

**EXECUTIVE ORDER 80-15**

**4TH AMENDED EXECUTIVE ORDER**

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

**WHEREAS**, on July 29, 1980, I issued Executive Order [80-11](#), prohibiting any person or persons, subject to certain exceptions, from entering and/or occupying, at any time, an area designated the Red Zone; and

**WHEREAS**, on September 3, 1980, I formed the Cougar Hearing Panel and appointed three persons to the panel to provide recommendations as to whether the town of Cougar and its primary access route should be removed from the Red Zone; and

**WHEREAS**, on September 11, 1980, the Cougar Hearing Panel held a public hearing at the Yale Grade School in Ariel, Washington; and

**WHEREAS**, the Cougar Hearing Panel found that although the town of Cougar and its primary access route are in a hazardous area, the danger is to a lesser degree than in other areas within the Red Zone; and

**WHEREAS**, the Cougar Hearing Panel also found that the Red Zone restrictions placed on the citizens of the affected communities are intolerable for daily living; and

**WHEREAS**, in consideration of these findings, the Cougar Hearing Panel recommended that the town of Cougar and its primary access route be removed from the Red Zone, based on testimony presented by the scientific personnel of the United States Geological Survey, law enforcement representatives, the citizens of Cougar and Yale, and others.

**NOW, THEREFORE, I, DIXY LEE RAY**, Governor of the state of Washington, based upon the findings and recommendations of the Cougar Hearing Panel and the testimony presented to the panel by virtue of the power vested in me pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010(12), 43.06.210, 43.06.220(2), (8), and (9), 38.52.050(3)(a) and (f) and 38.52.010(7) do remove the town of Cougar and its primary access route from the previously designated Red Zone.

Except as provided in this order, no person or persons shall enter and/or occupy at any time and by any means the area known as the Red Zone which shall be described within the following boundaries:

From the intersection of township 11 north, range 2 east just north of Kid Valley, Cowlitz County; then east to the northwest corner of section 5, township 10 north, range 2 east; then south along the section line to the southwest corner of section 8, township 10 north, range 2 east; then west to the west boundary of range 2 east; then south along the west boundary of range 2 east to the northwest corner of section 18, township 6 north, range 2 east; then east along the section line to the point of intersect with the south one-fourth corner of section 8, township 6 north, range 4 east; then northerly to the one-fourth corner of section 8, township 6 north, range 4

east; then east to the northeast section corner of section 8; then north to the northwest section corner of section 4, township 6 north, range 4 east; then east to the south one-fourth corner of section 33, township 7 north, range 4 east; then north to the north one-fourth corner of section 33; then east to the southeast section corner of section 27, township 7 north, range 4 east; then north to the west one-fourth corner of section 27; then east to the east one-fourth corner of section 27; then north to the north one-sixteenth corner on the east section line of section 27; then east to the Skamania county line; then south along the Skamania County line to the thread of the Lewis River at the east end of Yale Dam Reservoir; then north and westerly to the high water line of Yale Dam Reservoir; then west and southerly along the high water line of Yale Dam Reservoir to the Yale Dam, across the top of the dam then along the high water mark to the section line dividing sections 32 and 33 of township 6 north, range 4 east to the northwest corner of section 4, township 5 north, range 4 east; then south to the southwest corner of 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 34, township 6 north, range 8 east; then north along the section line to the northwest corner of section 26, township 6 north, range 8 east; then east along the section line to the southeast corner of section 24, township 6 north, range 8 east; then north along the east boundary of range 8 east to the northeast corner of section 1, township 10 north, range 8 east, which is also the Lewis County boundary; then west along the north boundary of township 10 north 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 24, township 11 north, range 7 east; then west along the section line to the southeast corner of section 15, township 11 north, range 6 east; then north along the section line to the northeast corner of section 15, township 11 north, range 6 east; then west along the section line to the northeast corner of section 16, township 11 north, range 6 east; then south along the section line to the southeast corner of section 16, township 11 north, range 6 east; then west along the section line to the southeast corner of section 17, township 11 north, range 6 east; then north along the section line to the northeast corner of section 17, township 11 north, range 6 east; then west along the section line to the northeast corner of section 13; township 11 north, range 2 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.

This Executive Order shall supersede all prior Executive Orders pertaining to Mt. St. Helens.

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 by 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 a 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 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  
1st day of October A.D., Nineteen hundred and eighty.

Dixy Lee Ray  
Governor of Washington

**BY THE GOVERNOR:**

Secretary of State

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