

EXECUTIVE ORDER 80-09

2nd AMENDED EXECUTIVE ORDER

(In Reference to Mt. St. Helens Proclamation, April 3, 1980)

WHEREAS, on May 25, 1980 I amended Executive Order [80-05](#), prohibiting any person or persons, subject to certain exceptions, from entering and/or occupying, at any time, the area designated as the RED zone; and

WHEREAS, since that time the potential for major eruptions, earthquakes and ashfall from Mt. St. Helens continues to exist throughout large portions of the state threatening to cause more destruction of life, health and property; and

WHEREAS, the majority of the land ownership within the east half of the RED zone is administered by the U. S. Forest Service, it is the intent of this order to have each jurisdiction's rules and procedures complement each other to maximize the public safety.

NOW, THEREFORE, I, DIXY LEE RAY, Governor of the state of Washington, do by virtue of the power vested in me pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010 (12) and 43.06.210 rescind Executive Order [80-05](#), and Amended Executive Order [80-08](#). I now order, pursuant to RCW 43.06.010 (12), 43.05.210, 43.06.220 (2), (8) and (9), 38.52.050 (3)(a) and (f) and 38.52.010 (7), that no person or persons shall enter and/or occupy at any time and by any means the area which shall be designated as the RED zone and which shall be described within the following boundaries:

From a point where State Route 504 crosses the west line of Township 10 north, Range 2 east just east of Kid Valley, Cowlitz County; then south along the west boundary of Range 2 east to the northwest corner of Section 6, Township 5 north, Range 2 east; then east along the north boundary of Township 5 north to the northwest corner of Section 4, Township 5 north, Range 4 east; then south to the southwest corner of 0,04 Section 33, Township 5 north, Range 4 east; then east along the south boundary of Township 5 north to the southwest corner of Section 31, Township 5 north, Range 7 east; then north along the west boundary of Range 7 east to the northwest corner of Section 6, Township 5 north, Range 7 east; then east along the north boundary of Township 5 north to the southeast corner of Section 36, Township 6 north, Range 8 east; then north along the east boundary of Range 8 east to the northeast corner of Section 1 which is the Lewis County boundary; then west along the county boundary to the southeast corner of Section 36, Township 11 north, Range 7 east; then north along the east boundary of Range 7 east to the northeast corner of Section 1, Township 11 north, Range 7 east; then west along the north boundary of Township 11 north to the shoreline of Davisson (Riffe) Lake; then along the south shoreline of the lake to the north boundary of Section 4, Township 11 north, Range 4 east; then west along the north boundary of Township 11 north to the northwest corner of Section 6, Township 11 north, Range 3 east; then south along the west boundary of Range 3 east to the northeast corner of Section 24, Township 11 north, Range 2 east; then west to the northwest corner of Section 19, Township 11 north, Range 2, east; then south along the west boundary of Range 2 east to the point of beginning.

I hereby delegate to the Washington State Director of Emergency Services, and the Sheriffs of the counties of Cowlitz, Clark, Skamania and Lewis, or their designee(s), the authority stated below pursuant to RCW 38.52.050 (3)(f).

The following shall be exempted from this order prohibiting entry and/or occupation of the RED zone, as described above, subject to limitations provided in the paragraphs below.

1. Scientific research personnel as determined by the United States Geological Survey.
2. Search and rescue personnel registered or as identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the RED zone.
 - a. The Sheriffs of Lewis, Cowlitz, Clark, and Skamania Counties or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel.
3. Federal, state, county or local law enforcement and firefighting personnel whose jurisdiction is within the RED zone and who are on official business within the RED zone.
4. Federal, state, county or local administrative personnel on official business within the RED zone.
 - a. The Director, Washington State Department of Emergency Services or his designee(s), shall have the authority to approve entry and/or occupation of state, county and local administrative personnel on official business.
 - b. Federal administrative personnel will be required to obtain and possess a permit.
5. Individual(s) who own and/or control real property or personal property being used as a residence and whose official permanent residence is within the RED zone.
6. Individual(s) with a legitimate business reason for being within the RED zone, provided they are approved by the Washington State Director of Emergency Services or his designee(s).
7. News media personnel, provided they are approved by the Washington State Director of Emergency Services or his designee(s).
8. Individual(s) not included in one through seven above, provided they are approved by the Washington State Director of Emergency Services or his designee(s).

Each individual and personnel given permission to enter and/or occupy the RED zone under one and four through eight above, shall obtain a special identification permit from the Washington State Department of Licensing prior to entry into the RED zone. This entry permit must be carried upon the person of the individual at all times.

Prior to entry and/or occupation within the RED zone each individual and personnel under one and five through eight, shall be required to sign a "Waiver of Rights" form releasing and

discharging the state of Washington and all its political subdivisions, their officers or agents or employees from all liability for any damages or losses incurred by the individual while within the RED zone or as a result of entering or occupying that zone. The "Waiver of Rights" form shall be issued by the Washington State Department of Licensing.

Any person willfully violating this order shall be guilty of gross misdemeanor pursuant to RCW 46.06.220 and shall be punished by imprisonment in the county jail for a maximum term of not more than one year, or a fine in an amount of not more than one thousand dollars.

Any person who violates any other rule, regulation or order issued under the authority of Chapter 38.52 RCW shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a maximum term of not more than ninety days or by a fine in an amount not more than five hundred dollars or both.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the State of
Washington to be affixed at Olympia this
2nd day of June A.D., Nineteen hundred and eighty.

Dixy Lee Ray
Governor of Washington

BY THE GOVERNOR:

Assistant Secretary of State
