

**WAC 314-02-1071** (~~(What is "trade area"?)~~) **Trade area.** (1)

"Trade area" as used in RCW 66.24.630 means an area where there is no spirits retail license within a (~~(twenty)~~) 20-mile travel distance at the time of license application.

(2) (~~The board will use the following criteria when determining to accept~~) For a spirits retail license application where the proposed premises (~~(location)~~) is less than (~~(ten thousand)~~) 10,000 square feet of fully enclosed retail space(~~+~~

~~(a) There is no spirits retail license holder or auction title holder~~), the board will determine if there is an existing spirits retailer within (~~(twenty)~~) 20 travel miles at the time of license application(~~+~~ and

~~(b) The board will determine travel distance by a publicly available mapping tool which may be accessed on the board's website. The web address of this site at the time of rule adoption is <http://wsleeb.maps.aregis.com/home/>).~~

(3) Former contract or state liquor store(~~s and title holders by those who purchased a state store at auction~~) owners are exempt from the (~~(ten thousand)~~) 10,000 square foot minimum required by law. (~~(Should)~~ If either entity chooses to locate within (~~(an establish- ed)~~) a trade area (~~(and)~~) as defined in this section, they may be is- sued a license as long as they are in compliance with (~~(board)~~) relo- cation criteria(~~(, they may be issued a license)~~) as established by the board.

(4) The board may make an exception to the (~~(twenty)~~) 20-mile travel distance requirement for (~~(the following+)~~) a spirits retail license application (~~(is for a location)~~) where (~~(the significant mode)~~) access to the proposed location is by means of travel (~~(is)~~) other than (~~(by)~~) automobile.

(5) The board shall make an exception to the 20-mile travel dis- tance requirement for spirits retail sales when the store is owned and operated by a tribe or its tribal enterprise located on Indian country as defined by 18 U.S.C. Sec. 1151, including reservation and all lands held in trust by the United States for the tribe or its members.

(a) For purposes of this subsection, "tribe" means a federally recognized tribe as defined by 25 U.S.C. Sec. 4103(13)(B).

(b) For purposes of this subsection, "tribal enterprise" means a wholly owned business enterprise of the tribe.