coverage information, compliance packaging, compounded prescriptions, TCS, special programs/services, authorization, reimbursement, billing, point of sale, and claim form instructions and samples.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

February 26, 2003

E. A. Myers, Manager
Rules and Publications Section

WSR 03-06-097

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 4, 2003, 4:02 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-87 MAA.

Subject: Change in prosthetic and orthotic devices fee schedule.

Effective Date: December 1, 2002.

Document Description: Effective for dates of service on and after December 1, 2002, the Medical Assistance Administration (MAA) will replace procedure code A5502 with procedure codes A5509 and A5511.

MISC.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

February 28, 2003
 E. A. Myers, Manager
 Rules and Publications Section

WSR 03-06-098
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 4, 2003, 4:02 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-94 MAA.
 Subject: Deadline extension for prior authorization policy.

Effective Date: January 2, 2003.

Document Description: Effective for dates of service on and after February 1, 2003, the Medical Assistance Administration (MAA) will require providers to submit written requests for prior authorization to MAA on a HCFA-1500 claim form with the date of service left blank and a copy of the prescription attached.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

February 28, 2003
 E. A. Myers, Manager
 Rules and Publications Section

WSR 03-06-103
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 5, 2003, 10:03 a.m.]

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was distributed to all state and local agencies, other interested parties, and posted on the internet on February 3, 2003, the industrial statistician has determined the statewide prevailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after March 5, 2003.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing

wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our website at www.lni.wa.gov/prevailing-wage or call (360) 902-5335.

Josh Swanson
 Legislative and Rules Manager

WSR 03-06-115
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Memorandum—March 5, 2003]

DSHS PUBLIC MEETINGS ON TWO PROPOSED SITES IN KING COUNTY FOR SECURE SEX OFFENDER HOUSING

As required by RCW 71.09.315(2), the Department of Social and Health Services (DSHS) will conduct a second round of public meetings during the month of March on the two proposed King County sites for sex offender secure community transitional housing. Meetings have been scheduled for the month of January as follows:

Saturday, March 22 11:00 a.m. - 1:00 p.m.	Peasley Canyon Site	Green River Community College (Gymnasium) 12401 S.E. 320th Street Auburn, WA 98092
Saturday, March 29 11:00 a.m. - 1:00 p.m.	Orillia Road Site	Washington State Criminal Justice Training Commission (Auditorium) 19010 1st Avenue South Burien, WA 98148

Written comments may also be sent to DSHS by e-mail to scotfcomments@dshs.wa.gov or by United States mail to: SCTF Comments, P.O. Box 45322, Olympia, WA 98504-5322.

MISC.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
3-20-100	REP-P	03-05-101	16-228-1266	NEW	03-05-033	16-662-115	AMD-X	03-03-123
3-20-200	NEW-P	03-05-101	16-229-010	AMD-P	03-05-075	16-750-005	AMD	03-04-001
3-20-300	NEW-P	03-05-101	16-229-200	AMD-P	03-05-075	16-750-011	AMD	03-04-001
4-25-721	PREP	03-05-012	16-303-200	AMD-P	03-03-130	16-750-015	AMD	03-04-001
16-54-155	NEW-E	03-03-085	16-303-210	AMD-P	03-03-130	36-12-170	AMD-W	03-06-072
16-157-020	AMD	03-03-044	16-303-230	AMD-P	03-03-130	36-14-120	NEW-W	03-06-072
16-157-030	AMD	03-03-044	16-303-250	AMD-P	03-03-130	98-70-010	PREP	03-04-077
16-157-100	REP	03-03-044	16-303-300	AMD-P	03-03-130	118-65-010	REP-P	03-04-108
16-157-110	REP	03-03-044	16-303-310	AMD-P	03-03-130	118-65-020	REP-P	03-04-108
16-157-200	REP	03-03-044	16-303-317	AMD-P	03-03-130	118-65-030	REP-P	03-04-108
16-157-220	AMD	03-03-044	16-303-320	AMD-P	03-03-130	118-65-040	REP-P	03-04-108
16-157-230	AMD	03-03-044	16-303-330	AMD-P	03-03-130	118-65-050	REP-P	03-04-108
16-157-240	AMD	03-03-044	16-303-340	AMD	03-06-005	118-65-060	REP-P	03-04-108
16-157-245	NEW	03-03-044	16-319-041	AMD	03-06-006	118-65-070	REP-P	03-04-108
16-157-250	AMD	03-03-044	16-321-001	REP-X	03-03-124	118-65-081	REP-P	03-04-108
16-157-255	AMD	03-03-044	16-321-010	REP-X	03-03-124	118-65-090	REP-P	03-04-108
16-157-260	AMD	03-03-044	16-321-020	REP-X	03-03-124	118-66-010	NEW-P	03-04-108
16-157-270	AMD	03-03-044	16-321-030	REP-X	03-03-124	118-66-020	NEW-P	03-04-108
16-157-280	REP	03-03-044	16-321-040	REP-X	03-03-124	118-66-030	NEW-P	03-04-108
16-157-290	AMD	03-03-044	16-321-050	REP-X	03-03-124	118-66-040	NEW-P	03-04-108
16-160-010	AMD	03-03-045	16-321-060	REP-X	03-03-124	118-66-042	NEW-P	03-04-108
16-160-020	AMD	03-03-045	16-321-070	REP-X	03-03-124	118-66-045	NEW-P	03-04-108
16-160-025	REP	03-03-045	16-321-080	REP-X	03-03-124	118-66-050	NEW-P	03-04-108
16-160-035	AMD	03-03-045	16-321-090	REP-X	03-03-124	118-66-080	NEW-P	03-04-108
16-160-060	AMD	03-03-045	16-321-100	REP-X	03-03-124	118-66-081	NEW-P	03-04-108
16-160-070	AMD	03-03-045	16-321-110	REP-X	03-03-124	118-66-085	NEW-P	03-04-108
16-200-7401	NEW	03-02-100	16-321-120	REP-X	03-03-124	118-66-090	NEW-P	03-04-108
16-200-7402	NEW	03-02-100	16-328-010	PREP	03-03-121	132A	PREP	03-04-091
16-200-7403	NEW	03-02-100	16-328-011	PREP	03-03-121	132F-01-010	AMD-P	03-06-067
16-200-7404	NEW	03-02-100	16-333-040	PREP	03-03-120	132F-01-020	REP-P	03-06-067
16-200-7405	NEW	03-02-100	16-333-041	PREP	03-03-120	132F-104-010	AMD-P	03-06-067
16-200-7406	NEW	03-02-100	16-401-060	NEW-P	03-06-102	132F-104-020	AMD-P	03-06-067
16-200-7407	NEW	03-02-100	16-465-001	REP	03-05-079	132F-104-030	REP-P	03-06-067
16-228-1231	AMD-P	03-02-099	16-465-060	REP	03-05-079	132F-104-801	REP-P	03-06-067
16-228-1231	AMD	03-05-034	16-536-040	AMD-C	03-06-101	132F-104-810	AMD-P	03-06-067
16-228-1262	NEW-P	03-02-098	16-657	PREP	03-03-122	132F-104-811	REP-P	03-06-067
16-228-1262	NEW	03-05-033	16-659	PREP	03-03-122	132F-104-812	REP-P	03-06-067
16-228-1264	NEW-P	03-02-098	16-662-100	AMD-X	03-03-123	132F-104-813	REP-P	03-06-067
16-228-1264	NEW	03-05-033	16-662-105	AMD-X	03-03-123	132F-104-814	REP-P	03-06-067
16-228-1266	NEW-P	03-02-098	16-662-110	AMD-X	03-03-123	132F-104-815	REP-P	03-06-067

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132F-104-816	REP-P	03-06-067	132F-121-250	NEW-P	03-06-067	173-350-040	NEW	03-03-043
132F-104-817	REP-P	03-06-067	132F-121-260	NEW-P	03-06-067	173-350-100	NEW	03-03-043
132F-104-818	REP-P	03-06-067	132H-116	PREP	03-04-074	173-350-200	NEW	03-03-043
132F-104-819	REP-P	03-06-067	132H-120	PREP	03-04-075	173-350-210	NEW	03-03-043
132F-108	AMD-P	03-06-067	132H-152-135	PREP	03-04-073	173-350-220	NEW	03-03-043
132F-108-020	AMD-P	03-06-067	132X- 60-065	AMD	03-03-089	173-350-230	NEW	03-03-043
132F-108-050	AMD-P	03-06-067	136- 60-010	AMD	03-05-009	173-350-240	NEW	03-03-043
132F-108-070	AMD-P	03-06-067	136- 60-020	AMD	03-05-009	173-350-300	NEW	03-03-043
132F-108-080	AMD-P	03-06-067	136- 60-030	AMD	03-05-009	173-350-310	NEW	03-03-043
132F-108-100	AMD-P	03-06-067	136- 60-040	AMD	03-05-009	173-350-320	NEW	03-03-043
132F-108-120	AMD-P	03-06-067	136- 60-050	AMD	03-05-009	173-350-330	NEW	03-03-043
132F-108-130	AMD-P	03-06-067	136- 60-060	AMD	03-05-009	173-350-350	NEW	03-03-043
132F-108-140	AMD-P	03-06-067	136-150-023	AMD	03-05-010	173-350-360	NEW	03-03-043
132F-120	REP-P	03-06-067	136-150-024	REP	03-05-010	173-350-400	NEW	03-03-043
132F-120-020	REP-P	03-06-067	136-150-030	AMD	03-05-010	173-350-410	NEW	03-03-043
132F-120-030	REP-P	03-06-067	136-150-040	AMD	03-05-010	173-350-490	NEW	03-03-043
132F-120-040	REP-P	03-06-067	136-150-050	NEW	03-05-010	173-350-500	NEW	03-03-043
132F-120-041	REP-P	03-06-067	136-150-060	NEW	03-05-010	173-350-600	NEW	03-03-043
132F-120-042	REP-P	03-06-067	136-161-080	AMD-P	03-05-008	173-350-600	NEW	03-04-103
132F-120-043	REP-P	03-06-067	136-163-030	AMD	03-05-011	173-350-700	NEW	03-03-043
132F-120-050	REP-P	03-06-067	139- 05-915	AMD-C	03-03-091	173-350-710	NEW	03-03-043
132F-120-060	REP-P	03-06-067	139- 10-215	PREP	03-05-090	173-350-715	NEW	03-03-043
132F-120-061	REP-P	03-06-067	173- 06-120	AMD-X	03-04-081	173-350-900	NEW	03-03-043
132F-120-070	REP-P	03-06-067	173- 26	PREP	03-03-019	173-350-990	NEW	03-03-043
132F-120-080	REP-P	03-06-067	173-157-010	NEW	03-03-081	180- 10-001	REP-W	03-03-060
132F-120-090	REP-P	03-06-067	173-157-020	NEW	03-03-081	180- 10-003	REP-W	03-03-060
132F-120-100	REP-P	03-06-067	173-157-030	NEW	03-03-081	180- 10-005	REP-W	03-03-060
132F-120-110	REP-P	03-06-067	173-157-040	NEW	03-03-081	180- 10-007	REP-W	03-03-060
132F-120-120	REP-P	03-06-067	173-157-050	NEW	03-03-081	180- 10-010	REP-W	03-03-060
132F-120-130	REP-P	03-06-067	173-157-100	NEW	03-03-081	180- 10-015	REP-W	03-03-060
132F-120-140	REP-P	03-06-067	173-157-110	NEW	03-03-081	180- 10-020	REP-W	03-03-060
132F-120-150	REP-P	03-06-067	173-157-120	NEW	03-03-081	180- 10-025	REP-W	03-03-060
132F-120-160	REP-P	03-06-067	173-157-130	NEW	03-03-081	180- 10-030	REP-W	03-03-060
132F-120-170	REP-P	03-06-067	173-157-140	NEW	03-03-081	180- 10-035	REP-W	03-03-060
132F-120-180	REP-P	03-06-067	173-157-150	NEW	03-03-081	180- 10-040	REP-W	03-03-060
132F-120-190	REP-P	03-06-067	173-157-160	NEW	03-03-081	180- 10-045	REP-W	03-03-060
132F-120-200	REP-P	03-06-067	173-157-170	NEW	03-03-081	180- 38-065	AMD-W	03-03-062
132F-120-210	REP-P	03-06-067	173-157-180	NEW	03-03-081	180- 50-315	AMD	03-04-054
132F-121-010	NEW-P	03-06-067	173-157-200	NEW	03-03-081	180- 51-063	PREP	03-04-110
132F-121-020	NEW-P	03-06-067	173-157-210	NEW	03-03-081	180- 55-032	NEW-W	03-03-061
132F-121-030	NEW-P	03-06-067	173-157-220	NEW	03-03-081	180- 55-034	PREP	03-04-112
132F-121-040	NEW-P	03-06-067	173-157-230	NEW	03-03-081	180- 55-150	PREP	03-04-111
132F-121-050	NEW-P	03-06-067	173-183-820	AMD-X	03-06-036	180- 57-050	AMD	03-04-055
132F-121-060	NEW-P	03-06-067	173-183-830	AMD-X	03-06-036	180- 57-055	AMD	03-04-055
132F-121-070	NEW-P	03-06-067	173-183-850	AMD-X	03-06-036	180- 57-070	AMD	03-04-055
132F-121-080	NEW-P	03-06-067	173-183-860	AMD-X	03-06-036	180- 78A-505	AMD	03-04-025
132F-121-090	NEW-P	03-06-067	173-201A	AMD-S	03-04-082	180- 78A-535	AMD	03-04-024
132F-121-100	NEW-P	03-06-067	173-303-071	AMD-E	03-03-047	180- 78A-700	NEW	03-04-026
132F-121-110	NEW-P	03-06-067	173-314-010	REP-X	03-05-095	180- 79A-150	PREP	03-04-109
132F-121-120	NEW-P	03-06-067	173-314-100	REP-X	03-05-095	180- 79A-155	AMD	03-04-022
132F-121-130	NEW-P	03-06-067	173-314-200	REP-X	03-05-095	180- 79A-231	AMD-P	03-04-019
132F-121-140	NEW-P	03-06-067	173-314-210	REP-X	03-05-095	180- 82-110	AMD	03-04-023
132F-121-150	NEW-P	03-06-067	173-314-220	REP-X	03-05-095	180- 82-204	PREP	03-04-020
132F-121-160	NEW-P	03-06-067	173-314-300	REP-X	03-05-095	180- 82-204	AMD-E	03-04-027
132F-121-170	NEW-P	03-06-067	173-314-310	REP-X	03-05-095	180- 82A-204	PREP	03-04-020
132F-121-180	NEW-P	03-06-067	173-314-320	REP-X	03-05-095	180- 82A-204	AMD-E	03-04-028
132F-121-190	NEW-P	03-06-067	173-314-330	REP-X	03-05-095	180- 82A-206	PREP	03-04-021
132F-121-200	NEW-P	03-06-067	173-314-340	REP-X	03-05-095	180- 82A-215	PREP	03-04-021
132F-121-210	NEW-P	03-06-067	173-350-010	NEW	03-03-043	180- 90-105	AMD	03-04-053
132F-121-220	NEW-P	03-06-067	173-350-020	NEW	03-03-043	180- 90-110	REP	03-04-053
132F-121-230	NEW-P	03-06-067	173-350-025	NEW	03-03-043	180- 90-112	AMD	03-04-053
132F-121-240	NEW-P	03-06-067	173-350-030	NEW	03-03-043	180- 90-115	REP	03-04-053

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-90-119	REP	03-04-053	220-16-290	NEW	03-05-061	220-56-33000S	NEW-E	03-05-005
180-90-120	REP	03-04-053	220-20-080	NEW	03-05-059	220-56-33000S	REP-E	03-06-020
180-90-123	REP	03-04-053	220-33-01000A	NEW-E	03-05-036	220-56-33000T	NEW-E	03-05-026
180-90-125	REP	03-04-053	220-33-01000A	REP-E	03-05-036	220-56-33000U	NEW-E	03-06-020
180-90-130	AMD	03-04-053	220-33-01000A	REP-E	03-06-007	220-56-350	AMD	03-05-057
180-90-133	REP	03-04-053	220-33-01000B	NEW-E	03-06-007	220-56-370	REP-P	03-06-079
180-90-135	REP	03-04-053	220-33-01000B	REP-E	03-06-007	220-56-380	AMD	03-05-057
180-90-137	REP	03-04-053	220-33-01000Y	REP-E	03-04-033	220-69-240	AMD	03-05-059
180-90-141	AMD	03-04-053	220-33-01000Z	NEW-E	03-04-033	220-69-240	AMD	03-05-064
180-90-160	AMD	03-04-053	220-33-01000Z	REP-E	03-04-033	220-69-241	AMD	03-05-059
182-25-030	AMD-P	03-05-094	220-33-01000Z	REP-E	03-04-078	220-72-002	AMD-P	03-06-109
182-25-035	NEW-P	03-05-094	220-33-060	AMD	03-05-062	220-72-011	AMD-P	03-06-109
192-16-033	REP	03-06-038	220-36-03001	AMD	03-05-062	220-72-015	AMD-P	03-06-109
192-16-036	REP	03-06-038	220-36-03001A	NEW-E	03-05-002	220-72-070	AMD-P	03-06-109
192-16-040	REP	03-06-038	220-36-03001A	REP-E	03-05-002	220-72-073	AMD-P	03-06-109
192-16-042	REP	03-06-038	220-40-030	AMD	03-05-062	220-72-076	AMD-P	03-06-109
192-16-045	REP	03-06-038	220-44-050	AMD-P	03-02-105	220-72-086	NEW-P	03-06-109
192-16-047	REP	03-06-038	220-44-050	AMD	03-05-078	220-72-087	NEW-P	03-06-109
192-240-010	NEW	03-06-038	220-44-05000R	REP-E	03-04-058	220-72-089	NEW-P	03-06-109
192-240-015	NEW	03-06-038	220-44-05000S	NEW-E	03-04-058	220-72-090	NEW-P	03-06-109
192-240-020	NEW	03-06-038	220-44-05000S	REP-E	03-05-027	220-72-092	NEW-P	03-06-109
192-240-025	NEW	03-06-038	220-44-05000T	NEW-E	03-05-027	220-100-010	AMD-P	03-06-080
192-240-030	NEW	03-06-038	220-47-301	AMD	03-05-076	220-100-020	AMD-P	03-06-080
192-240-035	NEW	03-06-038	220-48-029	AMD	03-05-063	220-100-027	NEW-P	03-06-080
192-240-040	NEW	03-06-038	220-48-032	AMD	03-05-063	220-100-030	AMD-P	03-06-080
192-240-045	NEW	03-06-038	220-52-019	AMD-P	03-06-065	220-100-040	AMD-P	03-06-080
196-30	PREP	03-03-111	220-52-04000M	REP-E	03-06-030	220-100-045	AMD-P	03-06-080
197-11-070	AMD-P	03-03-082	220-52-04600N	REP-E	03-04-046	220-100-055	AMD-P	03-06-080
197-11-250	AMD-P	03-03-082	220-52-04600P	NEW-E	03-04-007	220-100-057	NEW-P	03-06-080
197-11-310	AMD-P	03-03-082	220-52-04600P	REP-E	03-04-007	220-100-058	NEW-P	03-06-080
197-11-800	AMD-P	03-03-082	220-52-04600Q	NEW-E	03-04-046	220-100-060	AMD-P	03-06-080
197-11-820	AMD-P	03-03-082	220-52-04600R	NEW-E	03-05-006	220-100-065	AMD-P	03-06-080
197-11-835	AMD-P	03-03-082	220-52-04600R	REP-E	03-06-020	220-100-068	NEW-P	03-06-080
197-11-850	AMD-P	03-03-082	220-52-04600S	NEW-E	03-05-047	220-100-070	AMD-P	03-06-080
197-11-855	AMD-P	03-03-082	220-52-04600T	NEW-E	03-06-020	220-100-075	AMD-P	03-06-080
197-11-902	AMD-P	03-03-082	220-52-050	AMD	03-05-060	220-100-080	AMD-P	03-06-080
197-11-904	AMD-P	03-03-082	220-52-051	AMD	03-05-064	220-100-095	AMD-P	03-06-080
197-11-908	AMD-P	03-03-082	220-52-066	AMD-P	03-06-064	222-21-010	AMD	03-06-039
212-12-200	NEW	03-06-063	220-52-07300A	REP-E	03-03-002	222-21-030	AMD	03-06-039
212-12-210	NEW	03-06-063	220-52-07300B	NEW-E	03-03-002	222-21-035	AMD	03-06-039
212-12-220	NEW	03-06-063	220-52-07300B	REP-E	03-03-068	222-21-040	AMD	03-06-039
212-12-230	NEW	03-06-063	220-52-07300C	NEW-E	03-03-068	222-21-045	AMD	03-06-039
212-12-240	NEW	03-06-063	220-52-07300C	REP-E	03-06-001	222-21-050	AMD	03-06-039
212-12-250	NEW	03-06-063	220-52-07300D	NEW-E	03-06-001	230-08-017	AMD	03-05-089
212-12-260	NEW	03-06-063	220-52-07300D	REP-E	03-06-001	230-20-059	AMD-P	03-05-088
212-12-270	NEW	03-06-063	220-52-075	AMD	03-05-064	230-40-550	AMD-P	03-05-087
212-12-280	NEW	03-06-063	220-55-001	AMD-P	03-06-079	230-40-625	AMD-P	03-05-087
212-12-290	NEW	03-06-063	220-55-060	REP-P	03-06-079	230-40-815	AMD-P	03-05-087
212-12-300	NEW	03-06-063	220-56-105	AMD	03-05-057	230-40-825	AMD-P	03-05-087
212-12-310	NEW	03-06-063	220-56-129	NEW	03-05-057	230-40-860	AMD-P	03-05-087
212-12-320	NEW	03-06-063	220-56-175	AMD	03-05-057	230-40-875	AMD-P	03-05-087
212-12-330	NEW	03-06-063	220-56-230	AMD	03-05-057	230-40-895	AMD-P	03-05-087
212-12-340	NEW	03-06-063	220-56-235	AMD	03-05-057	232-12-045	NEW-P	03-06-104
212-12-350	NEW	03-06-063	220-56-250	AMD	03-05-057	232-12-051	AMD-P	03-06-104
212-12-360	NEW	03-06-063	220-56-255	AMD	03-05-057	232-12-054	AMD-P	03-06-104
212-12-370	NEW	03-06-063	220-56-265	AMD	03-05-057	232-12-068	AMD-P	03-06-106
212-12-380	NEW	03-06-063	220-56-27000N	REP-E	03-05-025	232-12-106	AMD	03-03-016
212-12-390	NEW	03-06-063	220-56-27000P	NEW-E	03-05-025	232-12-181	AMD	03-03-016
212-12-400	NEW	03-06-063	220-56-27000P	REP-E	03-05-025	232-12-289	NEW-P	03-02-103
212-12-410	NEW	03-06-063	220-56-320	AMD	03-05-057	232-12-289	NEW	03-06-110
212-12-420	NEW-W	03-06-071	220-56-325	AMD	03-05-057	232-12-828	AMD-P	03-06-079
220-12-020	AMD	03-05-057	220-56-33000R	REP-E	03-05-026	232-19-010	REP-P	03-06-080

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-19-015	REP-P	03-06-080	232-28-61900B	REP-E	03-04-047	246-290-662	AMD-P	03-03-079
232-19-020	REP-P	03-06-080	232-28-61900C	NEW-E	03-03-004	246-290-664	AMD-P	03-03-079
232-19-030	REP-P	03-06-080	232-28-61900C	REP-E	03-03-004	246-290-666	AMD-P	03-03-079
232-19-040	REP-P	03-06-080	232-28-61900D	NEW-E	03-03-098	246-290-672	AMD-P	03-03-079
232-19-050	REP-P	03-06-080	232-28-61900D	REP-E	03-03-098	246-290-674	AMD-P	03-03-079
232-19-055	REP-P	03-06-080	232-28-61900E	NEW-E	03-04-047	246-290-676	AMD-P	03-03-079
232-19-060	REP-P	03-06-080	232-28-61900E	REP-E	03-04-047	246-290-690	AMD-P	03-03-079
232-19-070	REP-P	03-06-080	232-28-61900F	NEW-E	03-05-003	246-290-691	AMD-P	03-03-079
232-19-080	REP-P	03-06-080	232-28-61900F	REP-E	03-05-003	246-290-692	AMD-P	03-03-079
232-19-090	REP-P	03-06-080	232-28-61900G	NEW-E	03-05-038	246-290-694	AMD-P	03-03-079
232-19-100	REP-P	03-06-080	232-28-61900G	REP-E	03-05-038	246-290-696	AMD-P	03-03-079
232-19-110	REP-P	03-06-080	232-28-61900H	NEW-E	03-05-037	246-290-71001	NEW-P	03-03-079
232-19-120	REP-P	03-06-080	232-28-61900H	REP-E	03-05-037	246-290-71002	NEW-P	03-03-079
232-19-130	REP-P	03-06-080	232-28-61900I	NEW-E	03-06-009	246-290-71003	NEW-P	03-03-079
232-19-140	REP-P	03-06-080	232-28-61900I	REP-E	03-06-009	246-290-71004	NEW-P	03-03-079
232-19-180	REP-P	03-06-080	232-28-61900J	NEW-E	03-06-008	246-290-71005	NEW-P	03-03-079
232-28-02201	REP-P	03-02-103	232-28-61900J	REP-E	03-06-008	246-290-71006	NEW-P	03-03-079
232-28-02201	REP	03-06-110	232-28-61900K	NEW-E	03-06-028	246-290-71007	NEW-P	03-03-079
232-28-02202	REP-P	03-02-103	232-28-61900K	REP-E	03-06-028	246-290-72001	AMD-P	03-03-079
232-28-02202	REP	03-06-110	232-28-61900K	REP-E	03-06-028	246-290-72005	AMD-P	03-03-079
232-28-02202	REP	03-06-110	232-28-61900Q	REP-E	03-05-003	246-290-72005	AMD-P	03-03-079
232-28-02203	REP-P	03-02-103	232-28-621	AMD	03-05-057	246-290-72007	AMD-P	03-03-079
232-28-02203	REP	03-06-110	246-01-001	AMD-X	03-04-105	246-290-72010	AMD-P	03-03-079
232-28-02204	REP-P	03-02-103	246-01-040	REP-X	03-04-105	246-290-72012	AMD-P	03-03-079
232-28-02204	REP	03-06-110	246-01-070	REP-X	03-04-105	246-292	PREP	03-04-044
232-28-02205	REP-P	03-02-103	246-01-080	AMD-X	03-04-105	246-294	PREP	03-04-044
232-28-02205	REP	03-06-110	246-01-090	AMD-X	03-04-105	246-310-290	NEW-P	03-03-097
232-28-02206	REP-P	03-02-103	246-01-100	REP-X	03-04-105	246-310-295	NEW-P	03-03-097
232-28-02206	REP	03-06-110	246-100	AMD-W	03-06-051	246-310-990	AMD-P	03-03-097
232-28-02220	REP-P	03-06-112	246-100-011	AMD	03-06-003	246-455-001	AMD-P	03-05-024
232-28-02240	REP-P	03-06-112	246-100-036	AMD	03-05-048	246-455-010	AMD-P	03-05-024
232-28-02280	REP-P	03-02-103	246-100-040	NEW	03-05-048	246-455-020	AMD-P	03-05-024
232-28-02280	REP	03-06-110	246-100-045	NEW	03-05-048	246-455-030	AMD-P	03-05-024
232-28-248	AMD-P	03-06-108	246-100-050	NEW	03-05-048	246-455-040	AMD-P	03-05-024
232-28-266	AMD-P	03-06-066	246-100-055	NEW	03-05-048	246-455-070	AMD-P	03-05-024
232-28-271	AMD	03-03-016	246-100-060	NEW	03-05-048	246-455-080	AMD-P	03-05-024
232-28-272	AMD-P	03-06-108	246-100-065	NEW	03-05-048	246-455-090	AMD-P	03-05-024
232-28-273	AMD-P	03-06-105	246-100-070	NEW	03-05-048	246-455-100	AMD-P	03-05-024
232-28-276	REP-P	03-06-106	246-101-505	AMD	03-06-003	246-562-020	AMD-E	03-06-050
232-28-278	REP-P	03-06-113	246-290	PREP	03-04-044	246-802-990	AMD-P	03-03-077
232-28-279	REP-P	03-06-114	246-290-002	AMD-P	03-03-079	246-815-990	AMD-P	03-03-077
232-28-282	AMD	03-03-016	246-290-010	AMD-P	03-03-079	246-830-990	AMD-P	03-03-077
232-28-291	AMD-P	03-06-105	246-290-025	AMD-P	03-03-079	246-836-990	AMD-P	03-03-077
232-28-331	NEW-P	03-02-103	246-290-060	AMD-P	03-03-078	246-851-160	PREP	03-04-043
232-28-331	NEW	03-06-110	246-290-060	AMD-P	03-03-079	246-851-170	PREP	03-04-043
232-28-332	NEW-P	03-02-103	246-290-100	AMD-P	03-03-079	246-851-390	REP	03-05-021
232-28-332	NEW	03-06-110	246-290-105	AMD-P	03-03-079	246-869-260	PREP-W	03-04-042
232-28-333	NEW-P	03-02-103	246-290-125	AMD-P	03-03-079	246-887-045	NEW	03-04-045
232-28-333	NEW	03-06-110	246-290-220	AMD-P	03-03-079	246-887-165	NEW-X	03-03-096
232-28-334	NEW-P	03-02-103	246-290-300	AMD-P	03-03-079	246-889-050	NEW-P	03-06-002
232-28-334	NEW	03-06-110	246-290-310	AMD-P	03-03-079	246-924-354	PREP	03-05-020
232-28-335	NEW-P	03-02-103	246-290-320	AMD-P	03-03-079	246-927-990	NEW-P	03-05-022
232-28-335	NEW	03-06-110	246-290-416	AMD-P	03-03-079	246-933-320	AMD-P	03-06-100
232-28-336	NEW-P	03-02-103	246-290-451	AMD-P	03-03-079	246-933-501	NEW-P	03-06-100
232-28-336	NEW	03-06-110	246-290-480	AMD-P	03-03-079	246-933-510	NEW-P	03-06-100
232-28-337	NEW-P	03-06-112	246-290-490	AMD-P	03-03-079	246-933-520	NEW-P	03-06-100
232-28-341	NEW-P	03-06-106	246-290-495	REP-P	03-03-079	246-933-530	NEW-P	03-06-100
232-28-351	NEW-P	03-06-113	246-290-601	AMD-P	03-03-079	246-933-550	NEW-P	03-06-100
232-28-352	NEW-P	03-06-114	246-290-630	AMD-P	03-03-079	246-933-590	NEW-P	03-05-023
232-28-42600C	NEW-E	03-03-102	246-290-634	AMD-P	03-03-079	246-935-070	AMD-P	03-04-104
232-28-42600C	REP-E	03-03-102	246-290-638	AMD-P	03-03-079	250-61	PREP	03-04-079
232-28-515	AMD-P	03-06-107	246-290-654	AMD-P	03-03-079	250-69	AMD	03-04-101
232-28-619	AMD	03-05-057	246-290-660	AMD-P	03-03-079	250-69-010	AMD	03-04-101

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
250- 69-020	AMD	03-04-101	296- 13-130	REP-P	03-05-074	296- 17-76212	PREP	03-03-026
250- 69-030	AMD	03-04-101	296- 13-140	REP-P	03-05-074	296- 200A	PREP	03-04-098
250- 69-040	AMD	03-04-101	296- 13-150	REP-P	03-05-074	296- 24	PREP	03-03-110
250- 69-050	AMD	03-04-101	296- 13-160	REP-P	03-05-074	296- 37	PREP	03-04-097
250- 69-060	AMD	03-04-101	296- 13-170	REP-P	03-05-074	296- 400A	PREP	03-04-098
250- 69-070	AMD	03-04-101	296- 13-180	REP-P	03-05-074	296- 401B	PREP	03-04-098
250- 69-090	AMD	03-04-101	296- 13-190	REP-P	03-05-074	296- 402A	PREP	03-04-098
250- 69-110	REP	03-04-101	296- 13-200	REP-P	03-05-074	296- 46A	PREP	03-04-098
251- 04-035	NEW-E	03-03-042	296- 13-210	REP-P	03-05-074	296- 46A-090	REP-P	03-05-074
260- 08-595	NEW	03-03-041	296- 13-220	REP-P	03-05-074	296- 46A-092	REP-P	03-05-074
260- 13-420	PREP	03-03-067	296- 13-230	REP-P	03-05-074	296- 46A-095	REP-P	03-05-074
260- 20-035	PREP	03-03-025	296- 13-240	REP-P	03-05-074	296- 46A-100	REP-P	03-05-074
260- 24	PREP	03-05-067	296- 13-250	REP-P	03-05-074	296- 46A-102	REP-P	03-05-074
260- 28-030	AMD-P	03-03-040	296- 13-260	REP-P	03-05-074	296- 46A-104	REP-P	03-05-074
260- 34-090	AMD	03-05-071	296- 13-270	REP-P	03-05-074	296- 46A-110	REP-P	03-05-074
260- 48	PREP	03-05-068	296- 13-280	REP-P	03-05-074	296- 46A-130	REP-P	03-05-074
260- 48-630	AMD-P	03-04-089	296- 13-290	REP-P	03-05-074	296- 46A-140	REP-P	03-05-074
260- 70-650	AMD	03-06-004	296- 13-300	REP-P	03-05-074	296- 46A-155	REP-P	03-05-074
260- 70-660	AMD	03-06-004	296- 13-310	REP-P	03-05-074	296- 46A-21052	REP-P	03-05-074
260- 70-700	AMD	03-06-004	296- 13-320	REP-P	03-05-074	296- 46A-215	REP-P	03-05-074
260- 72-010	AMD-W	03-05-069	296- 13-330	REP-P	03-05-074	296- 46A-220	REP-P	03-05-074
260- 72-010	REP-P	03-05-070	296- 13-340	REP-P	03-05-074	296- 46A-22530	REP-P	03-05-074
260- 72-040	NEW-P	03-04-090	296- 13-350	REP-P	03-05-074	296- 46A-23001	REP-P	03-05-074
284- 07-010	AMD	03-03-133	296- 13-360	REP-P	03-05-074	296- 46A-23028	REP-P	03-05-074
284- 22-020	AMD	03-03-052	296- 13-370	REP-P	03-05-074	296- 46A-23040	REP-P	03-05-074
284- 22-050	AMD	03-03-052	296- 13-380	REP-P	03-05-074	296- 46A-23062	REP-P	03-05-074
284- 22-060	AMD	03-03-052	296- 13-390	REP-P	03-05-074	296- 46A-250	REP-P	03-05-074
284- 22-080	AMD	03-03-052	296- 13-400	REP-P	03-05-074	296- 46A-300	REP-P	03-05-074
284- 24A-070	NEW-W	03-03-063	296- 13-410	REP-P	03-05-074	296- 46A-30011	REP-P	03-05-074
284- 30-390	AMD-P	03-03-132	296- 13-420	REP-P	03-05-074	296- 46A-324	REP-P	03-05-074
284- 30-3901	NEW-P	03-03-132	296- 13-430	REP-P	03-05-074	296- 46A-348	REP-P	03-05-074
284- 30-3902	NEW-P	03-03-132	296- 13-440	REP-P	03-05-074	296- 46A-365	REP-P	03-05-074
284- 30-3903	NEW-P	03-03-132	296- 14-310	NEW-P	03-06-074	296- 46A-370	REP-P	03-05-074
284- 30-3904	NEW-P	03-03-132	296- 14-315	NEW-P	03-06-074	296- 46A-41004	REP-P	03-05-074
284- 30-3905	NEW-P	03-03-132	296- 14-320	NEW-P	03-06-074	296- 46A-41030	REP-P	03-05-074
284- 30-3906	NEW-P	03-03-132	296- 14-325	NEW-P	03-06-074	296- 46A-422	REP-P	03-05-074
284- 30-3907	NEW-P	03-03-132	296- 14-330	NEW-P	03-06-074	296- 46A-450	REP-P	03-05-074
284- 30-3908	NEW-P	03-03-132	296- 150C	PREP	03-04-098	296- 46A-500	REP-P	03-05-074
284- 30-3909	NEW-P	03-03-132	296- 150F	PREP	03-04-098	296- 46A-514	REP-P	03-05-074
284- 30-3910	NEW-P	03-03-132	296- 150M	PREP	03-04-098	296- 46A-517	REP-P	03-05-074
284- 30-3911	NEW-P	03-03-132	296- 150P	PREP	03-04-098	296- 46A-550	REP-P	03-05-074
284- 30-3912	NEW-P	03-03-132	296- 150R	PREP	03-04-098	296- 46A-553	REP-P	03-05-074
284- 30-3913	NEW-P	03-03-132	296- 150T	PREP	03-04-098	296- 46A-600	REP-P	03-05-074
284- 30-3914	NEW-P	03-03-132	296- 150V	PREP	03-04-098	296- 46A-680	REP-P	03-05-074
284- 30-3915	NEW-P	03-03-132	296- 17	PREP	03-05-072	296- 46A-700	REP-P	03-05-074
284- 43-220	AMD-X	03-03-134	296- 17-757	PREP	03-03-026	296- 46A-702	REP-P	03-05-074
296- 13-001	REP-P	03-05-074	296- 17-758	PREP	03-03-026	296- 46A-900	REP-P	03-05-074
296- 13-010	REP-P	03-05-074	296- 17-759	PREP	03-03-026	296- 46A-910	REP-P	03-05-074
296- 13-020	REP-P	03-05-074	296- 17-760	PREP	03-03-026	296- 46A-915	REP-P	03-05-074
296- 13-030	REP-P	03-05-074	296- 17-761	PREP	03-03-026	296- 46A-920	REP-P	03-05-074
296- 13-035	REP-P	03-05-074	296- 17-762	PREP	03-03-026	296- 46A-930	REP-P	03-05-074
296- 13-040	REP-P	03-05-074	296- 17-76201	PREP	03-03-026	296- 46A-931	REP-P	03-05-074
296- 13-050	REP-P	03-05-074	296- 17-76202	PREP	03-03-026	296- 46A-932	REP-P	03-05-074
296- 13-052	REP-P	03-05-074	296- 17-76203	PREP	03-03-026	296- 46A-933	REP-P	03-05-074
296- 13-053	REP-P	03-05-074	296- 17-76204	PREP	03-03-026	296- 46A-934	REP-P	03-05-074
296- 13-055	REP-P	03-05-074	296- 17-76205	PREP	03-03-026	296- 46A-935	REP-P	03-05-074
296- 13-057	REP-P	03-05-074	296- 17-76206	PREP	03-03-026	296- 46A-940	REP-P	03-05-074
296- 13-060	REP-P	03-05-074	296- 17-76207	PREP	03-03-026	296- 46A-950	REP-P	03-05-074
296- 13-080	REP-P	03-05-074	296- 17-76208	PREP	03-03-026	296- 46A-960	REP-P	03-05-074
296- 13-090	REP-P	03-05-074	296- 17-76209	PREP	03-03-026	296- 46B-005	NEW-P	03-05-074
296- 13-100	REP-P	03-05-074	296- 17-76210	PREP	03-03-026	296- 46B-010	NEW-P	03-05-074
296- 13-110	REP-P	03-05-074	296- 17-76211	PREP	03-03-026	296- 46B-020	NEW-P	03-05-074

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-46B-030	NEW-P	03-05-074	296-52-67065	AMD	03-06-073	296-304-04001	AMD	03-04-099
296-46B-040	NEW-P	03-05-074	296-52-67160	AMD	03-06-073	296-304-05001	AMD	03-04-099
296-46B-110	NEW-P	03-05-074	296-52-68060	AMD	03-06-073	296-304-05003	AMD	03-04-099
296-46B-210	NEW-P	03-05-074	296-52-69010	AMD	03-06-073	296-304-05005	AMD	03-04-099
296-46B-215	NEW-P	03-05-074	296-52-69015	AMD	03-06-073	296-304-05009	AMD	03-04-099
296-46B-220	NEW-P	03-05-074	296-52-69095	AMD	03-06-073	296-304-05013	AMD	03-04-099
296-46B-225	NEW-P	03-05-074	296-52-69125	AMD	03-06-073	296-304-06003	AMD	03-04-099
296-46B-230	NEW-P	03-05-074	296-52-69130	NEW	03-06-073	296-304-07009	AMD	03-04-099
296-46B-250	NEW-P	03-05-074	296-52-70010	AMD	03-06-073	296-304-07011	AMD	03-04-099
296-46B-300	NEW-P	03-05-074	296-52-710	AMD	03-06-073	296-304-07013	AMD	03-04-099
296-46B-314	NEW-P	03-05-074	296-52-71020	AMD	03-06-073	296-304-08001	AMD	03-04-099
296-46B-334	NEW-P	03-05-074	296-52-71040	AMD	03-06-073	296-304-09017	AMD	03-04-099
296-46B-358	NEW-P	03-05-074	296-52-71045	AMD	03-06-073	296-304-09021	AMD	03-04-099
296-46B-394	NEW-P	03-05-074	296-56	PREP	03-03-110	296-304-09023	AMD	03-04-099
296-46B-410	NEW-P	03-05-074	296-59	PREP	03-03-110	296-304-10003	AMD	03-04-099
296-46B-422	NEW-P	03-05-074	296-62	PREP	03-04-097	296-304-10007	AMD	03-04-099
296-46B-430	NEW-P	03-05-074	296-62-054	REP-X	03-04-100	296-305	PREP	03-04-097
296-46B-450	NEW-P	03-05-074	296-62-05402	REP-X	03-04-100	296-307-009	AMD-X	03-04-100
296-46B-501	NEW-P	03-05-074	296-62-05404	REP-X	03-04-100	296-307-018	AMD-X	03-04-100
296-46B-514	NEW-P	03-05-074	296-62-05406	REP-X	03-04-100	296-307-03930	NEW-X	03-04-100
296-46B-517	NEW-P	03-05-074	296-62-05408	REP-X	03-04-100	296-307-03935	NEW-X	03-04-100
296-46B-520	NEW-P	03-05-074	296-62-05410	REP-X	03-04-100	296-307-03940	NEW-X	03-04-100
296-46B-527	NEW-P	03-05-074	296-62-05412	REP-X	03-04-100	296-307-03945	NEW-X	03-04-100
296-46B-550	NEW-P	03-05-074	296-62-070	REP-X	03-04-100	296-307-40013	AMD-X	03-04-100
296-46B-553	NEW-P	03-05-074	296-62-07001	REP-X	03-04-100	296-307-40015	AMD-X	03-04-100
296-46B-555	NEW-P	03-05-074	296-62-07003	REP-X	03-04-100	296-307-40027	AMD-X	03-04-100
296-46B-600	NEW-P	03-05-074	296-62-07005	REP-X	03-04-100	296-307-445	NEW-X	03-04-100
296-46B-680	NEW-P	03-05-074	296-62-080	REP-X	03-04-100	296-307-450	AMD-X	03-04-100
296-46B-700	NEW-P	03-05-074	296-62-11021	REP-X	03-04-100	296-307-45001	REP-X	03-04-100
296-46B-800	NEW-P	03-05-074	296-62-130	REP-X	03-04-100	296-307-45003	REP-X	03-04-100
296-46B-900	NEW-P	03-05-074	296-78-56505	AMD	03-06-076	296-307-45005	AMD-X	03-04-100
296-46B-905	NEW-P	03-05-074	296-78-71001	AMD	03-06-076	296-307-45007	REP-X	03-04-100
296-46B-910	NEW-P	03-05-074	296-78-71011	AMD	03-06-076	296-307-45009	REP-X	03-04-100
296-46B-911	NEW-P	03-05-074	296-78-835	AMD	03-06-076	296-307-45010	NEW-X	03-04-100
296-46B-915	NEW-P	03-05-074	296-79	PREP	03-03-110	296-307-45011	REP-X	03-04-100
296-46B-920	NEW-P	03-05-074	296-96	PREP	03-04-098	296-307-45013	REP-X	03-04-100
296-46B-925	NEW-P	03-05-074	296-104	PREP	03-03-129	296-307-45015	AMD-X	03-04-100
296-46B-930	NEW-P	03-05-074	296-128-500	AMD	03-03-109	296-307-45017	REP-X	03-04-100
296-46B-935	NEW-P	03-05-074	296-128-532	NEW	03-03-109	296-307-45019	REP-X	03-04-100
296-46B-940	NEW-P	03-05-074	296-128-533	NEW	03-03-109	296-307-45020	NEW-X	03-04-100
296-46B-945	NEW-P	03-05-074	296-130-010	AMD	03-03-010	296-307-45021	REP-X	03-04-100
296-46B-950	NEW-P	03-05-074	296-130-020	AMD	03-03-010	296-307-45023	REP-X	03-04-100
296-46B-951	NEW-P	03-05-074	296-130-030	AMD	03-03-010	296-307-45025	AMD-X	03-04-100
296-46B-955	NEW-P	03-05-074	296-130-035	AMD	03-03-010	296-307-45027	REP-X	03-04-100
296-46B-960	NEW-P	03-05-074	296-130-040	AMD	03-03-010	296-307-45029	REP-X	03-04-100
296-46B-965	NEW-P	03-05-074	296-130-050	AMD	03-03-010	296-307-45030	NEW-X	03-04-100
296-46B-970	NEW-P	03-05-074	296-130-060	AMD	03-03-010	296-307-45035	NEW-X	03-04-100
296-46B-971	NEW-P	03-05-074	296-130-065	AMD	03-03-010	296-307-45045	NEW-X	03-04-100
296-46B-975	NEW-P	03-05-074	296-130-070	AMD	03-03-010	296-307-45050	NEW-X	03-04-100
296-46B-980	NEW-P	03-05-074	296-130-080	AMD	03-03-010	296-307-455	NEW-X	03-04-100
296-46B-985	NEW-P	03-05-074	296-130-100	NEW	03-03-010	296-307-45505	NEW-X	03-04-100
296-46B-990	NEW-P	03-05-074	296-130-500	REP	03-03-010	296-307-45510	NEW-X	03-04-100
296-46B-995	NEW-P	03-05-074	296-155	PREP	03-04-097	296-307-45515	NEW-X	03-04-100
296-46B-998	NEW-P	03-05-074	296-155-300	AMD	03-06-075	296-307-45520	NEW-X	03-04-100
296-46B-999	NEW-P	03-05-074	296-155-305	AMD	03-06-075	296-307-45525	NEW-X	03-04-100
296-52-60020	AMD	03-06-073	296-155-310	AMD	03-06-075	296-307-45535	NEW-X	03-04-100
296-52-60130	AMD	03-06-073	296-155-315	AMD	03-06-075	296-307-45540	NEW-X	03-04-100
296-52-61040	AMD-X	03-05-073	296-304-01001	AMD	03-04-099	296-307-45545	NEW-X	03-04-100
296-52-62005	AMD-X	03-05-073	296-304-01003	AMD	03-04-099	296-307-45550	NEW-X	03-04-100
296-52-63005	AMD-X	03-05-073	296-304-02007	AMD	03-04-099	296-307-45555	NEW-X	03-04-100
296-52-65005	AMD-X	03-05-073	296-304-02009	AMD	03-04-099	296-307-45560	NEW-X	03-04-100
296-52-66005	AMD-X	03-05-073	296-304-03007	AMD	03-04-099	296-307-45565	NEW-X	03-04-100

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-460	NEW-X	03-04-100	296-401B-950	REP-P	03-05-074	296-402A-610	REP-P	03-05-074
296-307-46005	NEW-X	03-04-100	296-401B-960	REP-P	03-05-074	296-402A-620	REP-P	03-05-074
296-307-46025	NEW-X	03-04-100	296-401B-970	REP-P	03-05-074	296-402A-630	REP-P	03-05-074
296-307-46030	NEW-X	03-04-100	296-401B-980	REP-P	03-05-074	296-402A-640	REP-P	03-05-074
296-307-465	NEW-X	03-04-100	296-401B-990	REP-P	03-05-074	296-402A-650	REP-P	03-05-074
296-307-55030	AMD-X	03-04-100	296-402A-010	REP-P	03-05-074	296-402A-660	REP-P	03-05-074
296-307-560	NEW-X	03-04-100	296-402A-020	REP-P	03-05-074	296-402A-670	REP-P	03-05-074
296-307-56005	NEW-X	03-04-100	296-402A-030	REP-P	03-05-074	296-402A-675	REP-P	03-05-074
296-307-56010	NEW-X	03-04-100	296-402A-040	REP-P	03-05-074	296-402A-680	REP-P	03-05-074
296-307-56015	NEW-X	03-04-100	296-402A-050	REP-P	03-05-074	296-402A-690	REP-P	03-05-074
296-307-56020	NEW-X	03-04-100	296-402A-060	REP-P	03-05-074	296-800	PREP	03-04-097
296-307-56025	NEW-X	03-04-100	296-402A-070	REP-P	03-05-074	296-878	PREP	03-03-110
296-307-56030	NEW-X	03-04-100	296-402A-080	REP-P	03-05-074	308-13-150	PREP	03-04-056
296-307-56035	NEW-X	03-04-100	296-402A-090	REP-P	03-05-074	308-15	PREP	03-04-080
296-307-56040	NEW-X	03-04-100	296-402A-100	REP-P	03-05-074	308-17-120	AMD	03-03-024
296-307-56045	NEW-X	03-04-100	296-402A-110	REP-P	03-05-074	308-17-240	AMD	03-03-024
296-307-56050	NEW-X	03-04-100	296-402A-130	REP-P	03-05-074	308-20-120	AMD-P	03-05-058
296-401B-092	REP-P	03-05-074	296-402A-140	REP-P	03-05-074	308-20-210	AMD-P	03-03-119
296-401B-100	REP-P	03-05-074	296-402A-150	REP-P	03-05-074	308-20-210	AMD	03-06-054
296-401B-110	REP-P	03-05-074	296-402A-160	REP-P	03-05-074	308-48-800	PREP	03-04-076
296-401B-120	REP-P	03-05-074	296-402A-170	REP-P	03-05-074	308-56A-020	AMD	03-05-081
296-401B-130	REP-P	03-05-074	296-402A-180	REP-P	03-05-074	308-56A-030	AMD	03-05-081
296-401B-140	REP-P	03-05-074	296-402A-190	REP-P	03-05-074	308-56A-040	AMD	03-05-081
296-401B-180	REP-P	03-05-074	296-402A-200	REP-P	03-05-074	308-56A-056	AMD	03-05-081
296-401B-200	REP-P	03-05-074	296-402A-210	REP-P	03-05-074	308-56A-060	AMD	03-05-081
296-401B-250	REP-P	03-05-074	296-402A-220	REP-P	03-05-074	308-56A-065	AMD-P	03-06-040
296-401B-260	REP-P	03-05-074	296-402A-230	REP-P	03-05-074	308-56A-075	AMD-P	03-06-040
296-401B-270	REP-P	03-05-074	296-402A-240	REP-P	03-05-074	308-56A-110	AMD	03-05-081
296-401B-300	REP-P	03-05-074	296-402A-250	REP-P	03-05-074	308-56A-115	AMD	03-05-081
296-401B-310	REP-P	03-05-074	296-402A-260	REP-P	03-05-074	308-56A-140	AMD-P	03-05-001
296-401B-320	REP-P	03-05-074	296-402A-270	REP-P	03-05-074	308-56A-150	AMD-P	03-05-001
296-401B-330	REP-P	03-05-074	296-402A-290	REP-P	03-05-074	308-56A-150	AMD	03-05-081
296-401B-335	REP-P	03-05-074	296-402A-300	REP-P	03-05-074	308-56A-160	AMD-P	03-05-001
296-401B-340	REP-P	03-05-074	296-402A-310	REP-P	03-05-074	308-56A-200	AMD-P	03-05-001
296-401B-350	REP-P	03-05-074	296-402A-320	REP-P	03-05-074	308-56A-210	AMD	03-05-081
296-401B-410	REP-P	03-05-074	296-402A-330	REP-P	03-05-074	308-56A-215	AMD-P	03-05-001
296-401B-420	REP-P	03-05-074	296-402A-340	REP-P	03-05-074	308-56A-250	AMD-P	03-03-095
296-401B-430	REP-P	03-05-074	296-402A-350	REP-P	03-05-074	308-56A-265	AMD-P	03-03-095
296-401B-440	REP-P	03-05-074	296-402A-360	REP-P	03-05-074	308-56A-270	AMD-P	03-03-095
296-401B-445	REP-P	03-05-074	296-402A-370	REP-P	03-05-074	308-56A-275	AMD-P	03-03-095
296-401B-450	REP-P	03-05-074	296-402A-380	REP-P	03-05-074	308-56A-295	AMD	03-05-081
296-401B-455	REP-P	03-05-074	296-402A-390	REP-P	03-05-074	308-56A-455	AMD-P	03-06-040
296-401B-460	REP-P	03-05-074	296-402A-400	REP-P	03-05-074	308-96A-021	AMD	03-05-080
296-401B-470	REP-P	03-05-074	296-402A-410	REP-P	03-05-074	308-96A-047	NEW	03-05-080
296-401B-475	REP-P	03-05-074	296-402A-430	REP-P	03-05-074	308-96A-074	AMD	03-05-082
296-401B-476	REP-P	03-05-074	296-402A-440	REP-P	03-05-074	308-96A-177	REP	03-05-080
296-401B-500	REP-P	03-05-074	296-402A-450	REP-P	03-05-074	308-96A-314	AMD	03-05-082
296-401B-510	REP-P	03-05-074	296-402A-460	REP-P	03-05-074	308-96A-316	AMD	03-05-082
296-401B-520	REP-P	03-05-074	296-402A-470	REP-P	03-05-074	308-96A-550	AMD	03-05-082
296-401B-600	REP-P	03-05-074	296-402A-480	REP-P	03-05-074	308-99-040	AMD	03-04-092
296-401B-610	REP-P	03-05-074	296-402A-490	REP-P	03-05-074	308-124H-029	PREP	03-03-080
296-401B-620	REP-P	03-05-074	296-402A-500	REP-P	03-05-074	308-124H-061	PREP	03-03-080
296-401B-630	REP-P	03-05-074	296-402A-510	REP-P	03-05-074	308-129-100	AMD	03-03-055
296-401B-640	REP-P	03-05-074	296-402A-520	REP-P	03-05-074	308-420-010	REP	03-03-054
296-401B-700	REP-P	03-05-074	296-402A-530	REP-P	03-05-074	308-420-020	AMD	03-03-054
296-401B-800	REP-P	03-05-074	296-402A-540	REP-P	03-05-074	308-420-050	AMD	03-03-054
296-401B-850	REP-P	03-05-074	296-402A-550	REP-P	03-05-074	308-420-060	AMD	03-03-054
296-401B-860	REP-P	03-05-074	296-402A-560	REP-P	03-05-074	308-420-070	AMD	03-03-054
296-401B-870	REP-P	03-05-074	296-402A-570	REP-P	03-05-074	308-420-080	REP	03-03-054
296-401B-900	REP-P	03-05-074	296-402A-580	REP-P	03-05-074	308-420-090	AMD	03-03-054
296-401B-910	REP-P	03-05-074	296-402A-590	REP-P	03-05-074	308-420-100	AMD	03-03-054
296-401B-920	REP-P	03-05-074	296-402A-600	REP-P	03-05-074	308-420-130	REP	03-03-054

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-420-140	AMD	03-03-054	388- 71-0415	AMD-E	03-05-044	388- 71-0768	NEW	03-06-024
308-420-190	AMD	03-03-054	388- 71-0415	AMD-E	03-05-098	388- 71-0770	NEW	03-06-024
308-420-200	AMD	03-03-054	388- 71-0420	AMD-E	03-05-044	388- 71-0772	NEW	03-06-024
308-420-210	AMD	03-03-054	388- 71-0420	AMD-E	03-05-098	388- 71-0774	NEW	03-06-024
308-420-230	AMD	03-03-054	388- 71-0425	AMD-E	03-05-044	388- 71-0776	NEW	03-06-024
314- 12-170	REP-P	03-02-097	388- 71-0425	AMD-E	03-05-098	388- 72A-0005	NEW	03-05-097
314- 12-180	REP-P	03-02-097	388- 71-0430	AMD-E	03-05-044	388- 72A-0010	NEW	03-05-097
314- 12-300	REP-P	03-02-097	388- 71-0430	AMD-E	03-05-098	388- 72A-0015	NEW	03-05-097
314- 12-310	REP-P	03-02-097	388- 71-0435	AMD-E	03-05-044	388- 72A-0020	NEW	03-05-097
314- 12-320	REP-P	03-02-097	388- 71-0435	AMD-E	03-05-098	388- 72A-0025	NEW	03-05-097
314- 12-330	REP-P	03-02-097	388- 71-0442	NEW-E	03-05-044	388- 72A-0030	NEW	03-05-097
314- 12-340	REP-P	03-02-097	388- 71-0442	NEW-E	03-05-098	388- 72A-0035	NEW	03-05-097
314- 29-003	NEW-P	03-02-097	388- 71-0445	AMD-E	03-05-044	388- 72A-0040	NEW	03-05-097
314- 29-015	NEW-P	03-02-097	388- 71-0445	AMD-E	03-05-098	388- 72A-0045	NEW	03-05-097
314- 29-020	NEW-P	03-02-097	388- 71-0460	AMD-E	03-05-044	388- 72A-0050	NEW	03-05-097
314- 29-025	NEW-P	03-02-097	388- 71-0460	AMD-E	03-05-098	388- 72A-0055	NEW	03-05-097
314- 29-030	NEW-P	03-02-097	388- 71-0465	AMD-E	03-05-044	388- 72A-0060	NEW	03-05-097
314- 29-035	NEW-P	03-02-097	388- 71-0465	AMD-E	03-05-098	388- 72A-0065	NEW	03-05-097
314- 29-040	NEW-P	03-02-097	388- 71-0470	AMD-E	03-05-044	388- 72A-0070	NEW	03-05-097
352- 28	PREP	03-04-115	388- 71-0470	AMD-E	03-05-098	388- 72A-0075	NEW	03-05-097
352- 40	PREP	03-04-038	388- 71-0475	REP-P	03-06-093	388- 72A-0080	NEW	03-05-097
363-116-365	NEW-P	03-06-061	388- 71-0480	AMD-E	03-05-044	388- 72A-0085	NEW	03-05-097
363-116-405	NEW-P	03-06-060	388- 71-0480	AMD-E	03-05-098	388- 72A-0090	NEW	03-05-097
374- 80-010	AMD	03-06-015	388- 71-0600	AMD-E	03-05-044	388- 72A-0095	NEW	03-05-097
374- 80-040	AMD	03-06-015	388- 71-0600	AMD-E	03-05-098	388- 72A-0100	NEW	03-05-097
374- 80-050	AMD	03-06-015	388- 71-0605	AMD-E	03-05-044	388- 72A-0105	NEW	03-05-097
388- 02-0005	AMD-W	03-06-070	388- 71-0605	AMD-E	03-05-098	388- 72A-0110	NEW	03-05-097
388- 14A-3100	AMD-E	03-04-088	388- 71-0610	AMD-E	03-05-044	388- 78A	REP-P	03-03-018
388- 14A-3102	AMD-E	03-04-088	388- 71-0610	AMD-E	03-05-098	388- 78A-0010	NEW-P	03-03-018
388- 14A-3110	AMD-E	03-04-088	388- 71-0702	NEW	03-06-024	388- 78A-0020	NEW-P	03-03-018
388- 14A-3115	AMD-E	03-04-088	388- 71-0704	NEW	03-06-024	388- 78A-0030	NEW-P	03-03-018
388- 14A-3120	AMD-E	03-04-088	388- 71-0706	NEW	03-06-024	388- 78A-0040	NEW-P	03-03-018
388- 14A-3122	NEW-E	03-04-088	388- 71-0708	NEW	03-06-024	388- 78A-0050	NEW-P	03-03-018
388- 14A-3370	AMD-E	03-04-088	388- 71-0710	NEW	03-06-024	388- 78A-0060	NEW-P	03-03-018
388- 14A-3810	AMD-E	03-04-088	388- 71-0712	NEW	03-06-024	388- 78A-0070	NEW-P	03-03-018
388- 15-650	REP	03-06-024	388- 71-0714	NEW	03-06-024	388- 78A-0080	NEW-P	03-03-018
388- 15-651	REP	03-06-024	388- 71-0716	NEW	03-06-024	388- 78A-0090	NEW-P	03-03-018
388- 15-652	REP	03-06-024	388- 71-0718	NEW	03-06-024	388- 78A-010	REP-P	03-03-018
388- 15-653	REP	03-06-024	388- 71-0720	NEW	03-06-024	388- 78A-0100	NEW-P	03-03-018
388- 15-654	REP	03-06-024	388- 71-0722	NEW	03-06-024	388- 78A-0110	NEW-P	03-03-018
388- 15-655	REP	03-06-024	388- 71-0724	NEW	03-06-024	388- 78A-0120	NEW-P	03-03-018
388- 15-656	REP	03-06-024	388- 71-0726	NEW	03-06-024	388- 78A-0130	NEW-P	03-03-018
388- 15-657	REP	03-06-024	388- 71-0728	NEW	03-06-024	388- 78A-0140	NEW-P	03-03-018
388- 15-658	REP	03-06-024	388- 71-0730	NEW	03-06-024	388- 78A-0150	NEW-P	03-03-018
388- 15-659	REP	03-06-024	388- 71-0732	NEW	03-06-024	388- 78A-0160	NEW-P	03-03-018
388- 15-660	REP	03-06-024	388- 71-0734	NEW	03-06-024	388- 78A-0170	NEW-P	03-03-018
388- 15-661	REP	03-06-024	388- 71-0736	NEW	03-06-024	388- 78A-0180	NEW-P	03-03-018
388- 15-662	REP	03-06-024	388- 71-0738	NEW	03-06-024	388- 78A-0190	NEW-P	03-03-018
388- 32-0025	PREP	03-03-056	388- 71-0740	NEW	03-06-024	388- 78A-020	REP-P	03-03-018
388- 32-0025	AMD-E	03-03-069	388- 71-0742	NEW	03-06-024	388- 78A-0200	NEW-P	03-03-018
388- 32-0030	PREP	03-03-056	388- 71-0744	NEW	03-06-024	388- 78A-0210	NEW-P	03-03-018
388- 32-0030	AMD-E	03-03-069	388- 71-0746	NEW	03-06-024	388- 78A-0220	NEW-P	03-03-018
388- 71-0194	AMD-E	03-05-044	388- 71-0748	NEW	03-06-024	388- 78A-0230	NEW-P	03-03-018
388- 71-0194	AMD-E	03-05-098	388- 71-0750	NEW	03-06-024	388- 78A-0240	NEW-P	03-03-018
388- 71-0202	AMD-E	03-05-044	388- 71-0752	NEW	03-06-024	388- 78A-0250	NEW-P	03-03-018
388- 71-0202	AMD-E	03-05-098	388- 71-0754	NEW	03-06-024	388- 78A-0260	NEW-P	03-03-018
388- 71-0203	AMD-E	03-05-044	388- 71-0756	NEW	03-06-024	388- 78A-0270	NEW-P	03-03-018
388- 71-0203	AMD-E	03-05-098	388- 71-0758	NEW	03-06-024	388- 78A-0280	NEW-P	03-03-018
388- 71-0405	AMD-E	03-05-044	388- 71-0760	NEW	03-06-024	388- 78A-0290	NEW-P	03-03-018
388- 71-0405	AMD-E	03-05-098	388- 71-0762	NEW	03-06-024	388- 78A-030	REP-P	03-03-018
388- 71-0410	AMD-E	03-05-044	388- 71-0764	NEW	03-06-024	388- 78A-0300	NEW-P	03-03-018
388- 71-0410	AMD-E	03-05-098	388- 71-0766	NEW	03-06-024	388- 78A-0310	NEW-P	03-03-018

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-140-0260	NEW-E	03-04-035	388-140-0575	NEW-E	03-04-035	388-148-1180	NEW-E	03-05-099
388-140-0265	NEW-E	03-04-035	388-140-0580	NEW-E	03-04-035	388-148-1185	NEW-E	03-05-099
388-140-0270	NEW-E	03-04-035	388-140-0585	NEW-E	03-04-035	388-148-1190	NEW-E	03-05-099
388-140-0275	NEW-E	03-04-035	388-140-0590	NEW-E	03-04-035	388-148-1205	NEW-E	03-06-091
388-140-0280	NEW-E	03-04-035	388-140-0595	NEW-E	03-04-035	388-148-1210	NEW-E	03-06-091
388-140-0285	NEW-E	03-04-035	388-140-0600	NEW-E	03-04-035	388-148-1215	NEW-E	03-06-091
388-140-0290	NEW-E	03-04-035	388-140-0605	NEW-E	03-04-035	388-148-1220	NEW-E	03-06-091
388-140-0295	NEW-E	03-04-035	388-140-0610	NEW-E	03-04-035	388-148-1225	NEW-E	03-06-091
388-140-0300	NEW-E	03-04-035	388-140-0615	NEW-E	03-04-035	388-148-1230	NEW-E	03-06-091
388-140-0305	NEW-E	03-04-035	388-140-0620	NEW-E	03-04-035	388-148-1235	NEW-E	03-06-091
388-140-0310	NEW-E	03-04-035	388-140-0625	NEW-E	03-04-035	388-148-1240	NEW-E	03-06-091
388-140-0315	NEW-E	03-04-035	388-140-0630	NEW-E	03-04-035	388-148-1245	NEW-E	03-06-091
388-140-0320	NEW-E	03-04-035	388-140-0635	NEW-E	03-04-035	388-148-1250	NEW-E	03-06-091
388-140-0325	NEW-E	03-04-035	388-148-0040	AMD-E	03-05-099	388-148-1255	NEW-E	03-06-091
388-140-0330	NEW-E	03-04-035	388-148-0045	AMD-E	03-05-099	388-148-1260	NEW-E	03-06-091
388-140-0335	NEW-E	03-04-035	388-148-0050	AMD-E	03-05-099	388-148-1265	NEW-E	03-06-091
388-140-0340	NEW-E	03-04-035	388-148-0058	NEW-E	03-05-099	388-148-1270	NEW-E	03-06-091
388-140-0345	NEW-E	03-04-035	388-148-0060	AMD-E	03-05-099	388-148-1275	NEW-E	03-06-091
388-140-0350	NEW-E	03-04-035	388-148-0065	AMD-E	03-05-099	388-148-1280	NEW-E	03-06-091
388-140-0355	NEW-E	03-04-035	388-148-0120	AMD-E	03-05-099	388-148-1285	NEW-E	03-06-091
388-140-0360	NEW-E	03-04-035	388-148-0125	AMD-E	03-05-099	388-148-1290	NEW-E	03-06-091
388-140-0365	NEW-E	03-04-035	388-148-0140	AMD-E	03-05-099	388-148-1295	NEW-E	03-06-091
388-140-0370	NEW-E	03-04-035	388-148-0220	AMD-E	03-05-099	388-148-1300	NEW-E	03-06-091
388-140-0375	NEW-E	03-04-035	388-148-0260	AMD-E	03-05-099	388-155-070	AMD-P	03-06-092
388-140-0380	NEW-E	03-04-035	388-148-0270	AMD-E	03-05-099	388-155-090	AMD-P	03-06-092
388-140-0385	NEW-E	03-04-035	388-148-0335	AMD-E	03-05-099	388-180-0100	NEW	03-04-013
388-140-0390	NEW-E	03-04-035	388-148-0345	AMD-E	03-05-099	388-180-0110	NEW	03-04-013
388-140-0395	NEW-E	03-04-035	388-148-0350	AMD-E	03-05-099	388-180-0120	NEW	03-04-013
388-140-0400	NEW-E	03-04-035	388-148-0395	AMD-E	03-05-099	388-180-0130	NEW	03-04-013
388-140-0405	NEW-E	03-04-035	388-148-0427	NEW-E	03-05-099	388-180-0140	NEW	03-04-013
388-140-0410	NEW-E	03-04-035	388-148-0460	AMD-E	03-05-099	388-180-0150	NEW	03-04-013
388-140-0415	NEW-E	03-04-035	388-148-0462	NEW-E	03-05-099	388-180-0160	NEW	03-04-013
388-140-0420	NEW-E	03-04-035	388-148-0520	AMD-E	03-05-099	388-180-0170	NEW	03-04-013
388-140-0425	NEW-E	03-04-035	388-148-0542	NEW-E	03-05-099	388-180-0180	NEW	03-04-013
388-140-0430	NEW-E	03-04-035	388-148-0560	AMD-E	03-05-099	388-180-0190	NEW	03-04-013
388-140-0435	NEW-E	03-04-035	388-148-0585	AMD-E	03-05-099	388-180-0200	NEW	03-04-013
388-140-0440	NEW-E	03-04-035	388-148-0630	AMD-E	03-05-099	388-180-0210	NEW	03-04-013
388-140-0445	NEW-E	03-04-035	388-148-0700	AMD-E	03-05-099	388-180-0220	NEW	03-04-013
388-140-0450	NEW-E	03-04-035	388-148-0720	AMD-E	03-05-099	388-180-0230	NEW	03-04-013
388-140-0455	NEW-E	03-04-035	388-148-0722	NEW-E	03-05-099	388-290-0075	AMD-E	03-06-045
388-140-0460	NEW-E	03-04-035	388-148-0725	AMD-E	03-05-099	388-290-0085	AMD-E	03-06-045
388-140-0465	NEW-E	03-04-035	388-148-0785	AMD-E	03-05-099	388-290-0190	AMD-E	03-06-045
388-140-0470	NEW-E	03-04-035	388-148-0880	AMD-E	03-05-099	388-290-0210	REP-E	03-06-045
388-140-0475	NEW-E	03-04-035	388-148-0892	NEW-E	03-05-099	388-310-0800	AMD-E	03-04-066
388-140-0480	NEW-E	03-04-035	388-148-0915	AMD-E	03-05-099	388-400-0040	AMD	03-05-028
388-140-0485	NEW-E	03-04-035	388-148-0995	AMD-E	03-05-099	388-400-0045	AMD	03-05-028
388-140-0490	NEW-E	03-04-035	388-148-1060	AMD-E	03-05-099	388-406-0015	PREP-W	03-03-112
388-140-0495	NEW-E	03-04-035	388-148-1070	AMD-E	03-05-099	388-408-0034	PREP	03-06-056
388-140-0500	NEW-E	03-04-035	388-148-1076	NEW-E	03-05-099	388-408-0035	PREP	03-06-056
388-140-0505	NEW-E	03-04-035	388-148-1077	NEW-E	03-05-099	388-408-0040	PREP	03-06-056
388-140-0510	NEW-E	03-04-035	388-148-1078	NEW-E	03-05-099	388-408-0045	PREP	03-06-056
388-140-0515	NEW-E	03-04-035	388-148-1079	NEW-E	03-05-099	388-408-0050	PREP	03-06-056
388-140-0520	NEW-E	03-04-035	388-148-1115	AMD-E	03-05-099	388-424-0005	PREP	03-03-007
388-140-0525	NEW-E	03-04-035	388-148-1120	AMD-E	03-05-099	388-424-0010	PREP	03-03-007
388-140-0530	NEW-E	03-04-035	388-148-1140	NEW-E	03-05-099	388-424-0015	PREP	03-03-007
388-140-0535	NEW-E	03-04-035	388-148-1145	NEW-E	03-05-099	388-424-0020	AMD	03-05-029
388-140-0540	NEW-E	03-04-035	388-148-1150	NEW-E	03-05-099	388-424-0025	AMD	03-05-029
388-140-0545	NEW-E	03-04-035	388-148-1155	NEW-E	03-05-099	388-436-0002	AMD-E	03-04-067
388-140-0550	NEW-E	03-04-035	388-148-1160	NEW-E	03-05-099	388-444-0035	AMD	03-05-031
388-140-0560	NEW-E	03-04-035	388-148-1165	NEW-E	03-05-099	388-450-0045	AMD	03-03-071
388-140-0565	NEW-E	03-04-035	388-148-1170	NEW-E	03-05-099	388-450-0050	AMD-P	03-03-008
388-140-0570	NEW-E	03-04-035	388-148-1175	NEW-E	03-05-099	388-450-0050	AMD	03-06-095

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-450-0080	PREP	03-06-057	388-805-005	AMD-E	03-06-059	388-818-060	REP	03-05-100
388-450-0156	AMD	03-05-030	388-805-030	AMD-E	03-06-059	388-818-070	REP	03-05-100
388-460-0005	AMD	03-03-072	388-805-035	NEW-E	03-06-059	388-818-080	REP	03-05-100
388-470-0005	AMD	03-05-015	388-805-040	NEW-E	03-06-059	388-818-090	REP	03-05-100
388-470-0010	REP	03-05-015	388-805-065	AMD-E	03-06-059	388-818-110	REP	03-05-100
388-470-0012	AMD	03-05-015	388-805-145	AMD-E	03-06-059	388-818-130	REP	03-05-100
388-470-0015	REP	03-05-015	388-805-205	AMD-E	03-06-059	388-820-020	AMD-E	03-03-115
388-470-0020	REP	03-05-015	388-805-300	AMD-E	03-06-059	388-820-060	AMD-E	03-03-115
388-470-0025	REP	03-05-015	388-805-710	AMD-E	03-06-059	388-820-120	AMD-E	03-03-115
388-470-0030	REP	03-05-015	388-805-720	AMD-E	03-06-059	388-825-020	AMD-E	03-03-115
388-470-0035	REP	03-05-015	388-805-730	AMD-E	03-06-059	388-825-055	AMD-E	03-03-115
388-470-0045	AMD	03-05-015	388-805-740	AMD-E	03-06-059	388-825-100	AMD-E	03-03-115
388-470-0050	REP	03-05-015	388-805-750	AMD-E	03-06-059	388-825-120	AMD-E	03-03-115
388-470-0055	AMD	03-05-015	388-818-001	REP	03-05-100	388-825-180	AMD-E	03-03-115
388-470-0065	REP	03-05-015	388-818-0010	NEW	03-05-100	388-825-205	AMD-E	03-03-115
388-474-0012	NEW	03-03-114	388-818-002	REP	03-05-100	388-825-252	AMD-E	03-03-115
388-476-0005	PREP	03-04-086	388-818-0020	NEW	03-05-100	388-825-254	AMD-E	03-03-115
388-478-0055	AMD	03-03-114	388-818-003	REP	03-05-100	388-825-500	NEW-E	03-03-115
388-478-0075	PREP	03-06-058	388-818-0030	NEW	03-05-100	388-825-505	NEW-E	03-03-115
388-484-0005	AMD	03-06-046	388-818-0040	NEW	03-05-100	388-825-510	NEW-E	03-03-115
388-502-0010	PREP	03-03-017	388-818-005	REP	03-05-100	388-825-515	NEW-E	03-03-115
388-502-0010	AMD-E	03-03-027	388-818-0050	NEW	03-05-100	388-825-520	NEW-E	03-03-115
388-505-0210	PREP	03-06-055	388-818-0060	NEW	03-05-100	388-825-525	NEW-E	03-03-115
388-513-1364	NEW	03-06-048	388-818-0070	NEW	03-05-100	388-825-530	NEW-E	03-03-115
388-515-1540	NEW-E	03-05-044	388-818-0080	NEW	03-05-100	388-825-535	NEW-E	03-03-115
388-515-1540	NEW-E	03-05-098	388-818-0090	NEW	03-05-100	388-825-540	NEW-E	03-03-115
388-523-0120	PREP	03-04-085	388-818-010	REP	03-05-100	388-825-545	NEW-E	03-03-115
388-530-1270	NEW	03-05-043	388-818-0100	NEW	03-05-100	388-825-546	NEW-E	03-03-115
388-531	PREP	03-04-087	388-818-0110	NEW	03-05-100	388-825-550	NEW-E	03-03-115
388-531-0050	AMD	03-06-049	388-818-0120	NEW	03-05-100	388-825-555	NEW-E	03-03-115
388-543-1100	AMD-X	03-05-054	388-818-0130	NEW	03-05-100	388-825-560	NEW-E	03-03-115
388-543-1225	NEW	03-05-051	388-818-0140	NEW	03-05-100	388-825-565	NEW-E	03-03-115
388-546	PREP	03-04-087	388-818-0150	NEW	03-05-100	388-825-570	NEW-E	03-03-115
388-550-2501	AMD	03-06-047	388-818-0160	NEW	03-05-100	388-825-571	NEW-E	03-03-115
388-550-2511	AMD	03-06-047	388-818-0170	NEW	03-05-100	388-825-575	NEW-E	03-03-115
388-550-2521	AMD	03-06-047	388-818-0180	NEW	03-05-100	388-825-576	NEW-E	03-03-115
388-550-2531	AMD	03-06-047	388-818-0190	NEW	03-05-100	388-825-580	NEW-E	03-03-115
388-550-2541	AMD	03-06-047	388-818-020	REP	03-05-100	388-825-585	NEW-E	03-03-115
388-550-2551	AMD	03-06-047	388-818-0200	NEW	03-05-100	388-825-590	NEW-E	03-03-115
388-550-2561	AMD	03-06-047	388-818-0210	NEW	03-05-100	388-825-591	NEW-E	03-03-115
388-550-2800	PREP	03-04-087	388-818-0220	NEW	03-05-100	388-825-592	NEW-E	03-03-115
388-550-3381	AMD	03-06-047	388-818-0230	NEW	03-05-100	388-825-600	NEW-E	03-03-115
388-550-3401	REP	03-06-047	388-818-0240	NEW	03-05-100	388-850-035	AMD-E	03-03-115
388-550-4500	AMD-P	03-06-111	388-818-0250	NEW	03-05-100	388-850-045	AMD-E	03-03-115
388-550-4800	PREP	03-04-087	388-818-0260	NEW	03-05-100	390	PREP	03-04-095
388-550-4900	AMD-P	03-06-111	388-818-0270	NEW	03-05-100	390-17-110	NEW-S	03-04-094
388-550-5000	AMD-P	03-06-111	388-818-0280	NEW	03-05-100	391-08-001	AMD	03-03-064
388-550-5100	AMD-P	03-06-111	388-818-0290	NEW	03-05-100	391-08-630	AMD	03-03-064
388-550-5150	AMD-P	03-06-111	388-818-030	REP	03-05-100	391-08-670	AMD	03-03-064
388-550-5200	AMD-P	03-06-111	388-818-0300	NEW	03-05-100	391-08-670	PREP	03-03-066
388-550-5400	AMD-P	03-06-111	388-818-0310	NEW	03-05-100	391-25-001	AMD	03-03-064
388-550-5450	PREP	03-04-087	388-818-0320	NEW	03-05-100	391-25-002	AMD	03-03-064
388-550-5600	AMD-P	03-06-111	388-818-0330	NEW	03-05-100	391-25-011	AMD	03-03-064
388-550-6000	PREP	03-04-087	388-818-0340	NEW	03-05-100	391-25-032	NEW	03-03-064
388-550-6800	NEW-P	03-06-111	388-818-0350	NEW	03-05-100	391-25-036	NEW	03-03-064
388-550-6900	NEW-P	03-06-111	388-818-0360	NEW	03-05-100	391-25-037	NEW	03-03-064
388-561-0001	AMD	03-06-048	388-818-0370	NEW	03-05-100	391-25-051	NEW	03-03-064
388-730-0010	AMD	03-03-070	388-818-0380	NEW	03-05-100	391-25-076	NEW	03-03-064
388-730-0060	AMD	03-03-070	388-818-0390	NEW	03-05-100	391-25-096	NEW	03-03-064
388-730-0065	AMD	03-03-070	388-818-040	REP	03-05-100	391-25-136	NEW	03-03-064
388-730-0070	AMD	03-03-070	388-818-0400	NEW	03-05-100	391-25-137	NEW	03-03-064
388-730-0090	AMD	03-03-070	388-818-050	REP	03-05-100	391-25-197	NEW	03-03-064

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
391-25-216	NEW	03-03-064	415-112-480	AMD	03-06-042	468-95-010	AMD	03-06-053
391-25-216	PREP	03-03-066	434-670-010	NEW	03-06-069	468-95-020	REP-E	03-03-028
391-25-217	NEW	03-03-064	434-670-020	NEW	03-06-069	468-95-020	REP-P	03-03-029
391-25-396	NEW	03-03-064	434-670-030	NEW	03-06-069	468-95-020	REP	03-06-053
391-25-416	NEW	03-03-064	434-670-040	NEW	03-06-069	468-95-025	REP-E	03-03-028
391-25-426	NEW-E	03-03-065	434-670-050	NEW	03-06-069	468-95-025	REP-P	03-03-029
391-25-426	PREP	03-03-066	434-670-060	NEW	03-06-069	468-95-025	REP	03-06-053
391-25-427	NEW	03-03-064	434-670-070	NEW	03-06-069	468-95-030	REP-E	03-03-028
391-25-476	NEW	03-03-064	434-670-080	NEW	03-06-069	468-95-030	REP-P	03-03-029
391-25-496	NEW	03-03-064	434-670-090	NEW	03-06-069	468-95-030	REP	03-06-053
391-35-001	AMD	03-03-064	446-20-285	AMD	03-05-007	468-95-035	REP-E	03-03-028
391-35-002	AMD	03-03-064	446-75-010	AMD-P	03-04-070	468-95-035	REP-P	03-03-029
391-35-026	NEW	03-03-064	446-75-020	AMD-P	03-04-070	468-95-035	REP	03-06-053
391-35-326	NEW	03-03-064	446-75-030	AMD-P	03-04-070	468-95-037	REP-E	03-03-028
391-35-327	NEW	03-03-064	446-75-060	AMD-P	03-04-070	468-95-037	REP-P	03-03-029
391-35-346	NEW	03-03-064	446-75-070	AMD-P	03-04-070	468-95-037	REP	03-06-053
391-35-347	NEW	03-03-064	446-75-080	AMD-P	03-04-070	468-95-040	REP-E	03-03-028
391-35-356	NEW	03-03-064	458-12-060	PREP	03-03-100	468-95-040	REP-P	03-03-029
391-45-001	AMD	03-03-064	458-12-065	PREP	03-03-100	468-95-040	REP	03-06-053
391-45-002	AMD	03-03-064	458-12-070	PREP	03-03-100	468-95-040	REP-E	03-03-028
391-45-056	NEW	03-03-064	458-12-075	PREP	03-03-100	468-95-050	REP-E	03-03-028
391-55-001	AMD	03-03-064	458-12-080	PREP	03-03-100	468-95-050	REP-P	03-03-029
391-55-002	AMD	03-03-064	458-12-360	PREP	03-03-100	468-95-050	REP	03-06-053
391-55-200	AMD	03-03-064	458-16-010	REP-P	03-03-099	468-95-055	REP-E	03-03-028
391-65-001	AMD	03-03-064	458-16-011	REP-P	03-03-099	468-95-055	REP-P	03-03-029
391-65-002	AMD	03-03-064	458-16-012	REP-P	03-03-099	468-95-055	REP	03-06-053
391-65-110	AMD	03-03-064	458-16-013	REP-P	03-03-099	468-95-060	REP-E	03-03-028
391-95-001	AMD	03-03-064	458-16-020	REP-P	03-03-099	468-95-060	REP-P	03-03-029
391-95-010	AMD	03-03-064	458-16-022	REP-P	03-03-099	468-95-060	REP	03-06-053
392-139	PREP	03-05-093	458-16-030	REP-P	03-03-099	468-95-070	REP-E	03-03-028
392-140-908	AMD	03-03-001	458-16-040	REP-P	03-03-099	468-95-070	REP-P	03-03-029
392-140-912	AMD	03-03-001	458-16-060	REP-P	03-03-099	468-95-070	REP	03-06-053
392-142	PREP	03-03-033	458-16-070	REP-P	03-03-099	468-95-080	REP-E	03-03-028
392-143	PREP	03-03-034	458-16-079	REP-P	03-03-099	468-95-080	REP-P	03-03-029
415-02	PREP	03-04-017	458-16A	AMD-P	03-03-099	468-95-080	REP	03-06-053
415-02-140	NEW	03-06-043	458-16A-100	NEW-P	03-03-099	468-95-090	REP-E	03-03-028
415-02-310	NEW	03-06-044	458-16A-110	NEW-P	03-03-099	468-95-090	REP-P	03-03-029
415-02-350	NEW	03-06-044	458-16A-115	NEW-P	03-03-099	468-95-090	REP	03-06-053
415-02-380	AMD-P	03-05-042	458-16A-120	NEW-P	03-03-099	468-95-100	REP-E	03-03-028
415-02-500	NEW-P	03-05-042	458-16A-130	NEW-P	03-03-099	468-95-100	REP-P	03-03-029
415-02-510	NEW-P	03-05-042	458-16A-135	NEW-P	03-03-099	468-95-100	REP	03-06-053
415-02-520	NEW-P	03-05-042	458-16A-140	NEW-P	03-03-099	468-95-110	NEW-E	03-03-028
415-02-530	NEW-P	03-05-042	458-16A-140	NEW-P	03-03-099	468-95-110	NEW-P	03-03-029
415-02-530	NEW-P	03-05-042	458-16A-150	NEW-P	03-03-099	468-95-110	NEW	03-06-053
415-02-540	NEW-P	03-05-042	458-20-135	AMD-P	03-04-032	468-95-120	NEW-E	03-03-028
415-02-550	NEW-P	03-05-042	458-20-17803	NEW-E	03-04-031	468-95-120	NEW-P	03-03-029
415-10	PREP	03-04-017	458-20-185	AMD-E	03-06-016	468-95-120	NEW	03-06-053
415-104-202	NEW-P	03-05-042	458-20-231	REP-X	03-04-030	468-95-120	NEW-E	03-03-028
415-104-211	AMD-P	03-05-042	458-20-24003	PREP	03-03-101	468-95-130	NEW-E	03-03-028
415-104-215	AMD-P	03-05-042	458-40-660	PREP	03-05-084	468-95-130	NEW-P	03-03-029
415-104-299	AMD	03-06-042	468-06-040	AMD-X	03-04-062	468-95-130	NEW	03-06-053
415-104-3402	AMD	03-06-042	468-15-010	NEW	03-03-012	468-95-140	NEW-E	03-03-028
415-104-385	AMD	03-06-042	468-15-020	NEW	03-03-012	468-95-140	NEW-P	03-03-029
415-108-443	AMD	03-06-042	468-15-030	NEW	03-03-012	468-95-140	NEW	03-06-053
415-108-475	AMD	03-06-042	468-15-040	NEW	03-03-012	468-95-140	NEW-E	03-03-028
415-108-550	AMD-P	03-05-041	468-15-040	NEW	03-03-012	468-95-150	NEW-E	03-03-028
415-108-560	AMD-P	03-05-041	468-15-050	NEW	03-03-012	468-95-150	NEW-P	03-03-029
415-108-575	NEW-P	03-05-041	468-15-060	NEW	03-03-012	468-95-150	NEW	03-06-053
415-110-443	AMD	03-06-042	468-38-340	AMD	03-03-035	468-95-160	NEW-E	03-03-028
415-110-475	AMD	03-06-042	468-58-080	AMD-E	03-04-040	468-95-160	NEW-P	03-03-029
415-110-575	NEW-P	03-05-041	468-70-070	AMD-E	03-06-052	468-95-160	NEW	03-06-053
415-111-450	REP-P	03-05-042	468-70-080	REP-E	03-06-052	468-95-170	NEW-E	03-03-028
415-111-450	REP-P	03-05-042	468-95-010	AMD-E	03-03-028	468-95-170	NEW-P	03-03-029
415-112-445	AMD	03-06-042	468-95-010	AMD-P	03-03-029	468-95-170	NEW	03-06-053
						468-95-180	NEW-E	03-03-028

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
468-95-180	NEW-P	03-03-029	468-300-010	AMD-P	03-04-102			
468-95-180	NEW	03-06-053	468-300-020	AMD-P	03-04-102			
468-95-190	NEW-E	03-03-028	468-300-040	AMD-P	03-04-102			
468-95-190	NEW-P	03-03-029	468-300-220	AMD-P	03-04-102			
468-95-190	NEW	03-06-053	468-300-700	AMD-P	03-04-102			
468-95-200	NEW-E	03-03-028	468-510-010	AMD-E	03-06-014			
468-95-200	NEW-P	03-03-029	478-138-060	AMD-X	03-05-019			
468-95-200	NEW	03-06-053	478-140-018	AMD-X	03-05-019			
468-95-210	NEW-E	03-03-028	478-160-085	AMD-X	03-05-019			
468-95-210	NEW-P	03-03-029	478-168-170	AMD-X	03-05-019			
468-95-210	NEW	03-06-053	478-276-140	AMD-X	03-05-019			
468-95-220	NEW-E	03-03-028	478-324-020	AMD-X	03-05-019			
468-95-220	NEW-P	03-03-029	478-324-045	AMD-X	03-05-019			
468-95-220	NEW	03-06-053	478-324-140	AMD-X	03-05-019			
468-95-230	NEW-E	03-03-028	478-324-145	NEW-X	03-05-019			
468-95-230	NEW-P	03-03-029	478-324-180	AMD-X	03-05-019			
468-95-230	NEW	03-06-053	480-120-017	NEW	03-03-090			
468-95-240	NEW-E	03-03-028	480-120-019	NEW	03-03-090			
468-95-240	NEW-P	03-03-029	480-120-173	NEW	03-03-090			
468-95-240	NEW	03-06-053						
468-95-250	NEW-E	03-03-028						
468-95-250	NEW-P	03-03-029						
468-95-250	NEW	03-06-053						
468-95-260	NEW-E	03-03-028						
468-95-260	NEW-P	03-03-029						
468-95-260	NEW	03-06-053						
468-95-270	NEW-E	03-03-028						
468-95-270	NEW-P	03-03-029						
468-95-270	NEW	03-06-053						
468-95-280	NEW-E	03-03-028						
468-95-280	NEW-P	03-03-029						
468-95-280	NEW	03-06-053						
468-95-290	NEW-E	03-03-028						
468-95-290	NEW-P	03-03-029						
468-95-290	NEW	03-06-053						
468-95-300	NEW-E	03-03-028						
468-95-300	NEW-P	03-03-029						
468-95-300	NEW	03-06-053						
468-95-310	NEW-E	03-03-028						
468-95-310	NEW-P	03-03-029						
468-95-310	NEW	03-06-053						
468-95-320	NEW-E	03-03-028						
468-95-320	NEW-P	03-03-029						
468-95-320	NEW	03-06-053						
468-95-330	NEW-E	03-03-028						
468-95-330	NEW-P	03-03-029						
468-95-330	NEW	03-06-053						
468-95-340	NEW-E	03-03-028						
468-95-340	NEW-P	03-03-029						
468-95-340	NEW	03-06-053						
468-95-350	NEW-E	03-03-028						
468-95-350	NEW-P	03-03-029						
468-95-350	NEW	03-06-053						
468-95-360	NEW-E	03-03-028						
468-95-360	NEW-P	03-03-029						
468-95-360	NEW	03-06-053						
468-95-370	NEW-E	03-03-028						
468-95-370	NEW-P	03-03-029						
468-95-370	NEW	03-06-053						
468-95-400	NEW-E	03-03-028						
468-95-400	NEW-P	03-03-029						
468-95-400	NEW	03-06-053						

TABLE



Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION

Meetings MISC 03-02-027
 Performance and improvement goals PREP 03-02-013
 PROP 03-05-101

ACCOUNTANCY, BOARD OF

Examinations
 application procedure PREP 03-01-101
 cheating PREP 03-05-012
 fees PREP 03-01-102
 Meetings MISC 03-01-100

ADVANCED TUITION PAYMENT, COMMITTEE ON

Meetings MISC 03-03-050

AGING AND ADULT SERVICES

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

AGRICULTURE, DEPARTMENT OF

Asparagus commission MISC 03-03-005
MISC 03-06-082
 Barley commission MISC 03-04-034
 Beef commission MISC 03-03-073
 MISC 03-05-013
 Caneberry certification fees PREP 03-03-120
 Canola/rapeseed commission MISC 03-01-120
 Dairy products commission MISC 03-04-015
 Dry pea and lentil marketing order **PROP 03-06-101**
 Fertilizer
 violations PERM 03-02-100
 Forest reproductive material PROP 03-02-094
PERM 03-06-006
 Fruit and vegetable inspection fees PREP 03-03-131
 Grain inspection fees PREP 03-03-086
 Grass sod EXPE 03-03-124
 Hop commission MISC 03-01-074
 Horticulture
 bacterial ring rot in seed potatoes EXPE 03-01-126
 PERM 03-05-079
 plant tagging requirements PREP 03-01-125
 Liquefied petroleum gas, motor and heating fuel PREP 03-03-122
 Noxious weed control board
 meetings MISC 03-04-037
 noxious weed list PERM 03-04-001
PROP 03-06-102
 Nursery inspection fees
 Organic foods
 certification of processors PERM 03-03-044
 standards and certification PERM 03-03-045
 Pesticides
 mosquito larvae control PROP 03-02-099
 PERM 03-05-034
 secondary and operational area containment of
 bulk pesticides PROP 03-05-075
 thiamethoxam PROP 03-02-098
 PERM 03-05-033
 Poultry
 Exotic Newcastle Disease quarantine EMER 03-03-085
 Rules
 agenda MISC 03-04-068
MISC 03-06-025
 Seed certification fees PROP 03-02-095
 PROP 03-03-130
PERM 03-06-005
 PREP 03-03-121
 Strawberry plant certification fees
 Erratum
 See PREP 03-06
 Turfgrass seed commission MISC 03-01-121
 Weights and measures
 national standards EXPE 03-03-123
 Wine commission PERM 03-01-048
 MISC 03-04-002

AIR POLLUTION

(See **ECOLOGY, DEPARTMENT OF**; individual air pollution control agencies)

ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 03-04-057

ATTORNEY GENERAL

Notice of request for opinion MISC 03-04-114

BATES TECHNICAL COLLEGE

Meetings MISC 03-01-090
 MISC 03-03-088
 MISC 03-03-094
 MISC 03-04-014
MISC 03-06-068

BELLEVUE COMMUNITY COLLEGE

Complaint procedures PREP 03-04-073
 Meetings MISC 03-01-085
 Organization and operating policies PERM 03-01-009
 Parking and traffic procedures PREP 03-04-074
 State Environmental Policy Act PERM 03-01-008
 Student code PREP 03-04-075

BELLINGHAM TECHNICAL COLLEGE

Meetings MISC 03-01-028
 MISC 03-01-083
 MISC 03-03-003
 MISC 03-03-013
 MISC 03-05-066
MISC 03-06-023
 MISC 03-03-014
 Rules coordinator

BENTON CLEAN AIR AUTHORITY

Meetings MISC 03-03-104

BIG BEND COMMUNITY COLLEGE

Meetings MISC 03-02-048

BLIND, DEPARTMENT OF SERVICES FOR THE

Meetings MISC 03-03-058

BUILDING CODE COUNCIL

Elevator shaft pressurization PERM 03-01-055
 Meetings MISC 03-01-056

CASCADIA COMMUNITY COLLEGE

Meetings MISC 03-01-099

CENTRAL WASHINGTON UNIVERSITY

Meetings MISC 03-03-049

CLARK COLLEGE

Meetings MISC 03-02-025
 Rules coordinator MISC 03-02-034

CODE REVISER'S OFFICE

Quarterly reports
 02-19 - 02-24 See Issue 03-01

COLUMBIA BASIN COLLEGE

Meeting MISC 03-01-036

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Public works board
 meetings MISC 03-03-036
 MISC 03-05-032

CONSERVATION COMMISSION

Meetings MISC 03-01-066

CONVENTION AND TRADE CENTER

Meetings MISC 03-01-067
 MISC 03-01-068
 MISC 03-01-098
 MISC 03-03-092
 MISC 03-05-055
 MISC 03-05-056

CORRECTIONS, DEPARTMENT OF

Meetings MISC 03-03-030
 Rules
 agenda MISC 03-02-075

COUNTY ROAD ADMINISTRATION BOARD

County road log PERM 03-05-009
 Meetings MISC 03-04-106

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Rules coordinator	MISC	03-01-091	Meetings	MISC	03-01-046
Rural arterial trust account (RATA)				MISC	03-06-041
eligibility	PERM	03-05-010	National certification	PREP	03-04-020
emergency projects	PERM	03-05-011		EMER	03-04-027
limitations on allocations	PROP	03-05-008		EMER	03-04-028
				PERM	03-04-053
CRIMINAL JUSTICE TRAINING COMMISSION			Private schools		
Basic certification	PROP	03-01-038	Rules		
	PREP	03-05-090	withdrawal	PROP	03-03-060
				PROP	03-03-061
Corrections				PROP	03-03-062
training	PERM	03-02-009	School accreditation	PREP	03-04-111
Firearms certification	PERM	03-02-007		PREP	03-04-112
	PERM	03-02-008			
Peace officer certification	PERM	03-02-010	EDUCATOR STANDARDS BOARD, PROFESSIONAL		
Police dog handlers	PROP	03-03-091	Meetings	MISC	03-02-061
Rules					
withdrawal	PROP	03-01-092	EMPLOYMENT SECURITY, DEPARTMENT OF		
			Extended benefits	PROP	03-01-103
DEAF, WASHINGTON STATE SCHOOL FOR THE				PERM	03-06-038
Meetings	MISC	03-01-105	Rules		
	MISC	03-03-087	agenda	MISC	03-04-064
	MISC	03-05-004	coordinator	MISC	03-06-037
EASTERN WASHINGTON UNIVERSITY			EVERGREEN STATE COLLEGE, THE		
Meetings	MISC	03-01-073	Meetings	MISC	03-02-085
	MISC	03-03-125			
	MISC	03-04-016	FINANCIAL INSTITUTIONS, DEPARTMENT OF		
	MISC	03-06-017	Rules		
	MISC	03-06-077	agenda	MISC	03-04-039
ECOLOGY, DEPARTMENT OF			FISH AND WILDLIFE, DEPARTMENT OF		
Agricultural water supply facilities	PROP	03-02-033	Disability payments	PREP	03-06-031
Controlled substances, disposal of dangerous			Falcons	PERM	03-03-016
waste	EMER	03-03-047	Fish and wildlife commission	MISC	03-03-048
Delegation, employees	EXPE	03-04-081	Fishing, commercial		
Implementation plan revision, state	MISC	03-05-091	bottomfish	PROP	03-02-105
Meetings	MISC	03-01-057		EMER	03-04-058
	MISC	03-05-049		PERM	03-05-078
Oil spill compensation	EXPE	03-06-036	crab	EMER	03-01-033
Rules				EMER	03-01-063
agenda	MISC	03-02-089		EMER	03-02-019
withdrawal	PREP	03-06-034		EMER	03-04-007
	PREP	03-06-035		EMER	03-04-046
Shorelines management	PREP	03-03-019		EMER	03-05-006
Solid waste				EMER	03-05-047
financial assurance requirements	PERM	03-04-103	Deep River	EMER	03-06-020
handling standards	PERM	03-03-043		PROP	03-02-044
	EXPE	03-05-095	Denman Island disease	PERM	03-05-061
State Environmental Policy Act (SEPA)	PROP	03-03-082	direct retail endorsement	EMER	03-01-078
Total maximum daily load (TMDL)	PROP	03-03-082	dogfish	PERM	03-05-059
Water	MISC	03-05-050	herring	PROP	03-02-036
surface water quality standards	PROP	03-01-124		PERM	03-05-063
	PROP	03-04-082		PROP	03-02-077
underground artificial storage	PERM	03-03-081		EMER	03-05-002
Water rights				PERM	03-05-062
water conservancy boards	PERM	03-01-039	pollock	EMER	03-05-027
			salmon	EMER	03-01-032
ECONOMIC DEVELOPMENT FINANCE AUTHORITY				PROP	03-02-031
Meetings	MISC	03-04-071		EMER	03-02-091
				EMER	03-02-092
EDMONDS COMMUNITY COLLEGE				EMER	03-04-033
Meetings	MISC	03-02-028		EMER	03-04-078
				EMER	03-05-036
EDUCATION, STATE BOARD OF				PERM	03-05-076
Certification			salmon eggs	PROP	03-02-032
standards	PREP	03-01-081	sardines	PREP	03-03-053
	PROP	03-04-019	sea urchins	EMER	03-01-054
	PERM	03-04-022		EMER	03-02-046
	PERM	03-04-024		EMER	03-03-002
	PERM	03-04-025		EMER	03-03-068
	PREP	03-04-109			
	PERM	03-04-054	shellfish		
Courses of study			geoduck	PREP	03-01-053
District organization				PROP	03-06-065
small schools	PREP	03-02-074	horse clams	PREP	03-01-053
Endorsements	PREP	03-02-073	squid	PREP	03-01-076
	PREP	03-04-021		PROP	03-06-064
	PERM	03-04-023	shrimp	PROP	03-02-030
First people's language certification	PERM	03-04-026		PROP	03-02-037
High school				PERM	03-05-060
graduation requirements	PREP	03-04-110		PERM	03-05-064
transcripts	PERM	03-04-055	smelt	EMER	03-02-017
Library media centers	PREP	03-01-075			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Degree-granting Institutions Act	PREP	03-04-079	Boiler rules, board of fee	PREP	03-03-129
Meetings	MISC	03-03-046	Conversion factors and daily reimbursement level	PREP	03-01-095
Student residency	PREP	03-06-081	Family care	PERM	03-03-010
HIGHLINE COMMUNITY COLLEGE			Fees	PREP	03-04-098
Meetings	MISC	03-01-084	Fire fighters tobacco use	PROP	03-06-074
HISPANIC AFFAIRS, COMMISSION ON			Manufacturers, importers, and distributors-hazard communication	PERM	03-01-096
Meetings	MISC	03-05-077	Meetings	MISC	03-02-090
HORSE RACING COMMISSION			Minimum wages	PERM	03-03-109
Association officials and employees	PREP	03-05-067	Policy and interpretive statements	MISC	03-01-094
Closing of wager	PREP	03-01-016		MISC	03-04-096
	PROP	03-04-089	Prevailing wage rates	MISC	03-06-103
Communications systems	PROP	03-02-015	Rules		
	PROP	03-05-070	agenda	MISC	03-03-009
Executive secretary, duties	PERM	03-03-041	withdrawals	PROP	03-02-083
Financial responsibility	PROP	03-03-040	Safety and health standards		
Furosemide	PROP	03-01-019	electrical	PROP	03-05-074
	PERM	03-06-004	explosives	EXPE	03-05-073
Head to head wagering	PREP	03-03-039	manual on uniform traffic control devices	PERM	03-06-075
Licenses	PREP	03-03-067	sawmills and woodworking operations	PERM	03-06-076
Marijuana testing	PROP	03-02-016	scaffold	PREP	03-03-110
	PERM	03-05-071	shipbuilding and shipbreaking	PERM	03-04-099
Medication	PREP	03-03-108	Workers' compensation		
Mutuels	PREP	03-05-068	reporting rules	PREP	03-03-026
Nonparimutuel wagering	PREP	03-03-025		PREP	03-05-072
Rules					
withdrawals	PROP	03-05-069			
Samples taken from horses	PREP	03-03-038			
Transmission of simulcast signal	PREP	03-01-017			
	PROP	03-04-090			
Who may claim	PREP	03-01-018			
HUMAN RIGHTS COMMISSION			LAKE WASHINGTON TECHNICAL COLLEGE		
Meetings	MISC	03-02-052	Meetings	MISC	03-01-034
HUNTING			Rules		
(See FISH AND WILDLIFE, DEPARTMENT OF)			corrections	PERM	03-01-070
INDUSTRIAL INSURANCE APPEALS, BOARD OF			LAW BOARD, PRACTICE OF		
Practice and procedure	PERM	03-02-038	Meetings	MISC	03-01-118
INSURANCE COMMISSIONER			LICENSING, DEPARTMENT OF		
Automobile claims, repairs, and total loss settlements	PROP	03-03-132	Camping resorts	PERM	03-03-054
Longshore and harbor workers assigned risk plan	PERM	03-03-052	Cemetery board	PREP	03-04-077
Network reports	EXPE	03-03-134	Cosmetology, barber, manicurist, and estheticians	PROP	03-03-119
Rules			Firearms, aliens	PROP	03-05-058
withdrawal	PROP	03-03-063	Funeral directors and embalmers, board of	PERM	03-06-054
Special liability report	PERM	03-03-133	Geologists	PERM	03-03-024
Technical assistance advisory	MISC	03-03-093	Landscape architects	PREP	03-04-076
INTERAGENCY COMMITTEE, OFFICE OF THE			Motor vehicles	PREP	03-04-080
Interagency committee for outdoor recreation meetings	MISC	03-01-041	certificates of title	PROP	03-01-014
	MISC	03-03-037		PROP	03-03-095
	MISC	03-06-018		PROP	03-05-001
salmon recovery funding board	MISC	03-01-043		PERM	03-05-081
Rules				PROP	03-06-040
agenda	MISC	03-03-006	licenses	PREP	03-01-006
INTEREST RATES				PROP	03-01-013
(See inside cover)				PROP	03-01-015
INVESTMENT BOARD, STATE			registration	PERM	03-05-080
Meetings	MISC	03-03-020	Real estate	PERM	03-05-082
	MISC	03-03-057		PERM	03-04-092
JAIL INDUSTRIES BOARD				PERM	03-02-001
Meetings	MISC	03-01-037		PREP	03-02-002
	MISC	03-03-107		PERM	03-02-040
JUDICIAL CONDUCT, COMMISSION ON				PREP	03-03-080
Meetings	MISC	03-01-021	Real estate commission meetings	MISC	03-02-003
	MISC	03-01-106	Rules		
Table of rules	PROP	03-05-046	agenda	MISC	03-01-080
LABOR AND INDUSTRIES, DEPARTMENT OF			withdrawals	PREP	03-01-012
Access to records and trade secrets	PREP	03-04-097	Sellers of travel	PROP	03-06-072
Agriculture, safety standards	EXPE	03-04-100	Vessels	PERM	03-03-055
Bloodborne pathogens	PROP	03-01-097	registration and certification	PROP	03-01-104
			Wastewater treatment system, on-site	PREP	03-03-111
			LIQUOR CONTROL BOARD		
			Violations	PROP	03-02-097
			LOTTERY COMMISSION		
			Licensing procedure		
			promotional license	PROP	03-01-047

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Meetings	MISC	03-03-059	Rules		
Policy statements	MISC	03-04-107	agenda	MISC	03-04-069
LOWER COLUMBIA COLLEGE			PUBLIC EMPLOYMENT RELATIONS COMMISSION		
Meetings	MISC	03-01-035	Personnel System Reform Act of 2002	PERM	03-03-064
MARINE EMPLOYEES' COMMISSION			Practice and procedure	EMER	03-03-065
Meetings	MISC	03-01-049	Representation case rules	PREP	03-03-066
	MISC	03-06-078	Rules	PREP	03-03-066
			agenda	MISC	03-01-058
MEDICAL ASSISTANCE			PUBLIC INSTRUCTION, SUPERINTENDENT OF		
(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)			Allocations, special	PERM	03-03-001
MILITARY, DEPARTMENT			Buses	PREP	03-03-033
Enhanced 9-1-1 funding	PROP	03-04-108	Finance	PREP	03-03-034
Meetings	MISC	03-03-032	maintenance and operation levies	PREP	03-05-093
NATURAL RESOURCES, DEPARTMENT OF			Special education		
Forest practices board			safety net	PERM	03-02-053
meetings	MISC	03-01-128	PUGET SOUND CLEAN AIR AGENCY		
	MISC	03-03-011	Asbestos-containing waste material	PROP	03-03-128
	MISC	03-06-019		PERM	03-06-062
rules coordinator	MISC	03-01-127	Gasoline marketing	PERM	03-02-024
small forest landowners			Mitigation of greenhouse gas emissions	PROP	03-01-107
riparian easement program	PERM	03-06-039	Rules		
Natural heritage advisory council	MISC	03-04-093	withdrawal	PROP	03-04-049
Rules			QUARTERLY REPORTS		
agenda	MISC	03-02-108	(See CODE REVISER'S OFFICE)		
	MISC	03-04-061	RENTON TECHNICAL COLLEGE		
OLYMPIC COLLEGE			Meetings	MISC	03-02-012
Meetings	MISC	03-01-122		MISC	03-05-017
OLYMPIC REGION CLEAN AIR AGENCY			RETIREMENT SYSTEMS, DEPARTMENT OF		
Open fires	PROP	03-06-029	Actuarial factors	PROP	03-02-041
OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR				PERM	03-06-044
(See INTERAGENCY COMMITTEE, OFFICE OF THE)			Emergency payments for terminally ill members	PREP	03-06-099
PARKS AND RECREATION COMMISSION			General provisions		
Meetings	MISC	03-02-039	excess compensation	PROP	03-01-050
	MISC	03-02-104	property division in dissolution orders	PERM	03-06-043
Public records	PREP	03-04-038	Law enforcement officers' and fire fighters'	PROP	03-05-042
Public use of state parks	PERM	03-01-079	retirement system		
	PREP	03-01-129	earnable compensation	PROP	03-01-051
Tree, plant and fungi cutting, removal and/or			survivor benefit options	PROP	03-05-042
disposal	PREP	03-04-115	Public employees' retirement system		
PENINSULA COLLEGE			earnable compensation	PROP	03-01-051
Policies, practices, and procedures	PREP	03-04-091		PERM	03-06-042
PERSONNEL RESOURCES BOARD			elected and appointed officials	PROP	03-05-041
(See PERSONNEL, DEPARTMENT OF)			Purchasing service credit, lump sum costs	PREP	03-04-017
PERSONNEL, DEPARTMENT OF			Rules		
Community and technical colleges, state board for			clarifications	PREP	03-02-086
definitions	EMER	03-03-042		PERM	03-02-087
Meetings	MISC	03-01-001	School employees' retirement system		
PIERCE COLLEGE			earnable compensation	PROP	03-01-051
Meetings	MISC	03-01-119	elected and appointed officials	PROP	03-05-041
PILOTAGE COMMISSIONERS, BOARD OF			Teachers' retirement system		
Docking and undocking of certain vessels	PROP	03-06-061	earnable compensation	PROP	03-01-051
Relieving pilots for cause	PROP	03-06-060	REVENUE, DEPARTMENT OF		
POLLUTION LIABILITY INSURANCE AGENCY			Excise tax		
Technical assistance reference	PROP	03-01-007	extracting natural products	PROP	03-04-032
	PERM	03-06-015	high technology business tax incentives	PREP	03-03-101
PROFESSIONAL EDUCATOR STANDARDS BOARD			tax on internal distribution	EXPE	03-04-030
(See EDUCATOR STANDARDS BOARD, PROFESSIONAL)			tobacco distributors	EMER	03-06-016
PUBLIC DISCLOSURE COMMISSION			Forest land and timber	PERM	03-02-004
Contribution limitations			Interpretive or policy statements	PREP	03-05-084
voluntary payroll deductions	PROP	03-01-089		MISC	03-02-054
	PROP	03-04-094	Property tax	MISC	03-03-116
withholding authorizations	PROP	03-01-088	listing personal property	MISC	03-03-117
Meetings	MISC	03-01-020	seniors and disabled, exemptions	MISC	03-03-118
Primary election pledges	PREP	03-04-095	Rules	MISC	03-04-029
			agenda	MISC	03-05-083
			Ships and vessels	PREP	03-01-109

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Use tax promotional material	EMER	03-04-031	Children's administration		
			adoption	PERM	03-02-059
			Deaf, Washington State School for the emergency respite centers	PERM	03-04-013
RULES COORDINATORS			family reconciliation services	EMER	03-06-091
(See Issue 03-01 for complete list designated as of 12/19/02)				PREP	03-03-056
Bates technical college	MISC	03-03-013	group receiving centers	EMER	03-03-069
Clark college	MISC	03-02-034	Deaf and hard of hearing services	EMER	03-04-035
County road administration board	MISC	03-01-091	Developmental disabilities services	PERM	03-05-100
Employment security department	MISC	03-06-037	community residential services and supports	PREP	03-02-063
Forest practices board	MISC	03-01-127	state supplemental payment (SSP)	EMER	03-03-115
			Health and rehabilitative services		
SALARIES FOR ELECTED OFFICIALS, WASHINGTON			opiate substitution program	EMER	03-06-059
CITIZENS' COMMISSION ON			Juvenile rehabilitation		
Meetings	MISC	03-01-087	placement	PERM	03-03-070
			powers of administrative law judge	PERM	03-01-044
SEATTLE COMMUNITY COLLEGES			Medical assistance		
Administration	PROP	03-06-067	acute physical medicine and rehabilitation program	PERM	03-06-047
Meetings	MISC	03-06-027	administration of programs	PREP	03-02-058
				PREP	03-03-017
SECRETARY OF STATE				EMER	03-03-027
Archives grant program	PERM	03-06-069		EXPE	03-02-060
			AIDS, CASA services	PREP	03-04-086
SHORELINE COMMUNITY COLLEGE			children's health program	PREP	03-06-055
Meetings	MISC	03-05-040	children's medical eligibility	PERM	03-05-051
			durable medical equipment	EXPE	03-05-054
SKAGIT VALLEY COLLEGE			interpretive or policy statements	MISC	03-01-002
Meetings	MISC	03-03-015		MISC	03-01-003
	MISC	03-04-059		MISC	03-01-004
	MISC	03-04-060		MISC	03-02-067
	MISC	03-05-018		MISC	03-02-068
	MISC	03-06-010		MISC	03-02-069
	MISC	03-06-011		MISC	03-02-070
	MISC	03-06-012		MISC	03-02-071
				MISC	03-02-072
				MISC	03-04-008
				MISC	03-04-009
				MISC	03-04-010
				MISC	03-04-011
				MISC	03-04-012
				MISC	03-04-083
				MISC	03-04-084
				MISC	03-05-053
				MISC	03-05-096
				MISC	03-06-083
				MISC	03-06-084
				MISC	03-06-085
				MISC	03-06-086
				MISC	03-06-087
				MISC	03-06-088
				MISC	03-06-089
				MISC	03-06-090
				MISC	03-06-096
				MISC	03-06-097
				MISC	03-06-098
				PERM	03-06-048
				PERM	03-02-056
			long term care		
			long-term care		
			medically needy residential waiver program (MNRW)	EMER	03-05-044
				EMER	03-05-098
			payment method - inpatient and outpatient	PROP	03-06-111
			pharmacy services	PROP	03-01-011
				PERM	03-05-043
			physician-related services	PERM	03-06-049
			standards	PREP	03-06-058
			trauma services	PREP	03-04-087
			trusts, annuities, and life estates	PROP	03-02-055
			unearned income	PREP	03-04-085
			Public meetings	MISC	03-02-109
				MISC	03-06-115
			Rules		
			agenda	MISC	03-05-016
			withdrawal	PROP	03-01-093
				PREP	03-03-112
				PREP	03-03-113
				PROP	03-06-070
				PREP	03-05-052
			withdrawal, correction		
			Vocational rehabilitation services		
			federal compliance	PERM	03-02-014
			Washington combined application project (WASHCAP)	PERM	03-01-045

Subject/Agency Index

(Citation in bold type refer to material in this issue)

WorkFirst transitional work expense	EMER	03-04-066	Telephone companies rules, clarifications and revisions	PERM	03-01-065
				PERM	03-03-090
SOUTH PUGET SOUND COMMUNITY COLLEGE			WASHINGTON STATE PATROL		
Distribution and posting of materials	PERM	03-03-089	DNA identification	PROP	03-04-070
Meetings	MISC	03-03-051	Fire protection standards		
SPORTS, PROFESSIONAL (See HORSE RACING COMMISSION)			licensed care facilities	PERM	03-06-063
STATE PATROL			Rules		
Criminal history record information	PERM	03-05-007	withdrawals	PROP	03-06-071
SUPREME COURT, STATE			WASHINGTON STATE UNIVERSITY		
Appeal, rules on	MISC	03-01-023	Meetings	MISC	03-03-031
	MISC	03-01-027	Public records officer	MISC	03-01-040
General application, rules of	MISC	03-01-025	WATER		
	MISC	03-01-026	(See ECOLOGY, DEPARTMENT OF)		
	MISC	03-01-027	WENATCHEE VALLEY COLLEGE		
Limited jurisdiction, courts of	MISC	03-01-024	Meetings	MISC	03-02-051
	MISC	03-01-027		MISC	03-03-103
Superior court	MISC	03-01-027	WESTERN WASHINGTON UNIVERSITY		
TACOMA COMMUNITY COLLEGE			Meetings	MISC	03-03-105
Meetings	MISC	03-01-030	Student rights and responsibilities	PERM	03-01-123
TAX APPEALS, BOARD OF			WHATCOM COMMUNITY COLLEGE		
Meetings	MISC	03-01-029	Control of dogs	PERM	03-01-071
TRANSPORTATION COMMISSION			Meetings	MISC	03-02-011
Meetings	MISC	03-01-069	Rules		
	MISC	03-02-050	agenda	MISC	03-03-074
TRANSPORTATION, DEPARTMENT OF			Student rights and responsibilities	PERM	03-03-106
Central field office descriptions	EXPE	03-04-062		PERM	03-01-072
Ferries			WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD		
fares	PREP	03-01-114	Meetings	MISC	03-01-082
	PROP	03-04-102	UNEMPLOYMENT COMPENSATION		
Manual on uniform traffic control devices	PERM	03-06-053	(See EMPLOYMENT SECURITY DEPARTMENT)		
Motorist information signs	EMER	03-06-052	UNIVERSITY OF WASHINGTON		
Roads and highways			Academic calendar	PROP	03-02-023
HOV lanes	EMER	03-06-014	Meetings	MISC	03-03-127
Rules			Policy statement	MISC	03-03-023
agenda	MISC	03-02-062	Rules		
Small works roster	PERM	03-03-012	agenda	MISC	03-03-022
Special motor vehicles			corrections	EXPE	03-05-019
permit issuance	PERM	03-02-057	USURY RATE		
Uniform traffic control devices, manual	EMER	03-03-028	(See inside cover)		
	PROP	03-03-029	UTILITIES AND TRANSPORTATION COMMISSION		
Vehicles			Hazardous liquid pipeline safety	PERM	03-01-064
oversize/overweight vehicles, speed limits	PERM	03-03-035	Interpretive or policy statements	MISC	03-04-051
Wireless communication access to highways	EMER	03-04-040		MISC	03-04-052
	PREP	03-04-113	Meetings	MISC	03-04-005
			Remote control locomotive operations	PREP	03-04-004
			Rules		
			agenda	MISC	03-04-006
			corrections	PERM	03-01-022
			withdrawals	PROP	03-02-081









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