

Washington State Register

June 2, 2004

OLYMPIA, WASHINGTON

ISSUE 04-11



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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 June 2004 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

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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 ((fined 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].

2003-2004

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 -					
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
04 - 01	Nov 26, 03	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 27, 04	Feb 24, 04
04 - 02	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 10, 04	Mar 9, 04
04 - 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 24, 04	Mar 23, 04
04 - 04	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 18, 04	Mar 9, 04	Apr 6, 04
04 - 05	Jan 21, 04	Feb 4, 04	Feb 18, 04	Mar 3, 04	Mar 23, 04	Apr 20, 04
04 - 06	Feb 4, 04	Feb 18, 04	Mar 3, 04	Mar 17, 04	Apr 6, 04	May 4, 04
04 - 07	Feb 25, 04	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 27, 04	May 25, 04
04 - 08	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 11, 04	Jun 8, 04
04 - 09	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 5, 04	May 25, 04	Jun 22, 04
04 - 10	Apr 7, 04	Apr 21, 04	May 5, 04	May 19, 04	Jun 8, 04	Jul 6, 04
04 - 11	Apr 21, 04	May 5, 04	May 19, 04	Jun 2, 04	Jun 22, 04	Jul 20, 04
04 - 12	May 5, 04	May 19, 04	Jun 2, 04	Jun 16, 04	Jul 6, 04	Aug 3, 04
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04 - 16	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 7, 04	Oct 5, 04
04 - 17	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 21, 04	Oct 19, 04
04 - 18	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 15, 04	Oct 5, 04	Nov 2, 04
04 - 19	Aug 25, 04	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 26, 04	Nov 23, 04
04 - 20	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 9, 04	Dec 7, 04
04 - 21	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 23, 04	Dec 21, 04
04 - 22	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 7, 04	Jan 4, 05
04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 18, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05

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;

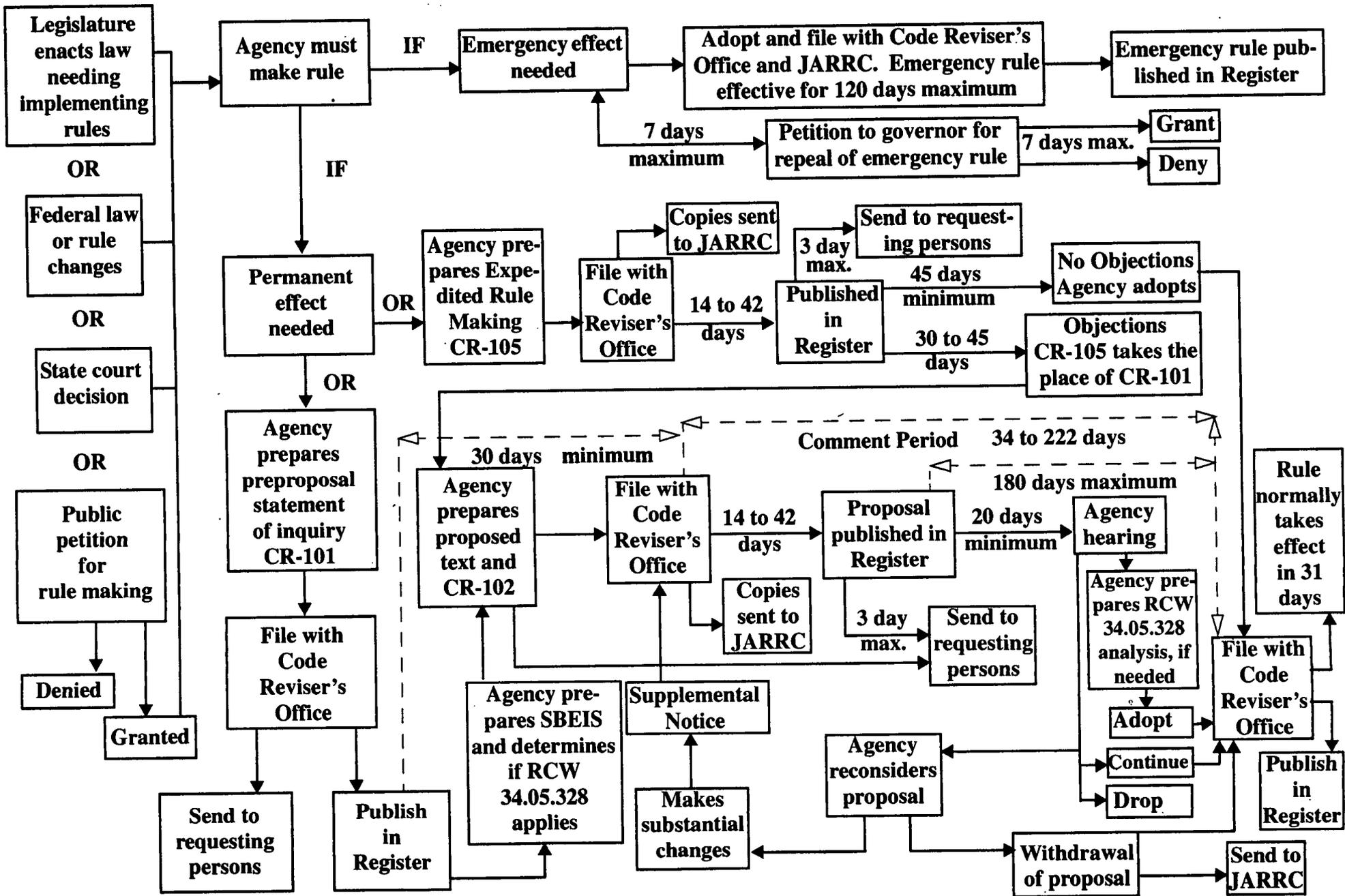
There is less than minor economic impact on business;

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.

RULE-MAKING PROCESS



WSR 04-11-011
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)
 [Order 04-04—Filed May 6, 2004, 8:15 a.m.]

Subject of Possible Rule Making: Amending Public Employees Benefits Board (PEBB) employee eligibility rules, specifically WAC 182-12-115.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Health Care Authority will be amending chapter 182-12 WAC to better reflect the actual work circumstances of employees hired to work on a seasonal or instructional year basis in order to clarify PEBB eligibility rules, specifically WAC 182-12-115. Other amendments may also be considered.

Process for Developing New Rule: Stakeholder mailing and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., P.O. Box 42684, Olympia, WA 98504-2684, phone (360) 923-2642, fax (360) 923-2602.

May 5, 2004
 Melodie Bankers
 Rules Coordinator

WSR 04-11-032
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
 [Filed May 12, 2004, 9:15 a.m.]

Subject of Possible Rule Making: Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.071.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Licensing fees need to be increased, per I-601, to reflect cost of regulating charitable/nonprofits, commercial establishments, and individuals. Furthermore, in 2003, the legislature amended RCW 9.46-071 to allow the gambling commission to contract with qualified entities to provide public awareness, training and other services to problem and compulsive gamblers. To provide a funding source for such a contract, a fee will be assessed on licensees and applicants for a license.

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; Neal Nunamaker, 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: On July 9, 2004, at LaConner Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101; on August 13, 2004, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; or on September 10, 2004, at Hampton Inn/Foxhall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700.

May 11, 2004
 Susan Arland
 Rules Coordinator

WSR 04-11-033
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY
 [Filed May 12, 2004, 9:16 a.m.]

Subject of Possible Rule Making: WAC 4-25-756 I am licensed in another state—How do I notify the board of my intent to enter the state in order to obtain practice privileges in the state of Washington?, 4-25-782 How do I apply for an initial Washington state license through foreign reciprocity?, and 4-25-820 What are the requirements for participating in quality assurance review (QAR)?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.350(2), 18.04.183, 18.04.055(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Part of the agency's annual rules review, reviewing the rules for effectiveness, clarity, cost, fairness, and need.

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 writing to Dana M. McInturff, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail danam@cpaboard.wa.gov.

May 10, 2004
 Dana M. McInturff, CPA
 Executive Director

WSR 04-11-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE
 [Filed May 12, 2004, 1:11 p.m.]

Subject of Possible Rule Making: WAC 458-40-610 Timber excise tax—Definitions and 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To determine the amount of forest excise tax due, a harvester must determine the volume of logs that he or she has harvested. The department has adopted industry standards of scaling to make these determinations. For logs harvested in western Washington, the department has used the standards established by the Northwest Log Rules Advisory Group. Because this group has not adopted similar standards for harvests in eastern Washington, the department has used the scaling rules prepared by the United States Forest Service (USFS) for that area of the state. Recently, the Northwest Log Rules Advisory Group adopted standards applicable to eastside logging. The department proposes to replace the USFS scaling rules with the newer industry-standard Eastside Log Scaling Rules developed by the Log Rules Advisory Group. This change will bring the department's rules into compliance with industry standards throughout the state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, neither is involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the revisions provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of a possible new or revised rule(s) is attached. Written comments on and/or requests for copies of the draft may be directed to Gilbert Brewer, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6133, e-mail gilb@dor.wa.gov, fax (360) 664-0693.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 29, 2004, at 10:00 a.m.

Assistance for Persons With Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

May 12, 2004

Alan R. Lynn, Rules Coordinator
Legislation and Policy Division

**WSR 04-11-037
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed May 12, 2004, 3:50 p.m.]

The Department of Ecology withdraws the following CR-101 filing: WSR 02-21-112, the Columbia River initiative.

Immediately after filing this withdrawal, ecology is filing a new CR-101 for the Columbia River Initiative. This rule making may include proposing one or more new chapters in the Washington Administrative Code, amending existing chapters, and/or repealing parts or all of existing chapters. The existing chapters that may be affected are chapter 173-563 WAC, Instream resources protection program for the main stem Columbia River in Washington state and chapter 173-531A WAC, Water resources program for the John Day-McNary Pools Reach of the Columbia River.

Linda Hoffman
Director

**WSR 04-11-038
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 04-09—Filed May 12, 2004, 3:52 p.m.]

Subject of Possible Rule Making: The rule making will establish a state water management program for the Columbia River. It may include proposing one or more new chapters in the Washington Administrative Code, amending existing chapters, and/or repealing parts or all of existing chapters. The existing chapters that may be affected are chapter 173-563 WAC, Instream resources protection program for the main stem Columbia River in Washington state and chapter 173-531A WAC, Water resources program for the John Day-McNary Pools Reach of the Columbia River. This preproposal statement of inquiry replaces a previous CR-101 filed by the Department of Ecology (WSR 02-21-112) on October 22, 2002. This new filing more accurately describes the anticipated rule-making process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 90.03, 90.22, 90.54, 43.21A, 43.27A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The demand for water from the Columbia River will continue to grow over time. There are a large number of pending applications in Washington for new water rights from the river, and it is important to consider the effects of off-stream water use on salmon populations. The department has twice been petitioned to initiate rule making for the Columbia River: First to close the river and its tributaries in Washington to further appropriation; and, subsequently, to require the department to process existing water right applications. In light of these conflicting petitions and recognizing that rule making will be a necessary outcome of the Columbia River Regional Initiative, a rule governing an integrated state water management program for the river's water resources is needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies have authority to process water right applications.

Process for Developing New Rule: The state contracted with the National Academy of Sciences—National Research Council for a review of related scientific issues. An examination of the economics of water use in the Columbia Basin was

completed by the University of Washington. Interested groups will be involved in the process of developing water resources management alternatives and providing feedback on proposed rule language prior to the formal public process required by the Administrative Procedure Act. Electronic media will be used to facilitate communication during the rule-making process. In addition, ecology will meet with the public during the early development of the rule and will hold public hearings on the formal rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gerry O'Keefe (department headquarters in Lacey) at (360) 407-6640 or goke461@ecy.wa.gov.

Ecology expects to meet with the public on draft proposals for a river water management program; and also will hold formal public hearings on the CR-102 rule proposal. In addition, information will be shared with the public via the Columbia River Initiative website <http://www.ecy.wa.gov/programs/wr/cr/crhome.html>.

May 12, 2004
Linda Hoffman
Director

WSR 04-11-054
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed May 17, 2004, 10:29 a.m.]

Subject of Possible Rule Making: WAC 139-05-242 Readmission to basic law enforcement academy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Peace officer certification and subsequent changes to RCW 43.101.010 became effective January 1, 2002. Some of the changes directly affected the conditions under which a peace officer who was dismissed from the Basic Law Enforcement Academy could be readmitted to that or future academy sessions. Portions of WAC 139-05-242 are in conflict with the more recent RCW.

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 Sharon M. Tolton, Deputy Director, Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency website.

May 13, 2004
Sharon M. Tolton
Deputy Director

WSR 04-11-062

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 18, 2004, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 296-24 WAC, General safety and health standards; chapter 296-155 WAC, Safety standards for construction work; and WAC 296-305-04501 Automotive fire apparatus design and construction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WISHA is proposing to rewrite and clarify requirements relating to the motor vehicle standard. This rule making is part of our long-term goal to rewrite our general occupational safety and health rules. WISHA will be updating requirements to conform to Title 46 RCW, Motor vehicles. In addition, the department may eliminate unnecessary requirements and outdated terminology. Also, L&I will update references to these rules throughout the rest of WISHA's standards. This proposal will move all motor vehicle requirements relating to general industries from chapter 296-24 WAC, General safety and health and chapter 296-155 WAC, Safety standards for construction work, and place them in a new chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In addition to OSHA the Washington State Patrol regulates motor vehicles. The Washington State Patrol commercial motor vehicle enforcement unit has been notified of this rule making. No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jamie Scibelli, Administrative Regulations Analyst, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4568, fax (360) 902-5529, e-mail scij235@lni.wa.gov.

May 18, 2004
Paul Trause
Director

PREPROPOSAL

WSR 04-11-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed May 18, 2004, 4:48 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs will amend WAC 388-434-0010 How do I get food assistance benefits after my certification period has ended?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.500, and 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current WAC does not indicate how late verification will be treated by the department as it pertains to the recertification process for Basic Food. Language needs to be updated to support the program name change from food assistance to the Basic Food program.

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

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 a proposed rule 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 Rebecca Henrie, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3074, fax (360) 413-3493, e-mail henrira@dshs.wa.gov.

May 12, 2004
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-11-088
PREPROPOSAL STATEMENT OF INQUIRY
HOME CARE
QUALITY AUTHORITY
 [Filed May 18, 2004, 5:00 p.m.]

Subject of Possible Rule Making: Establishes a new rule that requires individual providers to complete safety training sponsored by the Home Care Quality Authority.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.280(3) and 74.39A.250 (1)(c).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency will soon provide workers' compensation coverage, which necessitates safety training to minimize risk of provider injury and/or illness.

Process for Developing New Rule: At a later date, the agency will seek public comments before filing a proposed

rule and proposed rule-making notice for publication in the state register. The agency will invite public comments and hold a public hearing. The proposal will be sent to all interested parties and to anyone who requests the proposal.

If you want to be added to the mailing list, or want information about the development of this rule, please contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jane M. Wood, Home Care Quality Authority, P.O. Box 40940, Olympia, WA 98504, phone (360) 725-2575, fax (360) 407-0304, e-mail jwood@hcqa.wa.gov.

May 18, 2004
 Mindy L. Schaffner
 Executive Director

WSR 04-11-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Occupational Therapy)
 [Filed May 19, 2004, 8:29 a.m.]

Subject of Possible Rule Making: WAC 246-847-XXX Sexual misconduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.59.130 and 18.130.180(24).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject may provide additional protection to the public from unethical practitioners who inappropriately use their position to foster an unprofessional, sexual relationship with patients. While the Occupational Therapy Practice Board currently has a policy regarding sexual misconduct, this policy must be placed in rule so the board can take action against unethical practitioners.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Health, Jennifer Bressi, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4806, fax (360) 664-9077.

April 14, 2004
 Jennifer Bressi
 Program Manager

WSR 04-11-095**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Occupational Therapy)

[Filed May 19, 2004, 8:31 a.m.]

Subject of Possible Rule Making: WAC 246-847-190 AIDS education and training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.59.130, 70.24.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 70.24.270, rules for AIDS education and training, requires each profession to have rules that describe the appropriate education and training on the prevention, transmission and treatment of AIDS. WAC 246-12-260 Who must obtain AIDS education from the administrative procedures and requirements for credentialed health care providers, requires that all practitioners must demonstrate completion of four or seven clock hours of AIDS education prior to obtaining an initial health care credential. Currently, WAC 246-847-190 requires six hours. To bring consistency with WAC 246-847-190 and 246-12-260, we must amend WAC 246-847-190 to require four or seven clock hours of AIDS education and training.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Health, Jennifer Bressi, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4847, fax (360) 236-4922.

April 9, 2004
Jennifer Bressi
Program Manager

WSR 04-11-096**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Occupational Therapy)

[Filed May 19, 2004, 8:32 a.m.]

Subject of Possible Rule Making: WAC 246-847-080 Examinations and 246-847-115 Limited permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.59.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The National Board for Certification in Occupational Therapy examination is required for occupational therapy licensure. The board needs to update the rules to reflect changes to exam procedures. Amendments to WAC 246-847-080 are necessary to clarify changes in testing. Current rule outlines a testing system that is no longer used. WAC 246-847-115 current language is associated with the previous testing schedule. It is no longer valid because the National Board for Certification in Occupational Therapy implemented on-line testing in 2003. These

changes will assure the rules reflect current exam requirements and procedures. This will provide clearer updated language in the rules for practitioners.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Health, Jennifer Bressi, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4806, fax (360) 664-9077.

April 19, 2004
Jennifer Bressi
Program Manager

WSR 04-11-104**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 19, 2004, 9:17 a.m.]

Subject of Possible Rule Making: Chapter 308-63 WAC, Wreckers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.80.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is the every four-year review in accordance with the Governor's Executive Order 1997-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol.

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 Kim Johnson, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, voice (360) 664-6464, fax (360) 586-6703.

May 6, 2004
James A. Fellows
for Fred Stephens
Director

WSR 04-11-105**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 19, 2004, 9:18 a.m.]

Subject of Possible Rule Making: Chapter 308-65 WAC, Hulk haulers/scrap processors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.79.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is the every four-year

review in accordance with the Governor's Executive Order 1997-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol.

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 Kim Johnson, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, voice (360) 664-6464, fax (360) 586-6703.

May 6, 2004
James A. Fellows
for Fred Stephens
Director

WSR 04-11-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 19, 2004, 9:19 a.m.]

Subject of Possible Rule Making: WAC 308-56A-405, 308-56A-410, 308-56A-415, 308-56A-420.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 46.70 RCW, Dealers and manufacturers.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is the every four-year review in accordance with the Governor's Executive Order 1997-02, and to add leasing activity to the WAC.

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 Kim Johnson, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, voice (360) 664-6464, fax (360) 586-6703.

May 6, 2004
James A. Fellows
for Fred Stephens
Director

WSR 04-11-108

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF THE INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2004-01—Filed May 19, 2004, 9:32 a.m.]

Subject of Possible Rule Making: Insurance scoring.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.545, 48.19.035, 48.19.080, 48.30.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing insurance scoring rules, chapter 284-24A WAC, will be reviewed with a focus on clarity and effectiveness. Among the subjects to be reviewed will be the type of information that is required to be filed and the clarity of the notices sent to consumers. The commissioner will also review the need for any new regulation due to recent legislative activity (HB 2727).

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; and sending written comments to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by July 5, 2004.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

May 19, 2004
Mike Kreidler
Insurance Commissioner

WSR 04-11-118

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 19, 2004, 11:35 a.m.]

Subject of Possible Rule Making: WAC 458-20-196 Credit losses, bad debts, recoveries and 458-20-198 Conditional and installment sales, method of reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-196 (Rule 196) provides information about the tax treatment of bad debts and credit losses under the business and occupation (B&O), public utility, retail sales, and use taxes. Chapter 168, Laws of 2003, and chapter 153, Laws of 2004, amended bad debt provisions for several Washington taxes. The department is considering amending the rule in order to incorporate the changes. The department is also considering adding examples in order to demonstrate the application of the new law.

WAC 458-20-198 (Rule 198) explains the tax-reporting responsibilities of persons making installment sales of tangible personal property under the business and occupation (B&O), retail sales, and use taxes. The department is considering amending this rule to explain that interest income earned on installment sales contracts is subject to service and other activities B&O tax and to refer the reader to Rule 196 for an explanation of how to claim a bad debt deduction/credit when a buyer defaults on an installment obligation.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of a possible new or revised rule(s) is available upon request. Written comments on and/or requests for copies of the draft may be directed to Nathan Schreiner, Tax Policy Specialist, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6136, e-mail NathanS@dor.wa.gov, fax (360) 664-0693.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 23, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

May 19, 2004
Alan R. Lynn
Rules Coordinator
Legislation and Policy Division



WSR 04-10-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 4, 2004, 3:27 p.m.]

Original Notice.

Prepropositional statement of inquiry was filed as WSR 03-03-007 on January 6, 2003.

Title of Rule: WAC 388-400-0005, 388-400-0010, 388-400-0025, 388-400-0040, 388-438-0110, 388-450-0100, 388-450-0106, 388-450-0116, 388-450-0156, 388-462-0020, 388-505-0210, 388-532-720, and 388-800-0048. See Explanation of Rule below for a list of WAC captions.

Purpose: These rule changes are necessary to update cross references to conform to proposed changes in citizenship and alien status WAC, including the proposed repeal of WAC 388-424-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057.

Summary: These rule changes conform to proposed changes in citizenship and alien status WAC, including the proposed repeal of WAC 388-424-0005.

Reasons Supporting Proposal: The proposed repeal of WAC 388-424-005, proposed amendment of WAC 388-424-0010, 388-424-0015, 388-424-0020, and 388-424-0025, and proposed new WAC 388-424-0001, 388-424-0006, 388-424-0007, 388-424-0008, 388-424-0009, and 388-424-0016, necessitate changes in cross-referenced WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Berry, 1009 College S.E., Lacey, WA 98504, (360) 413-3102.

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: Rule: The following WAC are amended: WAC 388-400-0005 Who is eligible for temporary assistance for needy families?, 388-400-0010 Who is eligible for state family assistance?, 388-400-0025 General assistance unemployable—General eligibility requirements, 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?, 388-438-0110 The alien emergency medical (AEM) program, 388-450-0100 Allocating income—Definitions, 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status?, 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien?, 388-450-0156 When am I exempt from deeming?, 388-462-0020 Breast and cervical cancer treatment program (BCCTP) for women—Client eligibility, 388-505-0210 Children's medical eligibility, 388-532-720 TAKE CHARGE—Client eligibility, and 388-800-0048 Who is eligible for ADATSA?

Purpose and Effect: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposed Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 22, 2004, at 10:00 am.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by June 17, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., June 22, 2004.

Date of Intended Adoption: Not earlier than June 23, 2004.

April 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-121, filed 1/22/01, effective 3/1/01)

WAC 388-400-0005 Who is eligible for temporary assistance for needy families? (1) You can get temporary assistance for needy families (TANF), if you:

(a) Can be in a TANF/SFA assistance unit as allowed under WAC 388-408-0015 through 388-408-0030;

(b) Meet the citizenship/alien status requirements of WAC ((388-424-0005)) 388-424-0001;

(c) Live in the state of Washington. A child must live with a caretaker relative, guardian, or custodian who meets the state residency requirements of WAC 388-468-0005;

(d) Do not live in a public institution unless specifically allowed under RCW 74.08.025;

(e) Meet TANF/SFA:

(i) Income requirements under chapter 388-450 WAC;

(ii) Resource requirements under chapter 388-470 WAC;

and

(iii) Transfer of property requirements under chapter 388-488 WAC.

(f) Assign your rights to child support as required under WAC 388-422-0005;

(g) Cooperate with the division of child support (DCS) as required under WAC 388-422-0010 by helping them:

(i) Prove who is the father of children applying for or getting TANF or SFA; and

(ii) Collect child support.

(h) Tell us your Social Security number as required under WAC 388-476-0005;

(i) Cooperate in a review of your eligibility as required under WAC 388-434-0005;

(j) Cooperate in a quality assurance review as required under WAC 388-464-0001;

(k) Participate in the WorkFirst program as required under chapter 388-310 WAC; and

(l) Report changes of circumstances as required under WAC 388-418-0005.

(2) If you are an adult and do not have a child living with you, you must be pregnant and meet the requirements of WAC 388-462-0010.

(3) If you are an unmarried pregnant teen or teen parent:

(a) Your living arrangements must meet the requirements of WAC 388-486-0005; and

(b) You must attend school as required under WAC 388-486-0010.

(4) In addition to rules listed in subsection (1) of this section, a child must meet the following rules to get TANF:

(a) Meet the age requirements under WAC 388-404-0005; and

(b) Live in the home of a relative, court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* as required under WAC 388-454-0005; or

(c) If the child lives with a parent or other adult relative that provides care for the child, that adult cannot have used up their sixty-month lifetime limit of TANF or SFA cash benefits as defined in WAC 388-484-0005.

(5) You cannot get TANF if you have been:

(a) Convicted of certain felonies and other crimes under WAC 388-442-0010; or

(b) Convicted of unlawful practices to get public assistance under WAC 388-446-0005 or 388-446-0010.

AMENDATORY SECTION (Amending WSR 00-05-007, filed 2/4/00, effective 3/6/00)

WAC 388-400-0010 Who is eligible for state family assistance? (1) To be eligible for state family assistance (SFA), (~~cert~~) aliens must meet Washington state residency requirements as listed in WAC 388-468-0005 and immigrant eligibility requirements as listed in WAC 388-424-0015.

(2) You are eligible for SFA if you are not eligible for temporary assistance for needy families for the following reasons:

(a) You are a qualified alien and have been in the United States for less than five years as described in WAC (~~(388-424-0010)~~) 388-424-0006;

(b) You are a alien who is permanently residing in the United States under color (~~(of)~~) of law (PRUCOL) as defined in WAC (~~(388-424-0005)~~) 388-424-0001;

(c) You are a nineteen or twenty-year-old student that meets the education requirements of WAC 388-404-0005;

(d) You are a caretaker relative of a nineteen or twenty-year-old student that meets the education requirements of WAC 388-404-0005; or

(e) You are a pregnant woman who has been convicted of:

(i) Misrepresenting their residence in order to receive benefits from two or more states at the same time; or

(ii) A drug-related felony as described in WAC 388-442-0010.

AMENDATORY SECTION (Amending WSR 00-15-017, filed 7/10/00, effective 9/1/00)

WAC 388-400-0025 General assistance unemployable—General eligibility requirements. (1) You can get general assistance unemployable (GAU) benefits if:

(a) You are incapacitated as required under WAC 388-448-0010 through 388-448-0120;

(b) You are at least eighteen years old or, if under eighteen, a member of a married couple;

(c) You are in financial need according to GAU income and resource rules in chapters 388-450, 388-470 and 388-488 WAC;

(d) You meet the general assistance citizenship/alien status requirements under WAC (~~(388-424-0005(3))~~) 388-424-0015(2);

(e) You provide a Social Security number as required under WAC 388-476-0005;

(f) You reside in the state of Washington as required under WAC 388-468-0005;

(g) You undergo a treatment and referral assessment as provided under WAC 388-448-0130 through 388-448-0150;

(h) You assign interim assistance as provided under WAC 388-448-0210.

(2) You cannot get GAU benefits if:

(a) You are eligible for temporary assistance for needy families (TANF) benefits;

(b) You are eligible for state family assistance (SFA) benefits unless you are not eligible under WAC 388-400-0010;

(c) You have the ability to, but refuse to meet a TANF or SFA eligibility rule;

(d) You are eligible for supplemental security income (SSI) benefits;

(e) You are an ineligible spouse of an SSI recipient; or

(f) You were denied benefits or your benefits were terminated by the Social Security Administration (SSA) for failing to follow a SSI program rule or application requirement.

(3) The assistance unit will be established according to WAC 388-408-0010.

(4) You may be eligible for GAU if you reside in a public institution. A "public institution" is an institution that is supported by public funds, and a governmental unit either is responsible for it or exercises administrative control over it. Your eligibility will depend upon the type of institution you are in.

(a) If you reside in a public institution and are otherwise eligible for GAU, you may be eligible for general assistance if you are:

(i) A patient in a public medical institution; or

(ii) A patient in a public mental institution and are:

(A) Sixty-five years of age or older; or

(B) Twenty years of age or younger.

(b) You are not eligible for GAU when you are in the custody of or confined in a public institution such as a state penitentiary or county jail including placement:

(i) In a work release program; or

(ii) Outside of the institution.

AMENDATORY SECTION (Amending WSR 03-05-028, filed 2/10/03, effective 4/1/03)

WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program? The Washington Basic Food program (Basic Food) is a nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.

(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0035.

(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements of the most current version of the Food Stamp Act of 1977.

(3) To be eligible for **federal** Basic Food benefits, each AU member must:

~~(a) Be a U.S. citizen or national as described under WAC 388-424-0005; or~~

~~(b))~~ meet the citizenship or alien status requirements for federal benefits described under WAC 388-424-0020.

(4) An AU member who is not eligible for federal benefits may be eligible for **state-funded** Basic Food benefits if they meet the requirements described under WAC 388-400-0045.

(5) To be eligible for **federal** or **state** Basic Food benefits, each AU member must:

(a) Be a resident of the state of Washington as required under WAC 388-468-0005;

(b) Meet the citizenship or alien status requirements of either WAC 388-424-0020 or 388-424-0025;

(c) Provide their Social Security number as required under WAC 388-476-0005;

(d) Provide proof of identity as required under WAC 388-490-0005;

(e) Participate in the food stamp employment and training program (FSE&T) as required under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

(6) To be eligible for Basic Food, your AU must:

(a) Have countable income at or below gross and net income standards as described under WAC 388-478-0060; and

(b) Have countable resources at or below your AU's resource limit under WAC 388-470-0005.

(7) If your AU has income under the gross income standard, we deduct certain expenses from your income under WAC 388-450-0200 before we calculate your Basic Food benefits.

(8) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for Basic Food or to get more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470((-) WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for out-of-pocket medical expenses for the elderly or disabled individual if they are over thirty-five dollars a month under WAC 388-450-0200; and

(d) Being exempt from the **gross** income standard under WAC 388-478-0060.

(9) For Basic Food, **elderly** means a person who is age sixty or older;

(10) For Basic Food, **disabled** means a person who:

(a) Gets SSI;

(b) Gets disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Gets disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Gets disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for Medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

(g) Is a spouse of a veteran and:

(i) Either needs an attendant or is permanently housebound; or

(ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

(11) If a person in your AU attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not consider this person as a member of your AU.

(12) If your AU lives on or near an Indian reservation and participates in a tribal food distribution program approved by Food and Nutrition Service (FNS), your AU is not eligible for Basic Food benefits.

(13) If an AU member is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons convicted of a drug-related felony or fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status (~~under WAC 388-424-0005~~) as defined in WAC 388-424-0001;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

PROPOSED

AMENDATORY SECTION (Amending WSR 03-24-058, filed 12/1/03, effective 1/1/04)

WAC 388-438-0110 The alien emergency medical (AEM) program. (1) The alien emergency medical (AEM) program is a required federally funded program. It is for aliens who are ineligible for other Medicaid programs, due to the citizenship or alien status requirements described in WAC ((~~388-424-0005 and~~) 388-424-0010).

(2) Except for the social security number, citizenship, or alien status requirements, an alien must meet categorical Medicaid eligibility requirements as described in:

- (a) WAC 388-505-0110, for an SSI-related person;
- (b) WAC 388-505-0220, for family medical programs;
- (c) WAC 388-505-0210, for a child under the age of nineteen; or
- (d) WAC 388-523-0100, for medical extensions.

(3) When an alien has monthly income that exceeds the CN medical standards, the department will consider AEM medically needy coverage for children or for adults who are age sixty-five or over or who meet SSI disability criteria. See WAC 388-519-0100.

(4) To qualify for the AEM program, the alien must meet one of the criteria described in subsection (2) of this section and have:

(a) A qualifying emergency medical condition as described in WAC 388-500-0005; or

(b) Been approved by the department for, and receiving, nursing facility or COPES level of care.

(5) The alien's date of arrival in the United States is not used when determining eligibility for the AEM program.

(6) The department does not deem a sponsor's income and resources as available to the client when determining eligibility for the AEM program. The department counts only the income and resources a sponsor makes available to the client.

(7) Under the AEM program, a person receives CN scope of care, as described in WAC 388-529-0100. Covered services are limited to those medical services necessary for treatment of the person's emergency medical condition. The following services are not covered:

- (a) Organ transplants and related services;
- (b) Prenatal care, except labor and delivery; and
- (c) School-based services.

(8) When a person's income exceeds the CN income standard as described in subsection (3) of this section, the person has spend down liability and MN scope of care. MN scope of care is described in WAC 388-529-0100. The medical service limitations and exclusions described in subsection (7) are also excluded under the MN program.

(9) A person determined eligible for the AEM program is certified for three months. The number of three-month certification periods is not limited, but, the person must continue to meet eligibility criteria in subsection (2) and (4) of this section.

(10) A person is not eligible for the AEM program if they entered the state specifically to obtain medical care.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0100 Allocating income—Definitions. The following definitions apply to the allocation rules for TANF/SFA, RCA, and GA programs:

(1) "**Dependent**" means a person who:

(a) Is or could be claimed for federal income tax purposes by the financially responsible person; or

(b) The financially responsible person is legally obligated to support.

(2) "**Financially responsible person**" means a parent, stepparent, adoptive parent, spouse or caretaker relative.

(3) A "**disqualified assistance unit member**" means a person who is:

(a) An unmarried pregnant or parenting minor under age eighteen who has not completed a high school education or general education development (GED) certification and is not participating in those educational activities which would lead to the attainment of a high school diploma or GED;

(b) An unmarried pregnant or parenting minor under age eighteen who is not living in a department-approved living situation;

(c) The financially responsible person who does not report to the department within five days of the date it becomes reasonably clear that the absence of a child will exceed ninety days;

(d) A person who has been convicted in federal or state court of having made a fraudulent statement or representation about their place of residence in order to receive assistance from two or more states at the same time as defined in WAC 388-446-0010; and

(e) A person who has been convicted of unlawfully receiving public assistance as defined under WAC 388-446-0005.

(4) "**Ineligible assistance unit member**" means an individual who is:

(a) Ineligible for cash assistance due to the citizenship/alien status ((~~requirement in WAC 388-424-0005~~) requirements in WAC 388-424-0010);

(b) Ineligible to receive assistance under WAC 388-442-0010 for having been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;

(c) Ineligible to receive assistance under WAC 388-442-0010 for fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;

(d) Ineligible to receive assistance under WAC 388-442-0010 for violating a condition of probation or parole which was imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction;

(e) The spouse of a woman who receives cash benefits from the GA-S program; or

(f) The adult parent of a minor parent's child.

AMENDATORY SECTION (Amending WSR 02-21-097, filed 10/21/02, effective 10/24/02)

WAC 388-450-0106 How does the department count my income if someone in my family cannot get assistance

because of their alien status? This section applies to TANF/SFA, RCA, and RMA. We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

If you are included in the assistance unit and you are financially responsible for someone, as defined in WAC 388-450-0100, who does not meet the alien requirements described in WAC ((388-424-0005)) 388-424-0010, we do not count all of your income. We subtract some of it so that you can use that part to help support the people who cannot get assistance. To figure out how much we count, we take the following seven steps:

- (1) We start by only counting fifty percent of your earned income, as defined in WAC 388-450-0030;
- (2) We add all of your unearned income, as defined in WAC 388-450-0025.
- (3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020):
 - (a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and
 - (b) One that includes only the eligible assistance unit members.
- (4) We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f).
- (5) We subtract any court or administratively ordered child support you pay for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.
- (6) We subtract any employment-related child care expenses you have.
- (7) Then, we count whatever is left as unearned income.

AMENDATORY SECTION (Amending WSR 02-14-021, filed 6/21/02, effective 6/22/02)

WAC 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien? This section applies to TANF/SFA, RCA, and RMA programs. We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

Some people cannot get assistance because they do not meet the alien requirements described in WAC ((388-424-0005)) 388-424-0010. If you do not meet those requirements but you are financially responsible for someone in the assistance unit, as defined in WAC 388-450-0100, we count some of your income as part of the assistance unit's income. To figure out how much we count, we take the following seven steps:

- (1) We start by only counting fifty percent of your earned income, as described in WAC 388-450-0030.
- (2) We add all of your unearned income, as described in WAC 388-450-0025.
- (3) We subtract the difference between the following payment standards:

(a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and

(b) One that includes only the eligible assistance unit members.

(4) We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f).

(5) We subtract any court or administratively ordered child support you pay for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0005 for the number of dependents.

(6) We subtract any employment-related childcare expenses you have.

(7) Then, we count whatever is left as unearned income.

AMENDATORY SECTION (Amending WSR 03-05-030, filed 2/10/03, effective 4/1/03)

WAC 388-450-0156 When am I exempt from deeming? (1) If you meet any of the following conditions, you are **permanently** exempt from deeming and we do not count your sponsor's income or resources against your benefits:

(a) The Immigration and Nationality Act (INA) does not require you to have a sponsor. Immigrants who are not required to have a sponsor include those with the following status with Immigration and Naturalization Service (INS):

- (i) Refugee;
- (ii) Parolee;
- (iii) Asylee;
- (iv) Cuban entrant; or
- (v) Haitian entrant.

(b) You were sponsored by an organization or group as opposed to an individual;

(c) You do not meet the alien status requirements to be eligible for benefits under chapter 388-424 WAC;

(d) You have worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. We do not count a quarter of work toward this requirement if the person working received TANF, food stamps, Basic Food, SSI, CHIP, or nonemergency Medicaid benefits. We count a quarter of work by the following people toward your forty qualifying quarters:

- (i) Yourself;
- (ii) Each of your parents for the time they worked before you turned eighteen years old (including the time they worked before you were born); and
- (iii) Your spouse if you are still married or your spouse is deceased.

(e) You become a United States (U.S.) Citizen;

(f) Your sponsor is dead; or

(g) If INS or a court decides that you, your child, or your parent was a victim of domestic violence from your sponsor and:

- (i) You no longer live with your sponsor; and
- (ii) Leaving your sponsor caused your need for benefits.

(2) You are exempt from the deeming process while you are in the same AU as your sponsor;

(3) For Basic Food, you are exempt from deeming while you are under age eighteen.

(4) For state family assistance, general assistance, state-funded Basic Food benefits, and state-funded medical assistance for legal immigrants you are exempt from the deeming process if:

(a) Your sponsor signed the affidavit of support more than five years ago;

(b) Your sponsor becomes permanently incapacitated; or

(c) You are a qualified alien according to WAC ((388-424-0005)) 388-424-0001 and you:

(i) Are on active duty with the U.S. armed forces or you are the spouse or unmarried dependent child of someone on active duty;

(ii) Are an honorably-discharged veteran of the U.S. armed forces or you are the spouse or unmarried dependent child of a honorably-discharged veteran;

(iii) Were employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or

(iv) Are a victim of domestic violence and you have petitioned for legal status under the Violence Against Women Act.

(5) If you, your child, or your parent was a victim of domestic violence, you are exempt from the deeming process for twelve months if:

(a) You no longer live with the person who committed the violence; and

(b) Leaving this person caused your need for benefits.

(6) If your AU has income at or below one hundred thirty percent of the Federal Poverty Level (FPL), you are exempt from the deeming process for twelve months. For this rule, we count the following as income to your AU:

(a) Earned and unearned income your AU receives from any source; and

(b) Any noncash items of value such as free rent, commodities, goods, or services you receive from an individual or organization.

(7) If you are exempt from deeming because your AU does not have income over one hundred thirty percent of the FPL, we give the United States Attorney General the following information:

(a) The names of the sponsored people in your AU;

(b) That you are exempt from deeming due to your income; and

(c) Your sponsor's name.

AMENDATORY SECTION (Amending WSR 02-01-134, filed 12/19/01, effective 1/19/02)

WAC 388-462-0020 Breast and cervical cancer treatment program (BCCTP) for women—Client eligibility.

(1) Effective July 1, 2001, a woman is eligible for categorically needy (CN) coverage under the BCCTP only when she:

(a) Has been screened for breast or cervical cancer under the center for disease control (CDC) breast and cervical cancer early detection program (BCCEDP);

(b) Is found to require treatment for either breast or cervical cancer or for a related precancerous condition;

(c) Is under sixty-five years of age;

(d) Is not eligible for another CN Medicaid program;

(e) Is uninsured or does not otherwise have creditable coverage;

(f) Meets residency requirements as described in WAC 388-468-0005;

(g) Meets Social Security Number requirements as described in WAC 388-476-0005; and

(h) Meets the requirements for citizenship (~~and alien status requirements as described in:~~

(i) ~~WAC 388-424-0005 (1)(a) and (b); or~~

(ii) ~~WAC 388-424-0010 (1) or (2)(a) and (b))~~ or U.S. national status as defined in WAC 388-424-0001 or "qualified alien" status as described in WAC 388-424-0006(1) or (4).

(2) The certification periods described in WAC 388-416-0015 (1), (4), and (6) apply to the BCCTP. Eligibility for Medicaid continues throughout the course of treatment as certified by the CDC-BCCEDP.

(3) Income and asset limits are set by the CDC-BCCEDP.

AMENDATORY SECTION (Amending WSR 03-14-107, filed 6/30/03, effective 7/31/03)

WAC 388-505-0210 Children's medical eligibility.

(1) A child under the age of one is eligible for categorically needy (CN) medical assistance when:

(a) The child's mother was eligible for and receiving coverage under a medical program at the time of the child's birth; and

(b) The child remains with the mother and resides in the state.

(2) Children under the age of nineteen are eligible for CN medical assistance when they meet the requirements for:

(a) Citizenship or U.S. national status as (~~described~~) defined in WAC ((388-424-0005(1) or immigrant)) 388-424-0001 or "qualified alien" status as described in WAC ((388-424-0010 (1) or (2))) 388-424-0006(1) or (4);

(b) State residence as described in chapter 388-468 WAC;

(c) A social security number as described in chapter 388-476 WAC; and

(d) Family income levels as described in WAC 388-478-0075 (1)(c).

(3) Children under the age of nineteen are eligible for the state children's health insurance program (SCHIP), as described in chapter 388-542 WAC, when:

(a) They meet the requirements of subsection (2)(a)((~~f~~)), (b), and (c) of this section;

(b) They do not have other creditable health insurance coverage; and

(c) Family income exceeds two hundred percent of the federal poverty level (FPL), but does not exceed two hundred fifty percent of the FPL as described in WAC 388-478-0075 (1)(c) and (d).

(4) Children under the age of twenty-one are eligible for CN medical assistance when they meet:

(a) Citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c) of this section;

(b) Income levels described in WAC 388-478-0075; and

(c) One of the following criteria:

(i) Reside, or are expected to reside, in a medical hospital, intermediate care facility for mentally retarded (ICF/MR), or nursing facility for thirty days or more;

(ii) Reside in a psychiatric or chemical dependency facility for ninety days or more;

(iii) Are in foster care; or

(iv) Receive subsidized adoption services.

(d) For a child meeting the criteria (c)(i) of this subsection, the only parental income the department considers available to the child is the amount the parent chooses to contribute.

(e) For a child meeting the criteria in (c)(ii) of this subsection, parental income is counted as described in WAC 388-408-0055 (1)(c).

(5) Children are eligible for CN medical assistance if they:

(a) Receive Supplemental Security Income (SSI) payments based upon their own disability; or

(b) Received SSI cash assistance for August 1996, and except for the August 1996 passage of amendments to federal disability definitions, would be eligible for SSI cash assistance.

(6) Children under the age of nineteen are eligible for medically needy (MN) medical assistance as defined in chapter 388-500 WAC when they:

(a) Meet citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c); and

(b) Have income above the income levels described in WAC 388-478-0075 (1)(c).

(7) A child is eligible for SSI-related MN when the child:

(a) Meets the blind and/or disability criteria of the federal SSI program or the condition in subsection (5)(b); and

(b) Has countable income above the level described in WAC 388-478-0070(1).

(8) There are no resource limits for children under CN, MN, or SCHIP coverage.

(9) Children may also be eligible for:

(a) Family medical as described in WAC 388-505-0220;

or

(b) Medical extensions as described in WAC 388-523-0100.

(10) Except for a client described in subsection (4)(c)(i) and (ii), an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-720 TAKE CHARGE—Client eligibility.

(1) To be eligible for the TAKE CHARGE program, a client must:

(a) Be a United States citizen, U.S. national, or (~~qualified alien of the U.S.A.~~) "qualified alien" as described in WAC (~~(388-424-0005(1))~~) 388-424-0001;

(b) Be a resident of the state of Washington as described in WAC 388-468-0005;

(c) Have income at or below two hundred percent of the federal poverty level as described in WAC 388-478-0075;

(d) Apply voluntarily for family planning services with a TAKE CHARGE provider; and

(e) Need family planning services but have:

(i) No family planning coverage through health insurance or another medical assistance administration (MAA) program;

(ii) Family planning coverage that does not cover all family planning methods or services; or

(iii) Good cause for not using family planning coverage through health insurance. See WAC 388-532-790 for information on good cause.

(2) To be eligible for the TAKE CHARGE program, a client must not be:

(a) Eligible for the requested TAKE CHARGE family planning services under another MAA medical program;

(b) Pregnant; or

(c) Currently sterilized.

(3) A client is authorized for TAKE CHARGE coverage for one year from the date MAA determines eligibility. Upon reapplication for TAKE CHARGE by the client, MAA may renew the coverage for additional periods of up to one year each, for the duration of the demonstration and research program.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0048 Who is eligible for ADATSA? To be eligible for ADATSA services you must:

(1) Be eighteen years of age or older;

(2) Be a resident of Washington as defined in WAC 388-468-0005;

(3) Meet citizenship requirements as described in WAC (~~(388-424-0005)~~) 388-424-0015(3).

(4) Provide your social security number; and

(5) Meet the same income and resource criteria for the GA-U program; OR be receiving federal assistance under SSI or TANF.

WSR 04-10-100

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 4, 2004, 3:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-03-007 on January 6, 2003.

Title of Rule: WAC 388-424-0001, 388-424-0005, 388-424-0006, 388-424-0007, 388-424-0008, 388-424-0009, 388-424-0010, 388-424-0015, 388-424-0016, 388-424-0020,

PROPOSED

and 388-424-0025. See Explanation of Rule below for a list of WAC captions.

Purpose: These rule changes are necessary to conform to changes in federal law and to address gaps and ambiguities in the current rules.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.

Summary: These rule changes conform to changes in federal law, including the Victims of Trafficking and Violence Protection Act of 2000, the Battered Immigrant Women Protection Act of 2000, the Child Citizenship Act of 2000, and the Violence Against Women Act of 1994, and address gaps and ambiguities that have hindered correct and efficient eligibility determination by CSO staff.

Reasons Supporting Proposal: Current rules do not reflect recent changes in federal law, including the Victims of Trafficking and Violence Protection Act of 2000, the Battered Immigrant Women Protection Act of 2000, the Child Citizenship Act of 2000, and the Violence Against Women Act of 1994. Gaps and ambiguities in current rule have led to frequent requests for policy clarification from CSO staff.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Berry, 1009 College S.E., Lacey, WA 98504, (360) 413-3102.

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

Rule is necessary because of federal law, 8 U.S.C. Section 1641(c) (Violence Against Women Act of 1994); 22 U.S.C. Section 7105(b) (Victims of Trafficking and Violence Protection Act of 2000); Public Law 106-386 Title V (Battered Immigrant Women Protection Act of 2000); Public Law 106-395 Title I (Child Citizenship Act of 2000).

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: New sections WAC 388-424-0001 Citizenship and alien status—Definitions, 388-424-0006 Citizenship and alien status—Date of entry, 388-424-0007 Citizenship and alien status—Armed services or veteran status, 388-424-0008 Citizenship and alien status—Work quarters, 388-424-0009 Citizenship and alien status—Social security number (SSN) requirements, and 388-424-0016 Citizenship and alien status—Immigrant eligibility restrictions for state medical benefits; repealing WAC 388-424-0005 The effect of citizenship and alien status on eligibility for benefits; and amending WAC 388-424-0010 Citizenship and alien status—Immigrant eligibility restrictions for TANF and medical benefits, including Medicaid and SCHIP, 388-424-0015 Citizenship and alien status—Immigrant eligibility restrictions for the SFA, GA, and ADATSA programs, 388-424-0020 How does my alien status impact my eligibility for federally-funded Washington Basic Food program benefits?, and 388-424-0025 How does my alien status impact my eligibility for state-funded benefits under the Washington Basic Food program?

Purpose and Effect: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The rules are also exempt under RCW 34.05.328 (5)(b)(v), which states in part, "[t]his section does not apply to rules adopting or incorporating by reference without material change federal statutes or regulations...". This rule adopts federal assistance eligibility standards contained in the Victims of Trafficking and Violence Prevention [Protection] Act of 2000 (22 U.S.C. Section 7105(b)), the Battered Immigrant Women Protection Act of 2000 (Public Law No. 106-386, Title V), the Violence Against Women Act of 1994 (8 U.S.C. Section 1641(c)), and the Child Citizenship Act of 2000 (P.L. 106-395, Title I).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 22, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by June 17, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov [fernaax@dshs.wa.gov].

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 22, 2004.

Date of Intended Adoption: No earlier than June 23, 2004.

April 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-424-0001 Citizenship and alien status—Definitions. "American Indians" born outside the United States. American Indians born outside the U.S. are eligible for benefits without regard to immigration status or date of entry if:

(1) They were born in Canada and are of fifty percent American Indian blood (but need not belong to a federally-recognized tribe); or

(2) They are members of a federally-recognized Indian tribe or Alaskan Native village or corporation.

"Hmong or Highland Lao." These are members of the Hmong or Highland Laotian tribe, which rendered military assistance to the U.S. during the Vietnam era (August 5, 1964 to May 7, 1975), and are "lawfully present" in the United States. This category also includes the spouse (including unremarried widow or widower) or unmarried dependent child of such tribe members.

"Nonimmigrants." These individuals are allowed to enter the U.S. for a specific purpose, usually for a limited time. Examples include:

- (1) Tourists,
- (2) Students,
- (3) Business visitors.

"PRUCOL" (Permanently residing under color of law) aliens. These are individuals who:

- (1) Are not "qualified aliens" as described below; and
- (2) Intend to reside indefinitely in the U.S.; and
- (3) United States Citizenship and Immigration Services or USCIS (formerly the Immigration and Naturalization Service or INS) knows are residing in the U.S. and is not taking steps to enforce their departure.

"Qualified aliens." Federal law defines the following groups as "qualified aliens." All those not listed below are considered "nonqualified:"

(1) **Abused spouses or children**, parents of abused children, or children of abused spouses, who have either:

(a) A pending or approved I-130 petition or application to immigrate as an immediate relative of a U.S. citizen or as the spouse or unmarried son or daughter of a Lawful Permanent Resident (LPR) - see definition of LPR below; or

(b) A notice of "prima facie" approval of a pending self-petition under the Violence Against Women Act (VAWA); or

(c) Proof of a pending application for suspension of deportation or cancellation of removal under VAWA; and

(d) The alien no longer resides with the person who committed the abuse.

(e) Children of abused persons who meet the conditions above retain their "qualified alien" status even after they become adults.

(f) An abused person who has initiated a self-petition under VAWA but has not received notice of prima facie approval is not a "qualified alien" but is considered PRUCOL. An abused person who continues to reside with the person who committed the domestic violence is also PRUCOL. For a definition of PRUCOL, see above.

(2) **Amerasians** who were born to U.S. citizen armed services members in Southeast Asia during the Vietnam war.

(3) Individuals who have been granted **asylum** under Section 208 of the Immigration and Nationality Act (INA).

(4) Individuals who were admitted to the U.S. as **conditional entrants** under Section 203 (a)(7) of the INA prior to April 1, 1980.

(5) **Cuban/Haitian entrants.** These are nationals of Cuba or Haiti who were paroled into the U.S. or given other special status.

(6) Individuals who are **lawful permanent residents** (LPRs) under the INA.

(7) Persons who have been granted **parole** into the U.S. for at least a period of one year (or indefinitely) under Section 212 (d)(5) of the INA, including "public interest" parolees.

(8) Individuals who are admitted to the U.S. as **refugees** under Section 207 of the INA.

(9) Persons granted **withholding of deportation or removal** under Sections 243(h) (dated 1995) or 241 (b)(3) (dated 2003) of the INA.

"Undocumented aliens." These are persons who either:

- (1) Entered the U.S. without inspection at the border, or
- (2) Were lawfully admitted but have lost their status.

"U.S. citizens."

(1) The following individuals are considered to be citizens of the U.S.:

(a) Persons born in the U.S. or its territories (Guam, Puerto Rico, and the U.S. Virgin Islands; also residents of the Northern Mariana Islands who elected to become U.S. citizens); or

(b) Legal immigrants who have naturalized after immigrating to the U.S.

(2) Persons born abroad to at least one U.S. citizen parent may be U.S. citizens under certain conditions.

(3) Individuals under the age of eighteen automatically become citizens when they meet the following three conditions on or after February 27, 2001:

(a) The child is a lawful permanent resident (LPR);

(b) At least one of the parents is a U.S. citizen by birth or naturalization; and

(c) The child resides in the U.S. in the legal and physical custody of the citizen parent.

(4) For those individuals who turned eighteen before February 27, 2001, the child would automatically be a citizen if still under eighteen when he or she began lawful permanent residence in the U.S. and both parents had naturalized. Such a child could have derived citizenship when only one parent had naturalized if the other parent were dead, a U.S. citizen by birth, or the parents were legally separated and the naturalizing parent had custody.

"U.S. nationals." A U.S. national is a person who owes permanent allegiance to the U.S. and may enter and work in the U.S. without restriction. The following are the only persons classified as U.S. nationals:

(1) Persons born in American Samoa or Swain's Island after December 24, 1952; and

(2) Residents of the Northern Mariana Islands who did not elect to become U.S. citizens.

"Victims of trafficking." Victims of trafficking are adults or children who have been brought into the U.S. under conditions of prostitution, slavery, or forced labor. Under federal law, they are to be treated the same as refugees. Victims of trafficking must have been certified or had their eligibility approved by the federal Office of Refugee Resettlement (ORR) as a victim of trafficking under the Victims of Trafficking and Violence Protection Act of 2000.

NEW SECTION

WAC 388-424-0006 Citizenship and alien status—Date of entry. (1) A person who physically entered the U.S. prior to August 22, 1996 and who continuously resided in the U.S. prior to becoming a "qualified alien" (as defined in WAC 388-424-0001) is not subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP.

(2) A person who entered the U.S. prior to August 22, 1996 but became "qualified" on or after August 22, 1996, or who physically entered the U.S. on or after August 22, 1996 and who requires five years of residency to be eligible for

federal Basic Food, can only count years of residence during which they were a "qualified alien."

(3) A person who physically entered the U.S. on or after August 22, 1996 is subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP unless exempt. The five-year bar starts on the date that "qualified" status is obtained.

(4) The following "qualified aliens," as defined in WAC 388-424-0001, are exempt from the five-year bar:

- (a) Amerasian lawful permanent residents;
- (b) Asylees;
- (c) Conditional entrants;
- (d) Cuban/Haitian entrants;
- (e) Persons granted withholding of deportation or removal;
- (f) Refugees;
- (g) Victims of trafficking who have been certified or had their eligibility approved by the office of refugee resettlement (ORR);
- (h) Lawful permanent residents, public interest parolees, or battered aliens, as defined in WAC 388-424-0001, who are also an armed services member or veteran as described in WAC 388-424-0007 or who meet the work quarters requirement described in WAC 388-424-0008.

NEW SECTION

WAC 388-424-0007 Citizenship and alien status—Armed services or veteran status. (1) An immigrant in one of the following categories is considered a member of the armed forces or a veteran for purposes of establishing eligibility for federal means-tested benefits as defined in WAC 388-424-0008:

- (a) On active duty in the U.S. military, other than active duty for training; or
- (b) An honorably discharged U.S. veteran; or
- (c) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, Section 107 of the U.S. Code; or
- (d) The spouse, un-remarried widow or widower, or unmarried dependent child of a veteran or active duty service member.

(2) An immigrant as described in subsection (1) above is not subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP (see WAC 388-424-0010).

(3) An immigrant as described in subsection (1) above who is also a "qualified alien" as described in WAC 388-424-0020 (1)(b)(i) is eligible for federal Basic Food.

(4) An immigrant is not subject to sponsor deeming in state funded programs (see WAC 388-450-0156 (4)(c)) if in any of the categories in subsection (1) above or if:

- (a) Employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or
- (b) The spouse, un-remarried widow or widower, or unmarried dependent child of a person in subsection (4)(a) of this section.

NEW SECTION

WAC 388-424-0008 Citizenship and alien status—Work quarters. (1) The following are considered federal means-tested benefits: Temporary assistance for needy families (TANF), nonemergency Medicaid, state children's health insurance program (SCHIP), Supplemental Security Income (SSI), and federal Basic Food.

(2) An immigrant can receive credit for work quarters by:

- (a) Earning enough money to qualify for work quarters;
- (b) Getting credit for work quarters earned by a parent or step parent while the alien was under eighteen (including quarters earned before the alien was born); and
- (c) Getting credit for work quarters earned by a spouse during the marriage (including a now deceased spouse) or during a period when a couple "hold themselves out" as married.

(3) An immigrant may receive credit for work quarters earned while residing in the U.S. regardless of their (or their family member's) immigration status at the time the money was earned.

(4) An immigrant cannot receive credit for a work quarter on or after January 1, 1997 if the person earning or being credited with the work quarter received a federal means-tested benefit during the quarter.

(5) If the person earning the quarter applied for a federal means-tested benefit during the fortieth quarter and the person earning the quarter earned enough money to qualify for benefits before applying for benefits, the quarter is credited.

(6) An immigrant can be provisionally credited with forty work quarters for up to six months while awaiting verification of work quarters only if:

- (a) SSA responded that the immigrant (and spouse and parents) has less than forty quarters, but SSA is making an investigation to see if more quarters can be credited; or
- (b) The immigrant has turned in a request to another federal agency for proof of the immigrant's eligible alien status and the agency has accepted the request.

NEW SECTION

WAC 388-424-0009 Citizenship and alien status—Social Security Number (SSN) requirements. (1) A "qualified alien," as defined in WAC 388-424-0001, who has applied for a Social Security number (SSN) as part of their application for benefits cannot have benefits delayed, denied, or terminated pending the issuance of the SSN by the Social Security Administration (SSA).

(2) The following immigrants are not required to apply for an SSN:

- (a) An alien, regardless of immigration status, who is applying for a program listed in WAC 388-476-0001;
- (b) A PRUCOL alien as defined in WAC 388-424-0001;
- (c) Members of a household who are not applying for benefits for themselves; and
- (d) "Qualified aliens," as defined in WAC 388-424-0001, who are not eligible for an SSN because they are not authorized to work in the U.S.

(3) An immigrant who is otherwise eligible for benefits may choose not to provide the department with an SSN with-

out jeopardizing the eligibility of others in the household. See WAC 388-450-0140 for how the income of such individuals is treated.

AMENDATORY SECTION (Amending WSR 02-17-030, filed 8/12/02, effective 9/12/02)

WAC 388-424-0010 Citizenship and alien status—Eligibility ((requirements)) restrictions for the temporary assistance for needy families program and medical benefits, including nonemergency Medicaid and the state children's health insurance program (SCHIP). (1) ~~((Qualified aliens as described in WAC 388-424-0005(3) who were residing in the United States (U.S.) before August 22, 1996 may receive temporary assistance for needy families (TANF), Medicaid, and CHIP benefits.~~

~~(2) Qualified aliens who first physically entered the U.S. after August 21, 1996 cannot receive TANF, Medicaid, or SCHIP for five years after obtaining status as a qualified alien, unless they are any of the following:~~

~~(a) An alien as described under WAC 388-424-0005(3)(b), (d), (e), (g), or (h); or~~

~~(b) A lawful permanent resident who is:~~

~~(i) On active duty in the U.S. military, other than active duty for training;~~

~~(ii) An honorably discharged U.S. veteran;~~

~~(iii) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;~~

~~(iv) A Hmong or Highland Lao veteran who served in the military on behalf of the U.S. Government during the Vietnam conflict; or~~

~~(v) The spouse or unmarried dependent child(ren) of a person described in subsection (2)(b)(i) through (iv) of this section.~~

~~(3) A child born outside of the U.S. automatically becomes a U.S. citizen when:~~

~~(a) At least one of the parents is a U.S. citizen by birth or naturalization;~~

~~(b) The child is under eighteen years of age;~~

~~(c) The child is residing in the U.S. in legal and physical custody of the citizen parent; and~~

~~(d) The child is a lawful permanent resident.~~

~~(4) An Indian as described in WAC 388-424-0020(2)(b) and (c) may receive Medicaid or CHIP benefits.~~

~~(5) Aliens, including PRUCOL aliens as defined in WAC 388-424-0005(4), who would qualify for Medicaid benefits, but are determined ineligible because of alien status or requirements for a Social Security Number, may receive medical coverage as follows:~~

~~(a) State funded categorically needy (CN) scope of care for pregnant women, as described in WAC 388-462-0015; and~~

~~(b) Alien emergency medical services as described in WAC 388-438-0110.~~

~~(6) Alien status does not affect eligibility for the medically indigent program described in WAC 388-438-0100)) To receive TANF or medical benefits you must meet all other eligibility requirements and be one of the following as defined in WAC 388-424-0001:~~

(a) A U.S. citizen;

(b) A U.S. national;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien";

(e) A victim of trafficking; or

(f) A Hmong or Highland Lao.

(2) A "qualified alien" who first physically entered the U.S. before August 22, 1996 as described in WAC 388-424-0006(1) may receive TANF, nonemergency Medicaid, and SCHIP benefits.

(3) A "qualified alien" who first physically entered the U.S. on or after August 22, 1996 cannot receive TANF, non-emergency Medicaid, or SCHIP for five years after obtaining status as a qualified alien unless he or she is an alien as described under WAC 388-424-0006(4).

(4) An alien who is ineligible for TANF, nonemergency Medicaid, or SCHIP because of the five-year bar or because of their immigration status may be eligible for:

(a) Emergency benefits as described in WAC 388-424-0018 (consolidated emergency assistance program) and WAC 388-438-0110 (alien emergency medical program); or

(b) State-funded cash or chemical dependency benefits as described in WAC 388-424-0015 (SFA, GA and ADATSA) and medical benefits as described in WAC 388-424-0016; or

(c) Pregnancy medical benefits as described in WAC 388-462-0015.

AMENDATORY SECTION (Amending WSR 00-08-060, filed 3/31/00, effective 4/1/00)

WAC 388-424-0015 ((Citizenship and alien status-)) Immigrant eligibility ((requirements)) restrictions for the state family assistance ((program (SFA))), general assistance, and ADATSA programs. (1) To receive state family assistance (SFA) benefits, you must be:

~~((1)) (a) A ((qualified alien who is not eligible for TANF benefits because of the five-year period of ineligibility described in WAC 388-424-0010(2)); or~~

(2) An alien who is permanently residing in the U.S. under color of law (PRUCOL) as defined in WAC 388-424-0005(4)) "qualified alien" as defined in WAC 388-424-0001 who is ineligible for TANF due to the five-year bar as described in WAC 388-424-0006(3); or

(b) A PRUCOL alien as defined in WAC 388-424-0001, including a noncitizen American Indian who does not meet the criteria in WAC 388-424-0001.

(2) To receive general assistance (GA) benefits, you must be ineligible for the TANF, SFA, or SSI program for a reason other than failure to cooperate with program requirements, and belong to one of the following groups as defined in WAC 388-424-0001:

(a) A U.S. citizen;

(b) A U.S. national;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien" or similarly defined lawful immigrant such as Hmong or Highland Lao or victim of trafficking; or

(e) A PRUCOL alien.

PROPOSED

(3) To receive ADATSA benefits, you must belong to one of the following groups as defined in WAC 388-424-0001:

- (a) A U.S. citizen;
- (b) A U.S. national;
- (c) An American Indian born outside the U.S.;
- (d) A "qualified alien" or similarly defined lawful immigrant such as Hmong or Highland Lao or victim of trafficking; or
- (e) A PRUCOL alien.

NEW SECTION

WAC 388-424-0016 Citizenship and alien status—Immigrant eligibility restrictions for state medical benefits. (1) To receive general assistance medical (medical care services) you must meet the alien requirements of general assistance as described in WAC 388-424-0015(2) and be a recipient of general assistance cash.

(2) To receive medical benefits for pregnancy, you must be ineligible for other programs as described in WAC 388-462-0015, verify you are pregnant, and be:

- (a) A "qualified alien" who is ineligible for TANF due to the five-year bar as described in WAC 388-424-0006(3);
- (b) PRUCOL as defined in WAC 388-424-0001; or
- (c) An undocumented alien as defined in WAC 388-424-0001.

AMENDATORY SECTION (Amending WSR 03-05-029, filed 2/10/03, effective 4/1/03)

WAC 388-424-0020 How does my alien status impact my eligibility for the federally-funded Washington Basic Food program benefits? (1) If you are ~~((not))~~ a U.S. citizen or U.S. national ~~((, you must fall within one of the following three categories;))~~ as defined in WAC 388-424-0001 and meet all other eligibility requirements, ~~((in order to))~~ you may receive federal Basic Food benefits~~(:~~

~~(a) You are a member of one of the following groups of qualified aliens (as defined in WAC 388-424-0005): A refugee, or an asylee, or a victim of trafficking, or have deportation/removal withheld, or are a Cuban or Haitian entrant; or are a qualified alien (as defined in WAC 388-424-0005) and Amerasian;~~

~~(b) You are a lawful permanent resident, or paroled for one year or more, or a conditional entrant, or a victim of domestic violence or parent or child of a victim (as defined in WAC 388-424-0005), and one of the following also apply to you:~~

~~(i) You have worked or can get credit for forty Social Security Administration (SSA) work quarters—see subsections (2) through (5) below;~~

~~(ii) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement;~~

~~(iii) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;~~

~~(iv) You have lived in the U.S. as a "qualified" alien as described in WAC 388-424-0005 for at least five years;~~

~~(v) You are under age eighteen;~~

~~(vi) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.~~

~~(e) You are not in one of the groups listed under (a) or (b) of this subsection but belong to one of the following groups:~~

~~(i) You are legally residing in the U.S. and are a Hmong or Highland Laotian tribal members (including the tribal members' spouse and dependent children) when the tribe assisted U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975; or~~

~~(ii) Canadian born American Indians who are fifty percent American Indian blood; or~~

~~(iii) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.~~

~~(2) For those immigrants who must have credit for forty SSA work quarters to receive Basic Food benefits, you can receive credit for SSA work quarters, earned only in the U.S., by:~~

~~(a) Earning enough money to qualify for work quarters;~~

~~(b) Getting credit for quarters earned by a parent or step-parent while you are under age eighteen including before you were born; or~~

~~(c) Getting credit for quarters earned by your spouse while you are married if you are still married to them or they are deceased.~~

~~(3) You cannot receive credit for a SSA work quarter after January 1, 1997 if you received TANF, nonemergency Medicaid, food stamps, or federal Basic Food benefits during the quarter.~~

~~(4) If you apply for TANF, nonemergency Medicaid, or Basic Food benefits during your fortieth quarter and you earned enough money to qualify for the quarter before you applied for benefits, you get credit for that quarter.~~

~~(5) You can get federally-funded Basic Food benefits for up to six months while we wait for verification of your eligibility if you or the department:~~

~~(a) Asked SSA for proof of your work quarters, SSA responded that you have less than forty quarters, and you provide proof that SSA is making an investigation to decide if they can credit you with more quarters; or~~

~~(b) Turned in a request to a federal agency for proof that you meet immigrant eligibility requirements for federally-funded Basic Food benefits. If you requested this proof, you must provide proof that the agency has accepted this request).~~

(2) If you are not a U.S. citizen or U.S. national, you must fall within (a) or (b) of this subsection, and meet all other eligibility requirements, in order to receive federal Basic Food benefits:

(a) You are a member of one of the following groups of "qualified aliens" or similarly defined lawful immigrants as defined in WAC 388-424-0001:

(i) Amerasian;

(ii) Asylee;

(iii) Cuban or Haitian entrant;

(iv) Deportation or removal withheld;

(v) Refugee;

(vi) Victim of trafficking;

(vii) Noncitizen American Indian; or
(viii) Hmong or Highland Lao tribal member.
(b)(i) You are a member of one of the following groups
of qualified aliens as defined in WAC 388-424-0001:

(A) Conditional entrant;
(B) Lawful permanent resident (LPR);
(C) Paroled for one year or more; or
(D) Victim of domestic violence or parent or child of a
victim.

(ii) And, one of the following also applies to you:
(A) You have worked or can get credit for forty Social
Security Administration (SSA) work quarters - as described
in WAC 388-424-0008;

(B) You are an active duty personnel or honorably dis-
charged veteran of the U.S. military or you are the spouse,
unmarried surviving spouse, or unmarried dependent child of
someone who meets this requirement, as described in WAC
388-424-0007(1);

(C) You receive cash or medical benefits based on Sup-
plemental Security Income (SSI) criteria for blindness or dis-
ability;

(D) You have lived in the U.S. as a "qualified alien" as
described in WAC 388-424-0001 for at least five years;

(E) You are under age eighteen; or
(F) You were lawfully residing in the U.S. on August 22,
1996 and were born on or before August 22, 1931.

(3) If you are ineligible for federal Basic Food benefits
due to your alien status, you may be eligible for state Basic
Food benefits (see WAC 388-424-0025).

AMENDATORY SECTION (Amending WSR 03-05-029,
 filed 2/10/03, effective 4/1/03)

**WAC 388-424-0025 How does my alien status impact
 my eligibility for state-funded benefits under the Wash-
 ington Basic Food program?** To receive state-funded bene-
 fits under the Washington Basic Food program (~~((Basic
 Food))~~), you must be one of the following:

(1) A "qualified alien," as defined in WAC (~~(388-424-
 0005)~~) 388-424-0001, who does not meet the eligibility
 requirements under WAC 388-424-0020 to receive federally-
 funded Basic Food benefits; or

(2) An alien who does not meet the definition of a quali-
 fied alien as defined in WAC (~~(388-424-0005)~~) 388-424-
 0001 but who is(~~:~~

~~(a) Allowed to enter the U.S. for permanent residence by
 permission of the U.S. Attorney General under section 249 of
 the Immigration and Nationality Act (INA); or~~

~~(b) Admitted for temporary residence under section
 245A of the INA and is aged, blind, or disabled as described
 in Title XVI of the Social Security Act; or~~

~~(c) Granted temporary resident status by the Immigration
 and Naturalization Service (INS) as a special agricultural
 worker under section 210 of the INA; or~~

~~(d) Granted Family Unity status by the INS and the
 alien's spouse or parent is eligible to receive federal or state-
 funded Basic Food benefits; or~~

~~(e)) Permanently Residing Under Color of Law (PRU-
 COL) in the United States as defined in WAC (~~(388-424-
 0005(4))~~) 388-424-0001.~~

REPEALER

The following section of the Washington Administrative
 Code is repealed:

WAC 388-424-0005 The effect of citizenship and
 alien status on eligibility for
 benefits.

WSR 04-10-101
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed May 4, 2004, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-
 01-192.

Title of Rule: Amending chapter 388-71 WAC, Home
 and community services and programs; chapter 388-72A
 WAC, Comprehensive assessment reporting evaluation
 (CARE) tool; and chapter 388-515 WAC, Alternate living—
 Institutional medical.

Purpose: In establishing the medically needy (MN) in-
 home waiver program, the department will adopt rules to
 establish eligibility criteria, applicable income standards, and
 amending other sections as needed.

Statutory Authority for Adoption: RCW 74.09.700,
 74.08.090, 74.04.050, 74.39A.030, and 74.09.575.

Statute Being Implemented: RCW 74.09.700,
 74.39A.030, ESHB 2459, section 206 (6)(b), chapter 276,
 Laws of 2004.

Summary: See Purpose above.

Reasons Supporting Proposal: MN in-home waiver pro-
 gram rules are proposed to comply with ESHB 2459, chapter
 276, Laws of 2004. Section 206 (6)(b), authorizes a waiver
 program to include coverage for in-home care.

Name of Agency Personnel Responsible for Drafting,
 Implementation and Enforcement: Marianne Backous/Sue
 Poltl, P.O. Box 45600, Olympia, WA 98504-5600, (360)
 725-2535/902-8474.

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

Rule is necessary because of federal court decision,
Townsend v. DSHS, U.S. District Court, Western District of
 Washington, No. C 00-0944Z, Stipulated Agreement and
 Order.

Explanation of Rule, its Purpose, and Anticipated
 Effects: Amending chapter 388-71 WAC, Home and com-
 munity services and programs; chapter 388-72A WAC, Com-
 prehensive assessment reporting evaluation (CARE) tool;
 and adding a new section to chapter 388-515 WAC, Alternate
 living—Institutional medical.

In establishing the medically needy (MN) in-home
 waiver program, the department will adopt rules to establish
 eligibility criteria, applicable income standards, and amend-
 ing other sections as needed.

Proposal Changes the Following Existing Rules: Existing rules are amended to incorporate the medically needy (MN) in-home waiver program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and concluded that no new cost will be imposed on businesses.

RCW 34.05.328 does not apply to this rule adoption. Establishing the medically needy in-home waiver program is specifically dictated by the legislature in section 206(6), chapter 276, Laws of 2004, and rules concerning this program are exempt under RCW 34.05.328 (5)(b)(v). Other rules in this proposal establish client medical or financial eligibility for in-home care services, and are exempt under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 22, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by June 18, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 22, 2004.

Date of Intended Adoption: Not earlier than June 23, 2004.

April 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0194 Home and community services—Nursing services. (1) Upon department or designee referral, a registered nurse will consult about or visit a community options program entry system (COPEs) client, Medically Needy Residential Waiver (MNRW) client, Medically Needy In-home Waiver (MNIW) 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) File review;
- (e) Evaluation.

(2) The frequency and scope of the nursing service will be based on individual client need.

(3) 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.

(4) The registered nurse providing this service will not perform skilled treatment except in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practi-

tioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. The need for any skilled medical or nursing treatments will be referred to a health care provider, a home health agency or ((a)) other appropriate resource.

(5) 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.

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 WSR 04-04-042, filed 1/29/04, effective 2/29/04)

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.

"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 388-500-0005.

"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).

"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 disabling 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; and
- (4) Chore personal services when these services began before August 1, 2001.

"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), Medically Needy Waiver Services, or Medicaid personal care client when the person:

- (1) Meets or exceeds the qualifications as defined under WAC 388-71-0500 through ((388-71-05640)) 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 388-500-0005; and
- (2) Medically needy as defined under WAC 388-500-0005.

"Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-500-0005.

"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 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 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 that are age appropriate for children under age eighteen or 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 388-71-0205.

"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 for chore personal care service, a client's spouse, father, mother, son, or daughter.

"Service plan" means a plan for long-term care service delivery as described under WAC 388-71-0205.

"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, Medically Needy In-home Waiver, and Medicaid personal care home and community-based services.

Medically needy (MN) medical programs provide medical coverage for people whose income is more than the categorically needy (CN) standards. While MN medical cover-

age is more limited than CN, MN programs pay for many of the services also covered under CN. See chapter 388-529 WAC for the MN scope of care.

"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 03-13-052, filed 6/12/03, effective 7/13/03)

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), authorized under RCW 74.39A.030.

(2) Medicaid personal care services (MPC), authorized under RCW 74.09.520.

(3) Chore personal care services, a state-only funded program authorized under RCW 74.39A.110.

(4) Medically Needy Residential Waiver, authorized under RCW 74.09.700 and ((74.39A.041)) 74.39.041.

(5) Medically Needy In-home Waiver, authorized under RCW 74.09.700 and 74.39.041.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0410 What services may I receive under HCP? You may receive the following HCP services:

(1) For COPES, MNIW, MPC or chore: Assistance in your own home with personal care tasks and household tasks, as defined in WAC 388-71-0202, and as applicable, assistance with personal care tasks while you are out of the home accessing community resources or working; and

(2) For all HCP programs except MNIW: 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.

(3) For COPES, MNIW, or MPC: Personal care assistance when temporarily traveling out of state, as long as:

(a) Your individual 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 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0415 What other services may I receive under the ((COPES program)) waiver-funded programs? In addition to the services listed in WAC 388-71-0410, you may be eligible for other services under the COPES ((or Medically Needy Residential waiver)), MNIW, or MNRW 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.

Clients receiving waiver services in their own home through COPEs or MNIW may be eligible for the additional services outlined in subsections (1) through (10) below.

(1) For COPEs in-home clients or Medically Needy In-home clients, adult day care if you meet the eligibility requirements under WAC ((388-15-652)) 388-71-0708 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)) 388-551-2120) and are in addition to those available services;

(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; 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.

(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 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.

(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)) Nurse delegation services if:~~

~~(a) You are living in your own home;~~

~~(b) You are eligible for COPEs; and~~

~~(c) You are receiving personal care from a registered or certified nursing assistant who has completed nurse delegation core training;~~

~~(d) Your medical condition is considered stable and predictable by the delegating nurse; and~~

~~(e) Services are provided in compliance with WAC 246-840-901 through 246-840-970.~~

Clients receiving services in a residential setting through COPEs or MNRW may be eligible for the additional services outlined in subsections (11) through (14) below.

(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.

(14) ~~(Nurse delegation services if:~~

~~(a) You are living in your own home;~~

~~(b) You are eligible for COPEs; and~~

~~(c) You are receiving personal care from a registered or certified nursing assistant who has completed Nurse Delegation Core Training;~~

~~(d) Your medical condition is considered stable and predictable by the delegating nurse; and~~

~~(e) Services are provided in compliance with WAC 246-840-901 through 246-840-970)) 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.~~

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

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 the services are authorized in your written service plan and meet the program criteria.

(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 chore personal care;

(7) Services to assist other household members not eligible for services;

(8) Yard care.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0425 Who can provide HCP services? The following types of providers may provide COPEs, MPC, MNIW, MNRW, or chore services:

(1) For in-home clients, individual providers, who must meet the requirements outlined in WAC 388-71-0500 through ~~((388-71-0580))~~ 388-71-05909;

(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, Medically Needy In-home, or Medically Needy Residential Waiver services listed in WAC 388-71-0415.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0440 Am I eligible for MPC-funded services? To be eligible for MPC-funded services you must:

(1) Have unmet need for substantial assistance with at least one direct personal care task listed in WAC 388-71-0202; or have unmet needs for minimal assistance with three direct personal care tasks; and

(2) Be certified as Title 19 noninstitutional categorically needy, as defined in WAC 388-500-0005.

(3) Be assessed by department staff or designee using a department approved comprehensive assessment and have a determination of unmet needs for HCP services.

AMENDATORY SECTION (Amending WSR 04-01-090, filed 12/16/03, effective 1/16/04)

WAC 388-71-0465 Are there waiting lists for HCP services? For:

(1) COPEs waiver services, the department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access in the following manner:

(a) Nursing home residents wanting COPEs 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 department's comprehensive assessment will be ranked higher on the wait list over clients with a 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.

(2) 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 or Medically Needy In-home Waiver, the department will create ~~((a))~~ ~~((list))~~ lists for each waiver in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access 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 department's 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 03-13-052, filed 6/12/03, effective 7/13/03)

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. 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))~~;

(a) For Medically Needy Residential Waiver (MNRW), in WAC 388-515-1540;

(b) For Medically Needy In-home Waiver (MNIW), in WAC 388-515-1550.

(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 03-13-052, filed 6/12/03, effective 7/13/03)

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 noninstitutional 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 receiving Medically Needy In-home Waiver services, you may have earned income allowances per WAC 388-515-1550.

(4) If you are receiving COPEs waiver services, you may have earned income allowances per WAC 388-515-1505.

(5) If you are not Medicaid eligible due to your earned income and resources, 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 01-11-019, filed 5/4/01, effective 6/4/01)

WAC 388-71-0510 How does a person become an individual provider? In order to become an individual provider, a person must:

- (1) Be eighteen years of age or older;
- (2) Provide the social worker/case manager/designee with:
 - (a) Picture identification; and
 - (b) A Social Security card; or
 - (c) Authorization to work in the United States.
- (3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW;
 - (a) Preliminary results may require a thumb print for identification purposes;
 - (b) An FBI fingerprint-based background check is required if the person has lived in the state of Washington less than three years.
 - (4) Sign a home and community-based service provider contract/agreement to provide services to a COPES, MNIW, or Medicaid personal care client.

AMENDATORY SECTION (Amending WSR 04-02-001, filed 12/24/03, effective 1/24/04)

WAC 388-71-05665 What definitions apply to WAC 388-71-05670 through 388-71-05909? "Client" means an individual age eighteen or older, receiving in-home services through Medicaid personal care, COPES, MNIW, or Chore programs. ((As applicable, the term client also means the client's legal guardian or other surrogate decision maker.))

"Competency" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"DSHS" refers to the department of social and health services.

"Learning outcomes" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes are generally identified with a specific lesson plan or curriculum.

"Routine interaction" means contact with clients that happens regularly.

AMENDATORY SECTION (Amending WSR 00-22-018, filed 10/20/00, effective 10/31/00)

WAC 388-71-0700 What are the requirements for nursing facility eligibility, assessment, and payment? (1) If you are a Medicaid client or paying privately, the nursing facility cannot admit you unless the physician, hospital, department, or department designee screens you for the presence of a serious mental illness or a developmental disability as required under WAC 388-97-247.

(2) You are eligible for nursing facility care if the department:

(a) Assesses you and determines that you meet the functional criteria for nursing facility level of care as defined in WAC ((388-71-0435(4))) 388-72A-0055(4); and

(b) Determines that you meet the eligibility requirements set through WAC 388-513-1315.

(3) If you are Medicaid eligible and the nursing facility admits you without a request for assessment from the department, the nursing facility will not:

(a) Be reimbursed by the department; or

(b) Allowed to collect payment, including a deposit or minimum stay fee, from you or your family/representative for any care provided before the date of request for assessment.

(4) If you are eligible for Medicaid-funding nursing facility care, the department pays for your services beginning on the date:

(a) Of the request for a department assessment; or

(b) Nursing facility care actually begins, whichever is later.

(5) If you become financially eligible for Medicaid after you have been admitted, the department pays for your nursing facility care beginning on the date of:

(a) Request for assessment or financial application, whichever is earlier; or

(b) Nursing facility placement; or

(c) When you are determined financially eligible, whichever is later.

(d) Exception: Payment back to the request date is limited to three months prior to the month that the financial application is received.

AMENDATORY SECTION (Amending WSR 03-06-024, filed 2/24/03, effective 7/1/03)

WAC 388-71-0708 Adult day care—Eligibility. (1) COPES or MNIW clients may be eligible for adult day care as a ((COPES)) waiver service if they are assessed as having an unmet need for one or more of the following core services identified in WAC 388-71-0704:

(a) Personal care services;

(b) Routine health monitoring with consultation from a registered nurse;

(c) General therapeutic activities; or

(d) Supervision and/or protection for clients who require supervision or protection for their safety.

(2) COPES or MNIW clients are not eligible for adult day care if they:

(a) Can independently perform or obtain the services provided at an adult day care center;

(b) Have unmet needs that can be met through the COPES program more cost effectively without authorizing day care services;

(c) Have referred care needs that:

(i) Exceed the scope of authorized services that the adult day care center is able to provide;

(ii) Can be met in a less structured care setting; or

(iii) Are being met by paid or unpaid caregivers.

(d) Live in a nursing home, boarding home, adult family home, or other licensed institutional or residential facility; or

(e) Are not capable of participating safely in a group care setting.

AMENDATORY SECTION (Amending WSR 01-11-018, filed 5/4/01, effective 6/4/01)

WAC 388-71-0915 Am I medically eligible to receive private duty nursing services? In order to be medically eligible for PDN, the community nurse consultant (CNC) must assess you and determine that you:

(1) Be assessed by a CNC as requiring care in a hospital or meeting nursing facility level of care, as defined in WAC ((388-71-0435(4))) 388-72A-0055(4).

(2) Have a complex medical need that requires four or more hours of continuous skilled nursing care which can be safely provided outside a hospital or nursing facility; and

(3) Are technology-dependent daily, which means you require at least one of the following:

(a) A mechanical ventilator or other respiratory support at least part of each day;

(b) Tracheostomy tube care/suctioning;

(c) Intravenous/parenteral administration of medications; and

(d) Intravenous administration of nutritional substances.

(4) Require services that are medically necessary.

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.

AMENDATORY SECTION (Amending WSR 01-11-018, filed 5/4/01, effective 6/4/01)

WAC 388-71-0960 Can I receive services in addition to PDN? In addition to PDN services, you may be eligible to receive personal care and other household services through COPES, MNIW, or Medicaid personal care (MPC), from a contracted home care agency or contracted individual provider (IP), for unmet personal care needs not performed by your family/informal support system.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-1105 Am I eligible to receive volunteer chore services? You may receive volunteer chore services if you are:

(1) Eighteen years of age or older;

(2) Living at home unless you are moving from a residential facility to home and need assistance moving;

(3) Unable to perform certain household or personal care tasks due to functional or cognitive impairment;

(4) Financially unable to purchase services from a private provider;

(5) Not receiving services under COPES, MNIW, MPC, or chore personal care because you:

(a) Do not meet the eligibility requirements; or

(b) Decline these services.

(6) In need of assistance from volunteer chore in addition to or in substitution of paid services under COPES, MNIW, MPC, or chore personal care.

NEW SECTION

WAC 388-72A-0053 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 388-72A-0055 for COPES, WAC 388-72A-0057 for Medically Needy Residential Waiver, WAC 388-72A-0058 for Medically Needy In-home Waiver, WAC 388-72A-0060 for MPC, or WAC 388-72A-0065 for Chore. Functional eligibility for all HCP programs is determined through an assessment as provided under WAC 388-72A-0025. Your eligibility begins upon the date of the department's service authorization.

NEW SECTION

WAC 388-72A-0057 Am I eligible for medically needy residential waiver (MNRW)-funded services? You are eligible for MNRW-funded services if you live in a residential setting as defined in WAC 388-71-0600 and 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 388-515-1540.

(3) You are not eligible for Medicaid personal care services (MPC) or COPES.

(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 MNRW 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;

(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:

(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:

(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:

(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-0058 Am I eligible for medically needy in-home wavier (MNIW)-funded services? You are eligible for MNIW-funded services if you live in your own

home as defined in WAC 388-71-0202 and 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;

(3) You are not eligible for Medicaid personal care services (MPC) or COPES;

(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 MNIW 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:

(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:

(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

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(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:

- (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.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

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 noninstitutional 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 three 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) 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 one or more of the following(~~as defined in WAC 388-72A-0040~~):

- (a) Extensive assistance plus one person physical assistance in toileting;
- (b) Extensive assistance plus one person physical assistance 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.
- (c) Extensive assistance plus one person physical assistance in transfer;
- (d) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;
- (e) Physical help limited to transfer plus one person physical assist in bathing;
- (f) Supervision plus one person physical assist in eating; or
- (g) Daily assistance required in medication management; or
- (h) 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.
- (i) Extensive assistance plus one person physical assistance in dressing.
- (j) Extensive assistance plus one person physical assistance in personal hygiene.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

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))~~ have been continuously on the Chore program since August 2001 and not be eligible for MPC ~~((or))~~, COPES, MNIW, or 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.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

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, 388-72-0056, and 388-72-0057 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; or

(7) In-home nurse delegation.

NEW SECTION

WAC 388-515-1550 Medically needy in-home waiver (MNIW) effective May 1, 2004. This section describes the financial eligibility requirements for waiver services under the Medically Needy In-home Waiver (MNIW) and the rules used to determine a client's responsibility in the total cost of care.

(1) To be eligible for MNIW, a client must:

(a) Not meet financial eligibility for Medicaid personal care or the COPES program;

(b) Be eighteen years of age or older;

(c) Meet the SSI-related criteria described in WAC 388-475-0050(1);

(d) Require 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, 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) Have attained institutional status as described in WAC 388-513-1320;

(g) Have been determined to be in need of waiver services as described in WAC 388-71-0442;

(h) Be able to live at home with community support services and choose to remain at home;

(i) Not be 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) Meet the resource and income requirements described in subsections (2) through (6) of this section.

(2) The department determines a client's nonexcluded resources under MNIW as described in WAC 388-513-1350 (1) through (4)(a) and 388-513-1360;

(3) Nonexcluded resources, after disregarding excess resources described in subsection (4) of this section, 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; or

(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 spenddown liability;

(iii) Have not previously been used to reduce excess resources;

(iv) Have not been used to reduce client responsibility toward cost of care; and

(v) Are amounts for which the client remains liable.

(5) The department determines a client's countable income under MNIW 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, not used to reduce excess resources in subsection (4) of this section;

(e) Allows an income deduction for a nonapplying spouse, equal to the one person medically needy income level (MNIL) less the nonapplying spouse's income, if the nonapplying spouse is living in the same home as the applying person.

(6) A client whose countable income exceeds the MNIL may become eligible for MNIW:

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(a) When they have or expect to have medical expenses to offset their income which is over the MNIL; and

(b) Subject to availability in WAC 388-71-0465.

(7) The portion of a client's countable income over the MNIL is called "excess income."

(8) A client who has or will have "excess income" is not eligible for MNIW 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) The following medical expenses may be used to meet spenddown if not already used in subsection (4) of this section to disregard excess resources or to reduce countable income as described in subsection (5)(d) of this section:

(a) 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; and

(iii) Necessary medical care covered under the state's Medicaid plan.

(b) The cost of waiver services authorized during the base period.

(c) 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 spenddown liability;

(iii) Have not been used to reduce client responsibility toward cost of care; and

(iv) Are amounts for which the client remains liable.

(10) Eligibility for MNIW is effective the first full month the client has met spenddown.

(11) In cases where spenddown has been met, medical coverage and MNIW begin the day services are authorized.

(12) A client who meets the requirements for MNIW chooses a three or six month base period. The months must be consecutive calendar months.

(13) 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 in the order listed:

(a) An earned income deduction of the first sixty-five dollars plus one-half of the remaining earned income;

(b) Personal needs allowance (PNA) in an amount equal to the one-person MNIL described in WAC 388-478-0070 (1)(a);

(c) Medicare and health insurance premiums not used to meet spenddown or reduce excess resources;

(d) Incurred medical expenses described in subsection (4) of this section not used to meet spenddown or reduce excess resources.

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-102.

Title of Rule: WAC 458-20-104 Small business tax relief based on ((volume)) income of business.

Purpose: This rule explains Washington's gross receipts tax relief for small business, which is composed of a business and occupation (B&O) tax credit system and a minimum volume of business threshold for the public utility tax.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.04.4451 and 82.16.040.

Summary: The department is proposing revision to this rule to change the hierarchy of applied credits. The current rule explains that the B&O tax credit provided by RCW 82.04.4451 (commonly referred to as the "small business B&O tax credit") is to be computed after claiming any other B&O tax credits available under chapter 82.04 RCW. The current rule explains that B&O tax credits provided in other chapters are to be taken after the credit provided in RCW 82.04.4451 is computed. The proposed rule provides that all B&O tax credits, regardless of where they are provided in Title 82 RCW, are to be applied prior to determining eligibility for and the amount of available tax credit under RCW 82.04.4451.

Name of Agency Personnel Responsible for Drafting: Gayle Carlson, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6126; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule explains the public utility tax (PUT) exemption provided by RCW 82.16.040 and B&O tax credit provided by RCW 82.04.4451. The PUT exemption is an all-or-nothing exemption where no tax is due until the assigned income threshold is reached, at which point the taxpayer does not qualify for the exemption and the entire public utility tax liability is due. The B&O tax credit is based on tax liability. If the amount of B&O tax otherwise due exceeds the maximum credit amount of \$35 per month, a reduced credit is allowed using a provided step-ranged chart. The chart eliminates the need to hand-calculate the credit.

The current rule explains that the B&O tax credit provided by RCW 82.04.4451 is to be computed after claiming any other B&O tax credits available under chapter 82.04 RCW. Other B&O tax credits provided in Title 82 RCW are to be taken after any credit available under RCW 82.04.4451 is taken. The proposed rule provides that all B&O tax credits, regardless of where they are provided in Title 82 RCW, are to be applied prior to determining eligibility for and the amount

of available tax credit under RCW 82.04.4451. Under the proposed rule, the change in the hierarchy of computing tax credits could benefit some taxpayers. This change will also simplify the process for taxpayers and department staff when determining the order in which to apply B&O tax credits.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-104 as described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose any new performance requirement or administrative burden on any small business.

RCW 34.05.328 does not apply to this rule adoption. This rule is not a significant legislative rule as defined in RCW 34.05.328(5).

Hearing Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 22, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

Submit Written Comments to: Gayle Carlson, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail GayleC@dor.wa.gov, by June 22, 2004.

Date of Intended Adoption: June 29, 2004.

May 11, 2004

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 98-16-019, filed 7/27/98, effective 8/27/98)

WAC 458-20-104 Small business tax relief based on ~~((volume))~~ income of business. (1) **Introduction.** This rule explains the business and occupation (B&O) tax credit for small businesses ~~((B&O tax credit))~~ provided by RCW 82.04.4451~~((, and))~~. This credit is commonly referred to as the small business B&O tax credit or small business credit (SBC). The amount of small business B&O tax credit available on a tax return can increase or decrease, depending on the reporting frequency of the account and the net B&O tax liability for that return. This rule also explains the public utility tax income exemption ~~((c))~~ provided by RCW 82.16-040~~((b))~~. The public utility tax exemption is a fixed amount, or threshold, based on the reporting frequency assigned to the account. ~~((The amount of small business B&O tax credit available on a return can increase or decrease, depending on the reporting frequency of the account and the net B&O tax liability for that return.))~~ Readers should refer to WAC 458-20-22801 (Tax reporting frequency—Forms) for an explanation of how the department of revenue (department) assigns a particular reporting frequency to each account. Readers may also want to refer to WAC 458-20-101 for an explanation of Washington's tax registration and tax reporting requirements.

This rule provides examples that identify a number of facts and then state a conclusion regarding the applicability of the income exemption for the public utility tax or small business B&O tax credit. These examples should be used only as a general guide. The tax results of other situations

must be determined after a review of all facts and circumstances.

(2) **The public utility tax income exemption.** Persons subject to public utility tax (PUT) are exempt from payment of this tax for any reporting period in which the gross taxable amount reported under the combined total of all public utility tax classifications does not equal or exceed the maximum exemption for the assigned reporting period. The public utility tax exemption amounts are:

<u>for taxpayers reporting</u>	
<u>monthly.....</u>	<u>\$2,000 per month</u>
<u>for taxpayers reporting quar-</u>	
<u>terly.....</u>	<u>\$6,000 per quarter</u>
<u>for taxpayers reporting</u>	
<u>annually.....</u>	<u>\$24,000 per annum</u>

(a) What if the taxable income equals or exceeds the maximum exemption? If the taxable income for a reporting period equals or exceeds the maximum exemption, tax must be remitted on the full taxable amount.

(b) How does the exemption apply if a business does not operate for the entire tax reporting period? The public utility tax maximum exemptions apply to the entire tax reporting period, even though the business may not have operated during the entire period.

(c) Do taxable amounts for B&O tax or other taxes affect this exemption? The public utility tax exemption is not affected by taxable amounts reported in the B&O section or any of the other tax sections of the tax return.

(d) Example. Taxpayer registers with the department and is assigned a quarterly tax reporting frequency. Taxpayer begins business activities on February 1st. During the two months of the first quarter that the taxpayer is in business, taxpayer's public utility gross income is seven thousand dollars. After deductions provided by chapter 82.16 RCW (Public utility tax) are computed, the total taxable amount is five thousand dollars. In this case, the taxpayer does not owe any public utility tax because the taxable amount of five thousand dollars is less than the six thousand dollar exemption threshold for quarterly taxpayers. The fact that the taxpayer was in business during only two months out of the three months in the quarter has no effect on the threshold amount. However, if there were no deductions available to the taxpayer, the taxable amount would have been seven thousand dollars. The public utility tax would then have been due on the full taxable amount of seven thousand dollars.

(3) **The small business B&O tax credit.** Persons subject to the B&O tax may be eligible to claim a small business B&O tax credit against the amount of B&O tax otherwise due. The small business B&O tax credit operates completely independent of the ~~((volume))~~ public utility tax exemption ~~((which applies to the public utility tax))~~ described above in subsection (2) of this rule. RCW 82.04.4451 authorizes the department ~~((of revenue))~~ to create a tax credit table ~~((to be used))~~ by all taxpayers when determining the amount of their small business B&O tax credit. Taxpayers ~~((are required to))~~ must use the tax credit table to determine the appropriate amount of their small business B&O tax credit. A tax credit table for each of the monthly, quarterly, and annual reporting frequencies is provided in subsection (7) of this rule ~~((see~~

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subsection (5) of this section). As required by statute, the table has been prepared in such a manner that no taxpayer owes a greater amount of tax by using the mandatory table than would have been owed by using the statutory credit formula). The statute provides that taxpayers who use the tables will not owe any more tax than if they used the statutory credit formula to determine the amount of the credit.

(a) **How is the credit applied if a business does not operate during the entire tax reporting period?** The small business B&O tax credit applies to the entire reporting period, even though the business may not have been operating during the entire period.

(b) ~~((Taxpayers who are spouses that operate))~~ **Can a husband and wife both take the credit?** Spouses operating distinct and separate businesses are each eligible for the small business B&O tax credit. For both to qualify, each must have a separate tax reporting number and file their own business tax returns.

(c) **How do I determine the amount of the credit?** Taxpayers ~~((who are))~~ eligible for the small business B&O tax credit ~~((should))~~ must follow the steps outlined in subsection ~~((4))~~ (5) of this ~~((section))~~ rule to ~~((find))~~ determine the amount of credit available ~~((to them))~~. Taxpayers who have other B&O tax credits to apply on a tax return, in addition to the small business B&O tax credit, may ~~((need to refer to))~~ use the multiple ~~((business and occupation))~~ B&O tax credit worksheet in subsection ~~((3))~~ (4) of this ~~((section))~~ rule before determining the amount of small business B&O tax credit available ~~((to them))~~. Subsection ~~((5))~~ (7) of this ~~((section))~~ rule contains the tax credit tables ~~((for taxpayers with assigned reporting frequencies of either))~~ that correspond with the monthly, quarterly, ~~((or))~~ and annual reporting frequencies.

(d) Can I carryover the small business B&O tax credit to future tax reporting periods? Use of the small business B&O tax credit may not result in a B&O tax liability of less than zero, and thus there will be no unused credit.

(e) Do I have to report and pay retail sales tax even if I do not owe any B&O tax? Persons making retail sales must collect and pay all applicable retail sales taxes even if B&O tax is not due. There is no comparable retail sales tax exemption.

~~((3))~~ (4) **Multiple business and occupation tax credit worksheet.** The small business B&O tax credit should be computed after claiming any other B&O tax credits available under ~~((chapter 82.04 RCW (Business and occupation tax); but prior to any B&O tax credits provided under other chapters of))~~ Title 82 RCW (Excise taxes). ~~((For example,))~~ Examples of other B&O tax credits to be taken before computing the small business B&O tax credit include the multiple activities tax credit, high technology credit ~~((and ride share))~~, commute trip reduction credit ~~((should be taken before the small business credit is determined and applied, but the))~~, pollution control credit, and cogeneration fee credit ~~((should be taken only after the small business credit has been applied. Proper application of the small business credit may never result in a B&O tax liability less than zero and cannot create a carryover amount for future periods)).~~ The following multiple B&O tax credit worksheet ~~((gives taxpayers an example of))~~ describes the process ~~((they should))~~ taxpayers must follow to ~~((ensure that))~~ apply credits ~~((are applied))~~ in the ~~((necessary))~~ appropriate order. Refer to subsection (6) of this rule for an example illustrating the use of the multiple B&O tax credit worksheet.

MULTIPLE B&O TAX CREDIT WORKSHEET

1. Determine the total Business and Occupation (B&O) tax due from the B&O section of your ~~((Combined))~~ excise tax return. \$ _____
2. Add together the credit amounts taken for:
 - Multiple Activities Tax Credit from Schedule C (if applicable), \$ _____
 - (Add any other B&O tax credits from ~~((chapter 82.04))~~ Title 82 RCW that will be applied to this return period.) + \$ _____
 - Total (Enter 0 if none of these credits are being taken.) => \$ _____
3. Subtract line 2 from line 1. This is the total B&O tax allowable for the Small Business Credit. \$ _____
4. Find the tax credit table which matches the reporting frequency assigned to the account, then find the total B&O tax due amount which includes your figure from item 3, above.
5. Read across to the next column. This is the amount of the Small Business Credit to be used on the ~~((Combined))~~ excise tax return. \$ _____

~~((a))~~ For example, ABC Manufacturing and Distributing has been assigned a quarterly reporting frequency. During one quarter, ABC owes one hundred ninety dollars in wholesaling B&O tax, plus another seventy dollars in manufacturing B&O tax, for a total B&O tax due of two hundred sixty dollars. ABC qualifies for a multiple activities tax credit

(MATC) and completes a Schedule C which identifies a MATC of seventy dollars. The MATC is one of the credits from chapter 82.04 RCW and should be subtracted from the B&O tax due amount before referring to the small business tax credit table. Using the worksheet, line one for ABC is the two hundred sixty dollars of total B&O tax due. Line two is

the total of B&O credits available, in this case the MATC, and equals seventy dollars. Line three directs that the seventy dollars of B&O credits should be subtracted from the original two hundred sixty dollars of B&O taxes due, which leaves one hundred ninety dollars of B&O taxes potentially available for application of the small business credit (subsections (4) and (5) of this section).

~~(4))~~ **(5) Using the tax credit table to determine your small business B&O tax credit.** The following steps explain how to use the small business B&O tax credit table:

(a) **Step one.** Determine the total B&O tax amount due from the ~~((combined))~~ excise tax return. This amount will normally be the total of the tax amounts due calculated for each classification in the B&O tax section of the ~~((combined))~~ excise tax return. However, if additional B&O tax credits will be taken on the return, refer to subsection ~~((3))~~ (4) of this ~~((section))~~ rule and the multiple B&O tax credit worksheet before going to step ~~((b))~~ two.

(b) **Step two.** Find the small business B&O tax credit table that matches the assigned reporting frequency (i.e., the monthly table shown in subsection ~~((5)(a))~~ (7)(b) of this ~~((section))~~ rule, the quarterly table in subsection ~~((5)(b))~~ (7)(c) of this ~~((section))~~ rule, or the annual table in subsection ~~((5)(e))~~ (7)(d) of this ~~((section))~~ rule.

(c) **Step three.** Find the "If Your Total Business and Occupation Tax is" column of the tax credit table and come down the column until you find the range of amounts which includes the total B&O tax due figure obtained from the ~~((combined))~~ excise tax return or multiple B&O tax credit worksheet.

(d) **Step four.** Read across to the "Your Small Business Credit is" column. The figure shown is the amount of the small business B&O tax credit that can be claimed on the "Small Business B&O Tax Credit" line in the "Credits" section of the ~~((combined))~~ excise tax return.

~~((e))~~ For example, continue with ABC Manufacturing and Distribution which was introduced in subsection (3)(a) of this section. After completing the multiple B&O tax credit worksheet, ABC had one hundred and ninety dollars of B&O tax liability left for potential application of the small business credit. ABC refers to the quarterly small business tax credit table (subsection (5)(b) of this section) and finds the "If Your Total Business and Occupation Tax is" column. Following down that column, ABC finds the tax range of one hundred eighty six to one hundred ninety one dollars and comes over to the "Your Small Business Credit is" column which shows that a credit in the amount of twenty five dollars is available. This credit amount should be entered in the "Credits" section of ABC's combined excise tax return before calculating the total tax due for that return.

~~(5))~~ **(6) Example.** ABC reports quarterly. This quarter, ABC reports one hundred ninety dollars under the wholesaling classification and seventy dollars under the manufacturing classification for a total B&O tax liability of two hundred sixty dollars. ABC completes Schedule C, and determines it is entitled to a multiple activities tax credit (MATC) of seventy dollars. Using the multiple B&O tax credit worksheet, ABC enters two hundred sixty dollars on line one, enters seventy dollars on line two, and enters one hundred ninety dollars on line three (line two subtracted from line one). Line

three, one hundred ninety dollars is the total B&O tax. ABC will use this amount to determine whether it is eligible for a small business B&O tax credit.

(7) Tax credit tables. Corresponding tax credit tables for the monthly, quarterly, and annual reporting frequencies appear below. Taxpayers must use the tax credit table that corresponds to their assigned reporting frequency to determine the correct amount of small business B&O tax credit available ~~((to them))~~. ~~((The monthly, quarterly and annual reporting frequencies each have their own corresponding tax credit table. Taxpayers must be careful to use the table that matches their assigned reporting frequency.))~~

(a) ~~((Small business credit table for monthly reporting frequency.))~~ **Example illustrating the use of the small business B&O tax credit tables.** The facts are the same as in the previous example in subsection (6) of this rule. After completing the multiple B&O tax credit worksheet, ABC has one hundred ninety dollars of B&O tax liability left for potential application of the small business B&O tax credit. ABC refers to the quarterly small business B&O tax credit table, which is located below in subsection (7)(c) of this rule, and finds the "If Your Total Business and Occupation Tax is" column. Following down that column, ABC finds the tax range of one hundred eighty six to one hundred ninety one dollars and comes over to the "Your Small Business Credit is" column, which shows that a credit in the amount of twenty-five dollars is available. Before calculating the total amount due for the tax return, ABC enters its small business B&O tax credit of twenty-five dollars in the "Credits" section.

(b) Monthly filers. Persons assigned a monthly reporting frequency must use the following table to determine if they are eligible for a small business B&O tax credit.

If Your Total Business and Occupation Tax is:		Your Small Business Credit is:
At Least	But Less Than	
\$0	\$36	The Amount of Business and Occupation Tax Due
\$36	\$41	\$35
\$41	\$46	\$30
\$46	\$51	\$25
\$51	\$56	\$20
\$56	\$61	\$15
\$61	\$66	\$10
\$66	\$71	\$5
\$71	or more	\$0

~~((b))~~ ~~((Small business credit table for quarterly reporting frequency.))~~ **(c) Quarterly filers.** Persons assigned a quarterly reporting frequency must use the following table to determine if they are eligible for a small business B&O tax credit.

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If Your Total Business and Occupation Tax is:		Your Small Business Credit is:
At least	But Less Than	
\$0	\$106	The Amount of Business and Occupation Tax Due
\$106	\$111	\$105
\$111	\$116	\$100
\$116	\$121	\$95
\$121	\$126	\$90
\$126	\$131	\$85
\$131	\$136	\$80
\$136	\$141	\$75
\$141	\$146	\$70
\$146	\$151	\$65
\$151	\$156	\$60
\$156	\$161	\$55
\$161	\$166	\$50
\$166	\$171	\$45
\$171	\$176	\$40
\$176	\$181	\$35
\$181	\$186	\$30
\$186	\$191	\$25
\$191	\$196	\$20
\$196	\$201	\$15
\$201	\$206	\$10
\$206	\$211	\$5
\$211	or more	\$0

If Your Total Business and Occupation Tax is:		Your Small Business Credit is:
At Least	But Less Than	
\$476	\$481	\$365
\$481	\$486	\$360
\$486	\$491	\$355
\$491	\$496	\$350
\$496	\$501	\$345
\$501	\$506	\$340
\$506	\$511	\$335
\$511	\$516	\$330
\$516	\$521	\$325
\$521	\$526	\$320
\$526	\$531	\$315
\$531	\$536	\$310
\$536	\$541	\$305
\$541	\$546	\$300
\$546	\$551	\$295
\$551	\$556	\$290
\$556	\$561	\$285
\$561	\$566	\$280
\$566	\$571	\$275
\$571	\$576	\$270
\$576	\$581	\$265
\$581	\$586	\$260
\$586	\$591	\$255
\$591	\$596	\$250
\$596	\$601	\$245
\$601	\$606	\$240
\$606	\$611	\$235
\$611	\$616	\$230
\$616	\$621	\$225
\$621	\$626	\$220
\$626	\$631	\$215
\$631	\$636	\$210
\$636	\$641	\$205
\$641	\$646	\$200
\$646	\$651	\$195
\$651	\$656	\$190
\$656	\$661	\$185
\$661	\$666	\$180
\$666	\$671	\$175
\$671	\$676	\$170
\$676	\$681	\$165
\$681	\$686	\$160
\$686	\$691	\$155
\$691	\$696	\$150

((c) Small business credit table for annual reporting frequency:)) (d) Annual filers. Persons assigned an annual reporting frequency must use the following table to determine if they are eligible for a small business B&O tax credit.

If Your Total Business and Occupation Tax is:		Your Small Business Credit is:
At Least	But Less Than	
\$0	\$421	The Amount of Business and Occupation Tax Due
\$421	\$426	\$420
\$426	\$431	\$415
\$431	\$436	\$410
\$436	\$441	\$405
\$441	\$446	\$400
\$446	\$451	\$395
\$451	\$456	\$390
\$456	\$461	\$385
\$461	\$466	\$380
\$466	\$471	\$375
\$471	\$476	\$370

If Your Total Business and Occupation Tax is:		Your Small Business Credit is:
At Least	But Less Than	
\$696	\$701	\$145
\$701	\$706	\$140
\$706	\$711	\$135
\$711	\$716	\$130
\$716	\$721	\$125
\$721	\$726	\$120
\$726	\$731	\$115
\$731	\$736	\$110
\$736	\$741	\$105
\$741	\$746	\$100
\$746	\$751	\$95
\$751	\$756	\$90
\$756	\$761	\$85
\$761	\$766	\$80
\$766	\$771	\$75
\$771	\$776	\$70
\$776	\$781	\$65
\$781	\$786	\$60
\$786	\$791	\$55
\$791	\$796	\$50
\$796	\$801	\$45
\$801	\$806	\$40
\$806	\$811	\$35
\$811	\$816	\$30
\$816	\$821	\$25
\$821	\$826	\$20
\$826	\$831	\$15
\$831	\$836	\$10
\$836	\$841	\$5
\$841	or more	\$0

~~((6) Retail sales tax must be reported. Persons making retail sales must collect and pay all applicable retail sales taxes even if B&O tax is not due. There is no small business tax credit or volume of business exemption for retail sales tax.~~

~~(7) The public utility tax income exemption. Persons subject to public utility tax are exempt from payment of this tax for any reporting period in which the gross taxable amount reported under the combined total of all public utility tax classifications does not equal or exceed the maximum exemption for the assigned reporting period. Effective July 1, 1996, the public utility tax exemption amounts stated in RCW 82.16.040 were increased to:~~

Monthly reporting basis	\$ 2,000 per month
Quarterly reporting basis	\$ 6,000 per quarter
Annual reporting basis	\$ 24,000 per annum

~~(a) If the taxable amount for a reporting period equals or exceeds the maximum exemption, tax must be remitted on the full taxable amount.~~

~~(b) The public utility tax maximum exemptions apply to the entire reporting period, even though the business may not have operated during the entire period.~~

~~(c) The public utility tax exemption or threshold is not affected by the amounts reported in the B&O tax section or any of the other tax sections of the combined excise tax return.~~

~~(d) For example, assume that the DEF corporation registers and starts business activities on February 1st. A quarterly reporting frequency is assigned to DEF by the department of revenue. During the two months of the first quarter that DEF is actively in business, DEF's public utility tax gross is seven thousand dollars, but after deductions the total taxable amount is five thousand dollars. In this case, DEF does not owe any public utility tax because the taxable amount of five thousand dollars is less than the six thousand dollar threshold for quarterly taxpayers. The fact that DEF was in business during only two months out of the three months in the quarter has no effect on the threshold amount. However, if DEF had no deductions available, the taxable amount would be seven thousand dollars and public utility tax would be due on the full taxable amount.)~~

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WSR 04-11-055
PROPOSED RULES
UNIVERSITY OF WASHINGTON
 [Filed May 17, 2004, 10:31 a.m.]

Continuance of WSR 04-07-127.

Preproposal statement of inquiry was filed as WSR 03-21-085.

Title of Rule: Chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle.

Purpose: This continuance is issued to extend the intended adoption date from the May 21, 2004, to June 11, 2004.

Date of Intended Adoption: June 11, 2004.

May 13, 2004
 Rebecca Goodwin Deardorff, Director
 UW Rules Coordination Office

WSR 04-11-058
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (By the Code Reviser's Office)
 [Filed May 18, 2004, 8:17 a.m.]

WAC 296-800-310, 296-800-31010, 296-800-31020, 296-800-31070 and 296-800-370, proposed by the Department of Labor and Industries in WSR 03-22-069 appearing in issue 03-22 of the State Register, which was distributed on November 19, 2003, 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 04-11-059

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

(By the Code Reviser's Office)

[Filed May 18, 2004, 8:18 a.m.]

WAC 388-501-0165, proposed by the Department of Social and Health Services in WSR 03-22-088 appearing in issue 03-22 of the State Register, which was distributed on November 19, 2003, 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 04-11-060

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

(By the Code Reviser's Office)

[Filed May 18, 2004, 8:18 a.m.]

WAC 388-500-0005, proposed by the Department of Social and Health Services in WSR 03-22-089 appearing in issue 03-22 of the State Register, which was distributed on November 19, 2003, 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 04-11-063

**PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 18, 2004, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-090.

Title of Rule: Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances, chapter 296-96 WAC.

Purpose: The purpose of this rule making is to:

- Clarify that special purpose and residential elevators are exempt from the requirements for installation and operation requirements relating to hall buttons; and
- Add a new section for requirements that apply to hydraulic elevators without safety bulkheads.

Other Identifying Information: This rule making is related to the elevator licensing rule making filed under WSR 04-08-087 on April 6, 2004.

Statutory Authority for Adoption: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190.

Statute Being Implemented: Chapter 70.87 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Dotty Stanlaske, Tumwater, (360) 902-6128; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

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: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes to WAC 296-96-23303 are intended to bring the requirement in line with American Society of Mechanical Engineers (ASME) code 8.6.5.5, requirements for safety bulkheads. Since the ASME code falls into the category of a national consensus code, this rule change is exempt under RCW 34.05.310 (4)(c). The change being made to WAC 296-96-02355, simply clarifies the rule by adding a line that states, "Special purpose and residential elevators are exempt from this section." Since this rule amendment is a clarification, it is covered by RCW 34.05.310 (4)(d).

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule changes however they are exempt under RCW 34.05.328 (5)(b).

Hearing Location: Department of Labor and Industries, Room S130, 7273 Linderson Way S.E., Olympia, WA 98504, on June 22, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Christine Swanson by June 8, 2004, at (360) 902-6411 or copc235@LNI.wa.gov.

Submit Written Comments to: Christine Swanson, 7273 Linderson Way S.E., Olympia, WA 98504-4400, copc235@lni.wa.gov, phone (360) 902-6411, fax (360) 902-5292.

Date of Intended Adoption: July 20, 2004.

May 18, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02355 What are the installation and operation requirements for hall buttons? (1) The centerline of all hall call buttons must be 42 inches above the floor.

- (2) The "UP" direction button must be on top.
 (3) Raised or flush direction buttons, exclusive of the panel border, must be a minimum of 3/4 inch in size.
 (4) Indicator lights must be installed to show each call registered and they must extinguish when the call is answered.
 (5) When pushed, the depth of flush buttons must not exceed 3/8 inch.

Exception: Special purpose and residential elevators are exempt from this section.

Note: The exception becomes effective August 19, 2004.

NEW SECTION

WAC 296-96-23303 What requirements apply to hydraulic elevators without safety bulkheads? (1) Oil levels must be monitored and tracked in a log.

(2) The log must contain the date the oil was added, the reason for the loss of oil, and the amount of oil added.

(3) If the reason for the loss of oil cannot be determined, the unit must be immediately taken out of service and the cylinder must be replaced.

Note: This section becomes effective August 19, 2004.

WSR 04-11-070
PROPOSED RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed May 18, 2004, 2:44 p.m.]

Original Notice.

Expedited rule making—Proposed notice was filed as WSR 04-05-058, proposal is exempt under RCW 34.05.310 (4).

Title of Rule: Chapter 463-39 WAC, General and operating permit regulations for air pollution sources.

Purpose: Update the Energy Facility Site Evaluation Council's (EFSEC's) air rules for energy facilities (chapter 463-39 WAC) to be consistent with ecology's requirements for new source review (NSR), prevention of significant deterioration (PSD), air operating permit (AOP), and acid rain permit programs for air emissions. Update EFSEC's adoption of federal new source performance standards (NSPS). Clarify agency procedures for permit application form, source registration and penalties for consistency with ecology regulations and state laws.

Statutory Authority for Adoption: RCW 80.50.040 (1) and (12).

Statute Being Implemented: Chapter 80.50 RCW.

Summary: The main focus is to update adoption by reference, or adopt new sections of chapters 173-400, 173-401, 173-406 and 173-460 WAC promulgated by the Department of Ecology to comply with the state and federal clean air acts and the requirements of the state implementation plan (SIP). Changes to the language regarding the application form, source registration and penalties for permits issued under chapter 463-39 WAC are required for clarity.

Reasons Supporting Proposal: Consistency with federal requirements is necessary for EFSEC to retain and exercise

its delegated authority from the United States Environmental Protection Agency to implement federal Clean Air Act programs and regulations for facilities under EFSEC jurisdiction. Updating the rules will also make the control of air emissions consistent with current state requirements.

Name of Agency Personnel Responsible for Drafting: Irina Makarow, Olympia, (360) 956-2047; **Implementation:** Allen Fiksdal, Olympia, (360) 956-2152; and **Enforcement:** Mike Mills, Olympia, (360) 956-2151.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

Rule is necessary because of federal law, Federal Clean Air Act.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 463-39 WAC, General and operating permit regulations for air pollution sources, implements the standards and procedural requirements for review and issuance of air emission permits for facilities under EFSEC jurisdiction. Because EFSEC is delegated by the United States Environmental Protection Agency to issue certain federal permits, and because EFSEC is authorized by state statute to issue state permits for air pollution sources regulated under chapter 80.50 RCW, chapter 463-39 WAC adopts by reference, and implements both state and federal laws and rules regarding air emissions control.

Since the last amendments to chapter 463-39 WAC, both state and federal rules for air pollution sources have been updated and/or revised. WAC 463-39-005, which adopts state regulations for air pollution sources, was last amended in 1995; WAC 463-39-115, which adopts federal new source performance standards, was last amended in 1994. Both federal laws, and regulations, and consequently state regulations, have been modified since that time. Applicable sections of chapters 173-400, 173-401, 173-406 and 173-460 WAC are adopted by reference in EFSEC WAC 463-39-005, and have all been amended by ecology since 1995. The purpose of the amendments to chapter 463-39 WAC is to maintain a permit program for air pollution sources that is consistent with the current state and federal requirements.

Other changes proposed in this expedited rule making are required to clarify existing language.

Proposal Changes the Following Existing Rules: This action amends the following sections of chapter 463-39 WAC:

WAC 463-39-005, update adoption by reference of applicable sections of ecology chapters 173-400, 173-401, 173-406 and 173-460 WAC, as in effect on July 1, 2003.

WAC 463-39-030, add the definition of "permitting agency" for consistency with ecology chapter 173-400 WAC in effect on July 1, 2003.

WAC 463-39-090, clarify that standard ecology forms may be used for applications for air operating permits.

WAC 463-39-100, clarify that sources subject to chapter 173-401 WAC (operating permit regulation) are not required to comply with the registration requirements of WAC 463-39-100.

WAC 463-39-105, clarify that fees and costs are assessed by the council.

WAC 463-39-115, update adoption by reference of federal new source performance standards, as in effect on July 1, 2003.

WAC 463-39-135, clarify that persons in violation of chapter 463-39 WAC are subject to the provisions of both chapter 80.50 RCW and the state Clean Air Act, RCW 70.94.422.

WAC 463-39-170, clarification for gender neutrality of council members.

WAC 463-39-230, editorial correction.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes to chapter 463-39 WAC are exempt from the requirement to prepare a small business economic impact statement because they are adopting federal requirements without material change, adopting rules of another Washington state agency without material change, and clarifying language of a rule without changing its effect. See RCW 19.85.025(3) and 34.05.310 (4)(c) and (d).

RCW 34.05.328 does not apply to this rule adoption. The proposed changes to chapter 463-39 WAC are exempt from the requirements of RCW 34.05.328 because they are adopting federal requirements without material change, adopting rules of another Washington state agency without material change, and clarifying language of a rule without changing its effect. See RCW 34.05.328 (5)(b)(iii) and (iv).

Hearing Location: 925 Plum Street S.E., Building 4, Conference Room 308, Olympia, WA 98504-3172, on July 6, 2004, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Mariah Laamb by June 30, 2004, TDD (360) 586-4224 or (360) 956-2121.

Submit Written Comments to: Allen J. Fiksdal, EFSEC, P.O. Box 43172, Olympia, WA 98504-3172, fax (360) 956-2158, by July 6, 2004.

Date of Intended Adoption: August 3, 2004.

May 18, 2004

Allen J. Fiksdal

EFSEC Manager

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

WAC 463-39-005 Adoption by reference. (1) The energy facility site evaluation council adopts the following ~~((sections or subsections))~~ provisions of chapter 173-400 WAC, in effect on July 1, 2003, by reference.

WAC 173-400-030: Definitions.

WAC 173-400-035: Portable and temporary sources.

WAC 173-400-040: General standards for maximum emissions.

WAC 173-400-050: Emission standards for combustion and incineration units.

WAC 173-400-060: Emission standards for general process units.

WAC 173-400-075: Emission standards for sources emitting hazardous air pollutants.

- WAC 173-400-081: Startup and shutdown.
- WAC 173-400-091: Voluntary limits on emissions.
- WAC 173-400-105: Records, monitoring, and reporting.
- WAC 173-400-107: Excess emissions.
- WAC 173-400-110: New source review (NSR).
- WAC 173-400-112: Requirements for new sources in nonattainment areas.
- WAC 173-400-113: Requirements for new sources in attainment or unclassifiable areas.
- WAC 173-400-114: Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
- WAC 173-400-117: Special protection requirements for federal Class I areas.
- WAC 173-400-120: Bubble rules.
- WAC 173-400-131: Issuance of emission reduction credits.
- WAC 173-400-136: Use of emission reduction credits.
- WAC 173-400-141: Prevention of significant deterioration (PSD).
- WAC 173-400-151: Retrofit requirements for visibility protection.
- WAC 173-400-161: Compliance schedules.
- WAC 173-400-171: Public involvement.
- WAC 173-400-180: Variance.
- WAC 173-400-190: Requirements for nonattainment areas.
- WAC 173-400-200: Creditable stack height and dispersion techniques.
- WAC 173-400-205: Adjustment for atmospheric conditions.

(2) The energy facility site evaluation council adopts the following ~~((sections or subsections))~~ provisions of chapter 173-401 WAC, in effect on July 1, 2003, by reference.

- WAC 173-401-100: Program overview.
- WAC 173-401-200: Definitions.
- WAC 173-401-300: Applicability.
- WAC 173-401-500: Permit applications.
- WAC 173-401-510: Permit application form.
- WAC 173-401-520: Certification.
- WAC 173-401-530: Insignificant emission units.
- WAC 173-401-531: Thresholds for hazardous air pollutants.
- WAC 173-401-532: Categorically exempt insignificant emission units.
- WAC 173-401-533: Units and activities defined as insignificant on the basis of size or production rate.

- WAC 173-401-600: Permit content.
- WAC 173-401-605: Emission standards and limitations.
- WAC 173-401-610: Permit duration.
- WAC 173-401-615: Monitoring and related record-keeping and reporting requirements.
- WAC 173-401-620: Standard terms and conditions. Except (2)(i).
- WAC 173-401-625: Federally enforceable requirements.
- WAC 173-401-630: Compliance requirements.
- WAC 173-401-635: Temporary sources.
- WAC 173-401-640: Permit shield.
- WAC 173-401-645: Emergency provision.
- WAC 173-401-650: Operational flexibility.
- WAC 173-401-700: Action on application.
- WAC 173-401-705: Requirement for a permit.
- WAC 173-401-710: Permit renewal, revocation and expiration.
- WAC 173-401-720: Administrative permit amendments.
- WAC 173-401-722: Changes not requiring permit revisions.
- WAC 173-401-725: Permit modifications.
- WAC 173-401-730: Reopening for cause.
- WAC 173-401-750: General permits.
- WAC 173-401-800: Public involvement.
- WAC 173-401-810: EPA Review.
- WAC 173-401-820: Review by affected states.

(3) The energy facility site evaluation council adopts the following (~~sections or subsections~~) provisions of chapter 173-406 WAC, in effect on July 1, 2003, by reference.

Part I - GENERAL PROVISIONS

- WAC 173-406-100: Acid rain program general provisions.
- WAC 173-406-101: Definitions.
- WAC 173-406-102: Measurements, abbreviations, and acronyms.
- WAC 173-406-103: Applicability.
- WAC 173-406-104: New units exemption.
- WAC 173-406-105: Retired units exemption.
- WAC 173-406-106: Standard requirements.

Part II - DESIGNATED REPRESENTATIVE

- WAC 173-406-200: Designated representative.
- WAC 173-406-201: Submissions.
- WAC 173-406-202: Objections.

Part III - APPLICATIONS

- WAC 173-406-300: Acid rain permit applications.
- WAC 173-406-301: Requirement to apply.
- WAC 173-406-302: Information requirements for acid rain permit applications.
- WAC 173-406-303: Permit application shield and binding effect of permit application.

Part IV - COMPLIANCE PLAN

- WAC 173-406-400: Acid rain compliance plan and compliance options.
- WAC 173-406-401: General.
- WAC 173-406-402: Repowering extensions.

Part V - PERMIT CONTENTS

- WAC 173-406-500: Acid rain permit.
- WAC 173-406-501: Contents.
- WAC 173-406-502: Permit shield.

Part VI - PERMIT ISSUANCE

- WAC 173-406-600: Acid rain permit issuance procedures.
- WAC 173-406-601: General.
- WAC 173-406-602: Completeness.
- WAC 173-406-603: Statement of basis.
- WAC 173-406-604: Issuance of acid rain permits.
- WAC 173-406-605: Acid rain permit appeal procedures.

Part VII - PERMIT REVISIONS

- WAC 173-406-700: Permit revisions.
- WAC 173-406-701: General.
- WAC 173-406-702: Permit modifications.
- WAC 173-406-703: Fast-track modifications.
- WAC 173-406-704: Administrative permit amendment.
- WAC 173-406-705: Automatic permit amendment.
- WAC 173-406-706: Permit reopenings.

Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-800: Compliance certification.
- WAC 173-406-801: Annual compliance certification report.
- WAC 173-406-802: Units with repowering extension plans.

Part IX - NITROGEN OXIDES

- WAC 173-406-900: Nitrogen oxides emission reduction program.

Part X - SULFUR DIOXIDE OPT-IN

- WAC 173-406-950: Sulfur dioxide opt-ins.

(4) The energy facility site evaluation council adopts the following (~~sections or subsections~~) provisions of chapter 173-460 WAC, in effect on July 1, 2003, by reference.

- WAC 173-460-010: Purpose.
- WAC 173-460-020: Definitions.
- WAC 173-460-030: Requirements, applicability and exemptions.
- WAC 173-460-040: New source review.
- WAC 173-460-050: Requirement to quantify emissions.
- WAC 173-460-060: Control technology requirements.
- WAC 173-460-070: Ambient impact requirement.
- WAC 173-460-080: Demonstrating ambient impact compliance.
- WAC 173-460-090: Second tier analysis.
- WAC 173-460-100: Request for risk management decision.
- WAC 173-460-110: Acceptable source impact levels.
- WAC 173-460-120: Scientific review and amendment of acceptable source impact levels and lists.
- WAC 173-460-130: Fees.
- WAC 173-460-140: Remedies.
- WAC 173-460-150: Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.
- WAC 173-460-160: Class B toxic air pollutants and acceptable source impact levels.

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

WAC 463-39-030 Additional definitions. (1) "Council" means the energy facility site evaluation council.

(2) In addition to the definitions contained in WAC 173-400-030, 173-401-200, 173-406-101, "ecology," (~~and~~) "authority," and "permitting agency" shall be synonymous with the energy facility site evaluation council unless a different meaning is plainly required by context.

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

WAC 463-39-090 Permit application form. (1) Applications for air operating permits (~~shall~~) may be on the standard form(s) developed by the department of ecology and shall contain the information required pursuant to WAC 173-401-510(2).

(2) Applications for permits under chapter 173-406 WAC shall be on form(s) developed by the department of ecology.

AMENDATORY SECTION (Amending WSR 93-23-035, filed 11/10/93, effective 12/11/93)

WAC 463-39-100 Registration. (1) The owner or operator of each stationary source subject to chapter 80.50 RCW shall register the source with the council. Stationary sources subject to chapter 173-401 WAC are not required to comply with these registration requirements.

Registration shall be on forms which have been adopted for use by the department of ecology within the time specified thereon.

A report of closure shall be filed with the council within ninety days after operations producing emissions permanently ceased at any source within the council's jurisdiction.

(2) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:

- (a) Public meetings or hearings on draft operating permits;
- (b) Receipt of complete applications;
- (c) Permit appeals;
- (d) Issuance or denial of final permit, permit modifications, or renewals;
- (e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;
- (f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

WAC 463-39-105 Fees and costs. (1) Holders of air operating permits issued to major energy facilities in accordance with RCW 70.04.422 shall be assessed annual fees, by the council, to recover the costs associated with program development, monitoring, compliance, and administration of the air operating permit program.

(2) All fees recovered under the air operating permit program shall be deposited in the state air operating permit account.

(3) The council shall determine and assess fees for air operating permits based on the following:

(a) Sources which are located in counties having a local air authority shall be assessed fees based upon the fee structure set by that local air authority.

(b) Sources which are located in counties not having a local air authority, or are cogeneration facilities which provide steam and/or electricity to primary industries such as (~~the~~) aluminum or pulp and paper mills, shall be assessed fees based upon the fee structure set by the department of ecology.

(c) Radioactive emissions sources shall be assessed fees consistent with the department of health fee structure.

(d) Department of ecology air operating permit program administration costs shall be charged to all sources under council jurisdiction.

(e) The council shall recover its actual costs for program administration as provided in WAC 463-58-050.

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

WAC 463-39-115 Standards of performance for new stationary sources. ((Subparts A, D, Da, GG, J, K, Kb, Y, KKK, LLL, QQQ of))

(1) Title 40, Code of Federal Regulations, Part 60 (standards of performance for new stationary sources), ((are)) in effect on July 1, 2003, as applicable to new stationary sources subject to chapter 80.50.RCW is by this reference adopted and incorporated herein with the exception ((of sections 60.5 (determination of construction or modification) and 60.6 (review of plans))) listed in subsection (2) of this section. For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the council. The following list is provided for informational purposes only:

<u>Subpart A</u>	<u>General Provisions, except CFR 60.5 and 60.6</u>
<u>Subpart D</u>	<u>Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 350 megawatts</u>
<u>Subpart Da</u>	<u>Electric utility steam generating units for which construction commenced after September 18, 1978, which have greater than 73 megawatts but not greater than 350 megawatts</u>
<u>Subpart J</u>	<u>Petroleum refineries which produce less than 25,000 barrels per day of refined products</u>
<u>Subpart K</u>	<u>Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons</u>
<u>Subpart Ka</u>	<u>Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons</u>
<u>Subpart Kb</u>	<u>Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984</u>
<u>Subpart Y</u>	<u>Standards for Performance for Coal Preparation Plants</u>
<u>Subpart GG</u>	<u>Stationary gas turbines</u>
<u>Subpart XX</u>	<u>Bulk gasoline terminals</u>
<u>Subpart GGG</u>	<u>Petroleum refineries – compressors and fugitive emission sources</u>
<u>Subpart KKK</u>	<u>Equipment leaks of VOC from onshore natural gas processing plants</u>
<u>Subpart LLL</u>	<u>Onshore natural gas processing; SO₂ emissions</u>

<u>Subpart NNN</u>	<u>VOC emissions from SOCMCI distillation operations</u>
<u>Subpart QOO</u>	<u>VOC emissions from petroleum refinery wastewater emissions</u>
<u>Appendix A</u>	<u>Test Methods</u>
<u>Appendix B</u>	<u>Performance Specifications</u>
<u>Appendix C</u>	<u>Determination of Emission Rate Change</u>
<u>Appendix D</u>	<u>Required Emission Inventory Information</u>
<u>Appendix F</u>	<u>Quality Assurance Procedures</u>

(2) Exceptions to adopting 40 CFR Part 60 by reference.

Sections 60.5 and 60.6 ((of Title 40, Code of Federal Regulations,)) are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-135 Criminal penalties. Persons in violation of this chapter may be subject to the provisions of chapter 80.50 RCW and RCW 70.94.422.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-170 Conflict of interest. No member of the council shall have received, or has during the previous two years received, a significant portion of his or her income directly or indirectly from permit holders or applicants for a permit under the jurisdiction of this council.

(1) For the purposes of this section, the term "member" includes any individual who has or shares authority to approve permit applications or portions thereof, either in the first instance or on appeal.

(2) For the purpose of this section, the term "permit holders or applicants for a permit" shall not include any department or agency of a state government.

(3) For the purposes of this section, the term "significant portion of his income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving such portion pursuant to retirement pension or similar arrangement.

(4) For the purposes of this section, the term "income" includes retirement benefits, consultant fees and stock dividends.

(5) For the purposes of this section, income is not received "directly or indirectly from permit holders or applicants for a permit" if it is derived from mutual fund payments or from other diversified investments over which the recipient does not know the identity of the primary source of income.

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

WAC 463-39-230 Regulatory actions. The council may take any of the following regulatory actions to enforce this chapter to meet the provisions of RCW 80.50.040 or 70.94.422.

(1) Enforcement actions—Notice of violation. At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431 (1) through (7), the council shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or rule or regulation alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the council may require that the alleged violator or violators appear before it for the purpose of providing information to the council (~~information~~) pertaining to the violation or the charges complained of. Every notice of violation shall offer the alleged violator an opportunity to meet with the council prior to the commencement of enforcement action.

(2) Civil penalty.

(a) All penalties assessed as the result of air emission violations shall be consistent with RCW 70.94.332, 70.94.-430, 70.94.431 (1) through (7), and 70.94.435. Any person who violates any of the provisions of chapter 70.94 RCW may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be separate and distinct and, for a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(b) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amount established in RCW 70.94.431 may be increased annually to account for inflation as determined by the state office of economic and revenue forecast council.

(c) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 70.94.422.

(d) All penalties recovered under this section by the council shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015.

(e) In addition to other penalties provided by this chapter, persons knowingly under-reporting emission or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) Assurance of discontinuance. The chair, or his/her authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the council, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The council may issue such orders as authorized by chapter 80.50 RCW, whenever an air pollution episode forecast is declared.

(6) Compliance orders. The council may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

WSR 04-11-071

PROPOSED RULES

HORSE RACING COMMISSION

[Filed May 18, 2004, 3:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-073.

Title of Rule: WAC 260-36-030 Veterinarians, platers, and dentists—License required—Ineligible as trainers.

Purpose: To allow veterinarians licensed by the commission to also apply for a license to train horses, subject to certain conditions.

Statutory Authority for Adoption: RCW 67.16.020.

Summary: Under certain circumstances a license practicing veterinarian may also obtain a license [licensed] to train horses, subject to certain conditions, including limiting the horses the veterinarian may practice veterinarian medicine only on their own horses, unless an emergency exists, and the horses under the care of such a veterinarian are subject to testing by the commission at any time.

Reasons Supporting Proposal: Provides greater opportunity for veterinarians to not only treat their own horses, but to train them.

Name of Agency Personnel Responsible for Drafting: Robert Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516, (360) 459-6462, Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516, (360) 459-6462.

Name of Proponent: Dr. Robert Barth, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment to WAC 260-36-030 will eliminate the prohibition against veterinarians license [licensed] by the commission to also hold a license to train. The proposed amendment allows a license [licensed] veterinarian to also apply for and hold a license to train horses, subject to the following conditions:

1. The individual licensed as both a veterinarian and trainer may only practice veterinarian medicine on the horses registered to the individual.

2. The individual licensed as both a veterinarian and trainer is prohibited from practicing veterinarian medicine on any other horse without the approval of the commission veterinarian.

3. In cases of an emergency on the grounds of the racing association, the individual licensed as both a veterinarian and trainer may respond and provide treatment. Any treatment rendered shall be reported to the commission veterinarian in writing.

4. The report to the commission veterinarian shall include at least the name of the horse(s) and the treatment rendered.

The amendment also removes the reference to dentist. Equine dentist shall be licensed as veterinarians.

Proposal Changes the Following Existing Rules: Eliminates the reference to dentists. Eliminates the blanket prohibition against an individual being licensed as a veterinarian and a trainer at the same time. Allows for an individual to be licensed both as a veterinarian and a trainer, subject to a strict set of conditions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on July 8, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Sorby at (360) 459-6462, by July 7, 2004.

Submit Written Comments to: Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, fax (360) 459-6461, by July 7, 2004.

Date of Intended Adoption: July 8, 2004.

May 18, 2004

R. M. Leichner
Executive Secretary

AMENDATORY SECTION (Amending WSR 91-24-085, filed 12/4/91, effective 1/4/92)

WAC 260-36-030 Veterinarians((~~g~~) and platers((~~g~~ and dentists))—License required((~~—Ineligible as trainers~~)). The license fee for veterinarians((~~g~~) and platers ((~~and dentists~~)) shall be for one year and shall be \$15.00. ((~~They~~)) Veterinarians and platers must be approved by the commission before practicing their professions on the grounds of an association. ((~~The veterinarians and dentists shall not be eligible to hold a license to train horses while holding said occupational license.~~)) Veterinarians licensed by the commission

may apply for a trainer's license subject to the following conditions:

(1) Only horses registered to the individual licensed by the commission as a veterinarian and trainer shall be treated using veterinary methods

(2) The individual licensed by the commission as a veterinarian and a trainer shall not practice veterinary medicine on any horse on the grounds without specific approval of a commission veterinarian.

(3) In an emergency on the grounds of the racing association the individual licensed by the commission as a veterinarian and trainer may respond and assist at the scene of the emergency. Any veterinary treatment provided at the scene shall be reported in writing to the commission veterinarian. The report shall include at a minimum the names of horses treated and treatment rendered.

(4) Any horse registered to the individual licensed by the commission as a veterinarian and trainer shall be subject to testing by the commission any time the horses are on the grounds of the racing association.

WSR 04-11-082

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 18, 2004, 4:47 p.m.]

The Aging and Disability Services Administration would like to withdraw the following CR-102 proposed rule making: WSR 04-10-097 filed on May 4, 2004.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-11-084

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 18, 2004, 4:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-085.

Title of Rule: Income from the community jobs program, WAC 388-450-0050 How does your participation in the community jobs (CJ) program affect your cash assistance and Basic Food benefits?

Purpose: The proposed amendment will simplify the language to define what subsidized and unsubsidized income is for community jobs and how each affects Basic Food and TANF/SFA benefits. This distinction simplifies how the field staff budgets the income from community jobs.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 78.08A.340.

Statute Being Implemented: RCW 74.08.090, 74.04.-050, 74.04.057, and 78.08A.340.

Summary: The proposed rule defines the difference between subsidized and unsubsidized income in community jobs and how each affects TANF/SFA and Basic Food assistance benefits.

Reasons Supporting Proposal: This change is necessary to accurately use the different incomes in community jobs for determining benefit levels for TANF/SFA and Basic Food assistance and to provide an incentive to parents on TANF/SFA to participate in community jobs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ian Horlor, 1009 College S.E., Lacey, WA 98504, (360) 413-3247.

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: See Title of Rule, Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Title of Rule, Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 22, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by June 18, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 22, 2004.

Date of Intended Adoption: Not earlier than June 23, 2004.

May 14, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-06-095, filed 3/4/03, effective 5/1/03)

WAC 388-450-0050 How ~~((are))~~ does your participation in the community jobs (CJ) program affect your cash assistance and Basic Food benefits ((determined when you are participating in the community jobs (CJ) pro-

gram))? (1) There are two different ~~((kinds-of))~~ types of income in the community jobs program. They are:

(a) ~~((Classic-jobs))~~ Subsidized, where your wages are ~~((subsidized-by))~~ paid from TANF or SFA funds; and

(b) ~~((Career-jump))~~ Unsubsidized, where your wages are paid entirely by your employer ~~((beginning-with-the-fifth-month-of-your-employment))~~.

(2) We figure your total monthly subsidized or unsubsidized 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.

(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.

(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))~~ for the first month ((of-your-employment)) you receive your paycheck.

(b) Earned income for Basic Food ~~((if-you-are-a-career-jump-participant-that-has))~~ after you have been transferred to your employer's regular unsubsidized payroll ((and-your-wages-are-no-longer-being-subsidized)); or

(c) Unearned income for Basic Food while you ~~((are-in))~~ have subsidized ((employment)) income.

(5) If your anticipated ~~((classic-jobs))~~ subsidized income is more than your grant amount, your cash grant is suspended. This means that you are still considered ~~((to-be))~~ a TANF/SFA recipient, but you do not get a grant.

(a) ~~((The))~~ Your grant ~~((suspension))~~ can be suspended up to a maximum of nine months.

(b) You can keep participating in CJ even though your grant is suspended, as long as you would be eligible for a grant if we did not count your ~~((classic-jobs))~~ subsidized 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 unsubsidized 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 a total of 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 04-11-085

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 18, 2004, 4:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-060.

Title of Rule: WAC 388-71-0531 How many hours can my individual provider, agency provider, or personal aide work if I am receiving COPEs, Medicaid personal care, or chore services?

Purpose: The department is repealing WAC 388-71-0531 to comply with recently enacted legislation, ESHB 2933, chapter 3, Laws of 2004. ESHB 2933 states that: "No agency or department of the state, other than the authority, may establish policies or rules governing the wages or hours of individual providers." "Authority" refers to the Home Care Quality Authority.

Statutory Authority for Adoption: ESHB 2933, (chapter 3, Laws of 2004), RCW 74.08.090 and 74.09.520.

Statute Being Implemented: ESHB 2933, (chapter 3, Laws of 2004).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tiffany Sevruck, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2538; Implementation and Enforcement: Bill Moss, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2527.

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: Repealing WAC 388-71-0531 How many hours can my individual provider, agency provider, or personal aide work if I am receiving COPEs, Medicaid personal care, or chore services?

Repealing WAC 388-71-0531 complies with recently enacted legislation, ESHB 2933, chapter 3, Laws of 2004. ESHB 2933 states that: "No agency or department of the state, other than the authority, may establish policies or rules governing the wages or hours of individual providers." "Authority" refers to the Home Care Quality Authority.

Proposal Changes the Following Existing Rules: The proposal would repeal WAC 388-71-0531.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and concluded that no new costs will be imposed on businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule implements chapter 3, Laws of 2004, and is exempt from a cost-benefit analysis under RCW 34.05.328 (5)(b)(v), rules the content of which are explicitly and specifically dictated by statute.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 22, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by June 18, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., June 22, 2004.

Date of Intended Adoption: Not earlier than June 23, 2004.

May 14, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-71-0531

How many hours can my individual provider, agency provider, or personal aide work if I am receiving COPEs, Medicaid Personal Care, or Chore services?

WSR 04-11-086

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 18, 2004, 4:53 p.m.]

Supplemental Notice to WSR 04-10-097

Preproposal statement of inquiry was filed as WSR 04-01-087.

Title of Rule: Chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool.

Purpose: Incorporating CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services and amending other sections as needed to update program rules.

This CR-102 replaces the notice filed as WSR 04-10-097, which has been withdrawn.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, and 74.39A.095.

Statute Being Implemented: RCW 74.08.090, 74.09.-520, 74.39A.090, 74.39A.095.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marianne Backous or Sue Poltl, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2535 or 902-8474.

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: Amending and adding new sections to chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool, to incorporate CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services.

Proposal Changes the Following Existing Rules: Amendments are made to existing rules to incorporate CARE assessment criteria for children receiving state plan MPC services.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rules and determined that no new costs will be imposed on businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed rules describe eligibility criteria for medical in-home care services and are exempt under RCW 34.05.328 (5)(b)(vii), "Rules of the department of social and health services relating only to client medical or financial eligibility..."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 22, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by June 18, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., June 22, 2004.

Date of Intended Adoption: Not earlier than June 23, 2004.

May 14, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0010 Does chapter 388-71 WAC and WAC 388-845-1300 apply to me? Yes. Chapter 388-71 WAC ((applies)) and WAC 388-845-1300 apply with the exception of the following: WAC 388-71-0202 (Direct personal care services, household assistance, medically oriented tasks, personal care services, plan of care, supervision, and unscheduled tasks), 388-71-0203, 388-71-0205, 388-71-0430, 388-71-0435, 388-71-0440, 388-71-0442, and 388-71-0445.

NEW SECTION

WAC 388-72A-0036 How are my needs for personal care services determined? The assessor gathers information from you, your caregivers, family members, and other sources to determine how much assistance you need with personal care services. For children age seventeen and younger,

age expectations and the role of legally responsible natural/step/adoptive parents are considered and documented. Assistance is measured by you:

(1) Self-performance, what you actually did within the last seven days, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the seven-day period.

(2) 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.

(3) Status, which identifies whether a need is met, unmet, partially met, or declined.

(4) Assistance available.

NEW SECTION

WAC 388-72A-0041 How are status and assistance available scored for ADLs and IADLs? (1) For each Activity of Daily Living (ADL) and Instrumental Activity of Daily Living (IADL), the assessor determines whether there is an informal support available. An informal support is a person or resource that is available to provide assistance without home and community program funding.

(a) Met: The ADL or IADL will be fully provided by an informal support.

(b) Unmet: An informal support will not be available to provide assistance with the identified ADL or IADL.

(c) Partially Met: An informal support will be available to provide some assistance, but not all, with the identified ADL or IADL.

(d) Client declines: Client does not want assistance with the task.

(2) If partially met is selected then the amount of the assistance available is determined using one of four categories. Table 1 below is used to determine these percentages.

(a) Less than one-fourth of the time,

(b) One-fourth to one-half of the time,

(c) Over one-half of the time to three-fourths of the time,

(d) Over three-fourths of the time.

NOTE: For children seventeen years and younger living with their legally responsible natural/step/adoptive parents, the status and assistance available will be met or partially met over three fourths of the time.

		NUMBER OF TIMES/HOURS TASK IS MET INFORMALLY																				
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
NUMBER OF TIMES/HOURS TASK IS REQUIRED	1																					
	2	50%																				
	3	33%																				
	4	25%	50%																			
	5		40%		80%																	
	6		33%	50%		83%																
	7		29%	43%			86%															
	8		25%	38%	50%				88%													
	9			33%	44%				78%	89%												
	10			30%	40%	50%				80%	90%											
	11			27%	36%	45%					82%	91%										
	12			25%	33%	42%	50%					83%	92%									
	13				31%	38%	46%					77%	85%	92%								
	14				29%	36%	43%	50%					79%	86%	93%							
	15				27%	33%	40%	47%						80%	87%	93%						
	16				25%	31%	38%	44%	50%						81%	88%	94%					
	17					29%	35%	41%	47%						76%	82%	88%	94%				
	18					28%	33%	39%	44%	50%						78%	83%	89%	94%			
	19					26%	32%	37%	42%	47%							79%	84%	89%	95%		
	20					25%	30%	35%	40%	45%	50%							80%	85%	90%	95%	

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NEW SECTION

WAC 388-72A-0042 How are ADLs and IADLs scored for children? For children, the following age appropriate guidelines apply. The table indicates which tasks are considered met per age expectations and/or the role of the natural/step or adoptive parent.

		Activities of Daily Living (ADLs)															
		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Medication Management																	
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Locomotion in Room^{Note}																	
Independent, supervision, limited or extensive		■	■	■													
Total		■															
Locomotion Outside Room^{Note}																	
Independent or supervision		■	■	■	■	■											
Limited or extensive		■	■	■													
Total		■															
Walk in Room^{Note}																	
Independent, supervision, limited or extensive		■	■	■													
Total		■															

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		Activities of Daily Living (ADLs)															
		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Bed Mobility																	
	Independent, supervision, limited or extensive	■	■														
	Total	■															
Transfers																	
	Independent, supervision, limited, extensive or total & under 30 pounds (Total & over 30 pounds = no age limit)	■	■														
Toilet Use^{Note}																	
	Support provided for nighttime wetting only (Independent, supervision, limited, extensive, or total)	■	■	■	■	■	■	■									
	Independent, supervision, limited, extensive	■	■	■	■	■											
	Total	■	■	■													
Eating																	
	Independent, supervision, limited, extensive, or total	■	■														
Meal Preparation																	
	Independent, supervision, limited, extensive, or total	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bathing																	
	Independent or supervision	■	■	■	■	■	■	■	■	■	■	■					
	Physical assistance all/part	■	■	■	■	■	■	■									
	Total	■	■	■	■												
Dressing																	
	Independent or supervision	■	■	■	■	■	■	■	■	■	■	■					
	Limited or extensive	■	■	■	■	■	■	■									
	Total	■	■	■	■												
Personal Hygiene																	
	Independent or supervision	■	■	■	■	■	■	■	■	■	■	■					
	Limited or extensive	■	■	■	■	■	■	■									
	Total	■	■	■	■												

		Instrumental Activities of Daily Living															
		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Telephone																	
	Independent, supervision, limited, extensive, or Total	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Transportation																	
	Independent, supervision, limited, extensive, or total	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Shopping																	
	Independent, supervision, limited, extensive, or total	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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		Instrumental Activities of Daily Living															
		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Wood Supply																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Housework																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Finances																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

NOTE: If the activity did not occur, the assessor codes self performance as total and status as met.

NEW SECTION

WAC 388-72A-0086 How is the information in WAC 388-72A-0081 through 388-72A-0084 used to determine the client's classification payment group for residential settings? The information in WAC 388-72A-0081 through 388-72A-0084 is used to place an adult applicant or recipient into one of the twelve residential classification groups, as shown in the table below.

Classification	ADL Score	Group
Group D Cognitive performance score = 4-6 and Clinically complex = yes and Mood/behavior = yes or no	ADL Score 18-28	D High (12)
	ADL Score 13-17	D Med (11)
	ADL Score 2-12	D Low (10)
Group C Cognitive performance score = 0-3 and Clinically complex = yes and Mood/behavior = yes or no	ADL Score 18-28	C High (9)
	ADL Score 9-17	C Med (8)
	ADL Score 2-8	C Low (7)
Group B Mood & behavior = Yes and Clinically complex = no and Cognitive performance score = 0-6	ADL Score 15-28	B High (6)
	ADL Score 5-14	B Med (5)
	ADL Score 0-4	B Low (4)
Group A Mood & behavior = No and Clinically complex = No and Cognitive performance score = 0-6	ADL Score 10-28	A High (3)
	ADL Score 5-9	A Med (2)
	ADL Score 0-4	A Low (1)

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0095 ((How are)) What additional criteria are considered to determine the number of hours

I ((can)) will receive for in-home services ((determined))?

(1) In addition to criteria defined in WAC ((388-72A-0075, 388-72A-0080, and 388-72A-0085)) 388-72A-0081, 388-

72A-0082, 388-72A-0083, 388-72A-0084, 388-72A-0087, or 388-71-0460, 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.

(e) 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))):

(a) The amount of informal supports available to fully or partially meet your needs as described in WAC 388-72A-0041.

(D) As shown in the following table, CARE determines the adjustment by placing a numeric value on the amount of assistance available to meet your needs and reduces the base hours assigned to the classification group using the values listed below for each ADL and IADL.

<u>Meds</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Self administration of medications</u>	Rules for all codes apply except independent is not counted	<u>Unmet</u>	N/A	<u>1</u>
		<u>Met</u>	N/A	<u>0</u>
		<u>Decline</u>	N/A	<u>0</u>
		<u>Partially met</u>	<1/4 time	<u>.9</u>
			1/4 to 1/2 time	<u>.7</u>
> 1/2 to 3/4 time	<u>.5</u>			
> 3/4 time	<u>.3</u>			
<u>Unscheduled ADLs</u>	<u>Self Performance</u> Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider= 1; Did not occur/client declined and independent are not counted.	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
		<u>Unmet</u>	N/A	<u>1</u>
		<u>Met</u>	N/A	<u>0</u>
		<u>Decline</u>	N/A	<u>0</u>
		<u>Partially met</u>	<1/4 time	<u>.9</u>
1/4 to 1/2 time	<u>.7</u>			
>1/2 to 3/4 time	<u>.5</u>			
>3/4 time	<u>.3</u>			
<u>Scheduled ADLs</u>	<u>Self Performance</u> Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider= 1; Did not occur/client declined and independent are not counted.	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
		<u>Unmet</u>	N/A	<u>1</u>
		<u>Met</u>	N/A	<u>0</u>
		<u>Decline</u>	N/A	<u>0</u>
		<u>Partially met</u>	<1/4 time	<u>.75</u>
between 1/4 to 1/2 time	<u>.55</u>			
between 1/2 to 3/4 time	<u>.35</u>			
> 3/4 time	<u>.15</u>			

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<u>IADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
Meal preparation Ordinary housework Essential shopping	Rules for all codes apply except independent is not counted.	Unmet	N/A	1
		Met	N/A	0
		Decline	N/A	0
		Partially met	< 1/4 time	.3
			between 1/4 to 1/2 time	.2
			between 1/2 to 3/4 time	.1
> 3/4 time	.05			

(ii) The value percentage assigned to each specified ADL/IADL is summed and carried two decimal places. The resulting number is then divided by the number of qualifying ADL and IADL needs. If self-performance is coded as independent or did not occur/client declined then they are not qualifying ADLs and IADLs. The result is value A. Value A is then subtracted from one. This is value B. Value B is divided by three. This is value C. Value A and value C are summed. This is value D. Value D is multiplied by the "base hours" assigned to the client's classification group in WAC 388-72A-0087.

(b) Your environment, as described in the diagrams below.

<u>Condition</u>	<u>Assessment</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Ad On Hours</u>
Offsite laundry facilities, which means the client does not have facilities in own home and the caregiver is not available to perform any other personal or household tasks while laundry is done.	Yes.	N/A	N/A	8
Client is > 45 minutes from essential services (which means he/she lives more than 45 minutes one-way from a full-service market.)	If yes, then the assistance available for this task is assessed by the response to essential shopping.	Unmet	N/A	5
		Met	N/A	0
		Partially met	<1/4 time	5
			between 1/4 to 1/2 time	4
			between 1/2 to 3/4 time	2
>3/4 time	2			
Wood supply used as only source of heat.	Yes	Unmet	N/A	8
		Met	N/A	0
		Declines	N/A	0
		Partially met	< 1/4 time	8
			between 1/4 to 1/2 time	6
between 1/2 to 3/4 time	4			
> 3/4 time	2			

(c) Your living arrangement.

(I) If there is more than one client living in the same household, the status cannot be unmet for the following IADLs:

- (A) Meal preparation.
- (B) Housekeeping.
- (C) Shopping.
- (D) Wood supply.

(ii) If you and your paid provider live in the same household, the status must be met for the following IADLs:

- (A) Meal preparation.
- (B) Housekeeping.

(C) Shopping.

(D) Wood supply.

(2) The ((CARE tool will provide a)) hours identified in WAC 388-72A-0095 (1)(b) are added to the resulting hours in WAC 388-72A-0095 (1)(a). The result is the 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

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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, or 388-845-1300);

(b) Home delivered meals (per WAC ~~((388-72A-0055))~~ 388-71-0415);

(c) Adult day care (per WAC ~~((388-72A-055 or 388-15-652))~~ 388-71-0415);

(d) ~~((Adult day health (per WAC 388-72A-055 or 388-15-653);~~

(e)) A home health aide (per WAC ~~((388-72A-0055))~~ 388-71-0415).

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.

WSR 04-11-089
PROPOSED RULES
GAMBLING COMMISSION

[Filed May 18, 2004, 5:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-009.

Title of Rule: Amending WAC 230-40-625 Closed circuit television system—Class F card rooms and 230-40-825 Closed circuit television system—House-banking.

Purpose: See Summary below.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Summary: In 2002, digital surveillance was first introduced for use in card rooms. At that time, digital surveillance technology was fairly new and staff worked with the industry to construct rules for the new technology. After two years of working with, and becoming more familiar with, digital recording devices, several requirements in both WAC 230-40-625 and 230-40-825 need to be updated to match current practice.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Neal Nuna-maker, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: LaConner Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101, on August 13, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by August 1, 2004, TDD (360) 486-3637 or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by August 1, 2004.

Date of Intended Adoption: August 13, 2004.

May 18, 2004

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 418, filed 4/16/03, effective 7/1/03)

WAC 230-40-625 Closed circuit television system—Class F card rooms. Critical activities related to the operation of a player-supported jackpot (PSJ) and assessment of fees based on amounts wagered (rake method) shall be closely monitored by the use of a closed circuit television (CCTV) system and recorded using analog and/or digital recording equipment. If a licensee is conducting both Class F and house-banked activities, the licensee shall be required to meet the surveillance requirements set forth in WAC 230-40-825. Each Class F card room licensee shall install and maintain a CCTV system that meets the following requirements:

Camera coverage.

(1) The following areas are required to be viewed by the CCTV system:

(a) All gaming at each table including, but not limited to, the:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings; and
- (v) Players and dealers.

(b) All activity in the count room or count area including, but not limited to, the:

- (i) Count table;
- (ii) Floor;
- (iii) Drop boxes; and
- (iv) Drop box storage shelves/cabinets.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras that have the ability to determine card and chip values at each gaming table. Each video camera shall be capable of having its images displayed on a video monitor and recorded. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. Installed cameras shall cover the areas required by this rule and shall include, at a minimum, the following:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) At least one fixed camera focused over the dealer area covering the chip rack, all drop box openings, and the community card area;

(c) At least one fixed or pan, tilt, and zoom (PTZ) camera permanently programmed for the purposes of monitoring players and dealers at each gaming table. This camera must be capable of viewing each patron and dealer at each gaming position at least once every five minutes;

(d) A sufficient number of fixed and/or PTZ cameras in the cage only if the count process is conducted there;

(e) A sufficient number of fixed and/or PTZ cameras in the count area; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment requirements.

(3) Video recording equipment shall meet the following requirements:

(a) **Analog recording**, including audio recording where required, using a video cassette recorder, shall comply with the following requirements:

(i) Images shall be recorded at a rate of not less than twenty frames per second on standard VHS format; and

(ii) Recorded images shall accurately reflect the time and date of the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; or

(b) **Digital recording**, including audio recording where required, using a ~~((hard drive))~~ digital storage system, shall comply with the following requirements:

(i) All images shall be recorded on a hard drive;

(ii) Recording systems shall be locked ~~((by the manufacturer to disable))~~ so that access to the erase and reformat functions ((to prevent access to)), and system data files is restricted to persons authorized in the internal controls;

(iii) The system must provide uninterrupted recording of surveillance ~~((, this shall include))~~ during playback or copying: Provided, That motion-activated recording may be used;

(iv) Recording systems shall be capable of copying original images maintaining the original native format;

(v) Images shall be stored at a rate of not less than twenty-five images per second;

(vi) ~~((Resolution shall be))~~ Images shall be recorded at a minimum resolution of 320 x 240 and displayed during playback at a minimum resolution of 640 x 480 or higher;

(vii) Images shall be stored in a format that is readable by commission computer equipment;

(viii) Images shall be stored in a format that ~~((contains a method to verify the authenticity of the original recording and copies))~~ can be verified and authenticated by commission staff;

(ix) Recorded images shall include the accurate time and date the video was originally recorded;

(x) Previously recorded material may be overwritten after seven continuous days of gaming; and

(xi) Recording systems shall be equipped with an uninterruptible power source to allow a proper system shutdown.

Use of multiplexing and quad recording devices.

(4) Multiplexing/quad recording devices may ~~((only))~~ be used for external surveillance ~~((, movement of drop boxes between tables and the count room;))~~ and on entrances and exits ~~((, Provided, That split screen devices may be utilized for areas not required to have surveillance coverage)).~~ Quad recording devices may be used to record the movement of drop boxes between tables and the count room.

Recording of illegal or suspicious activities.

(5) Illegal or suspicious activities within the monitored portion of the licensed premises shall be reported to commission staff, pursuant to WAC 230-40-815 (3)(a)(v) through (vi). Additionally, licensees shall ensure two copies of the entire recorded image sequence are made reflecting the questioned activity. One copy shall be provided to commission staff or other law enforcement representatives upon demand and the other copy maintained by the licensee for a period of thirty days.

Activities to be recorded.

(6) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

(c) Drop boxes are being transported; or

(d) Drop box contents are being counted.

Surveillance activity log.

(7) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(a) Date and time of surveillance;

(b) Person initiating surveillance;

(c) Time of termination of surveillance;

(d) Summary of the results of the surveillance; and

(e) A record of any equipment or camera malfunctions.

Employee sign-in log.

(8) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing video and audio recordings.

(9) Video and audio recordings shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to recordings:

(a) Recordings shall be retained for a minimum of seven complete gaming days.

(b) Recordings of evidentiary value shall be maintained as requested by commission staff; and

(c) Tapes documenting jackpot payouts of five hundred dollars or more shall be retained for at least thirty days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(10) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes shall be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

AMENDATORY SECTION (Amending Order 422, filed 8/15/03, effective 9/15/03)

WAC 230-40-825 Closed circuit television system—House-banking. Critical activities related to the operation of house-banked card games shall be closely monitored by the use of a closed circuit television (CCTV) system and recorded using analog and/or digital recording equipment. Each house-banked card room licensee shall install and maintain a CCTV system that meets the following requirements.

Camera coverage.

(1) The following areas are required to be viewed by the CCTV system:

(a) All gaming at each table including, but not limited to, the following:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings;
- (v) Card shoe;
- (vi) Shuffling devices; and
- (vii) Players and dealers.

(b) All activity in the pits.

(c) All activity in the cashier's cage including, but not limited to, the:

- (i) Outside entrance;
- (ii) Fill/credit dispenser;
- (iii) Customer transactions;
- (iv) Cash and chip drawers;
- (v) Vault/safe;
- (vi) Storage cabinets;
- (vii) Fill or credit transactions; and
- (viii) Floor.

(d) All activity in the count room including, but not limited to, the:

- (i) Count table;
- (ii) Floor;
- (iii) Counting devices;
- (iv) Trolley;
- (v) Drop boxes;
- (vi) Storage shelves/cabinets; and
- (vii) Entrance and exits.

(e) The movement of cash, gaming chips, and drop boxes.

(f) Entrances and exits to the card room.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities having the ability to determine card and chip values and the configuration of wagers at each gaming table. Each video camera shall be capable of having its images displayed on a video monitor and recorded. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. PTZ cameras shall be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view. Installed cameras shall cover the areas required by this rule and shall include at a minimum:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) A sufficient number of fixed and/or PTZ cameras permanently programmed for the purposes of monitoring players and dealers at each gaming table. The PTZ cameras must be capable of viewing each patron and dealer at each gaming position at least once every five minutes;

(c) A sufficient number of PTZ cameras for the purpose of determining the configuration of wagers and card values at each gaming table. Any time a winning wager, including jackpot or bonus payouts in excess of five hundred dollars are won, surveillance shall utilize this camera to verify the winning hand, the amount of the wager, and the player who won the prize. Each licensee shall have documented procedures in their internal controls stipulating the manner in which this will be carried out;

(d) A sufficient number of fixed and/or PTZ cameras in the cage(s);

(e) A sufficient number of fixed and/or PTZ cameras in the count room; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment requirements.

(3) Video recording equipment shall meet the following requirements:

(a) **Analog recording**, including audio recording where required, using a video cassette recorder, shall comply with the following requirements:

(i) Images shall be recorded at a rate of not less than twenty frames per second on standard VHS format; and

(ii) Recorded images shall accurately reflect the time and date of the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; or

(b) **Digital recording**, including audio recording where required, using a hard drive storage system, shall comply with the following requirements:

(i) All images shall be recorded on a hard drive;

(ii) Recording systems shall be locked (~~by the manufacturer to disable~~) so that access to the erase and reformat functions ((to prevent access to)), and system data files is restricted to persons authorized in the internal controls;

(iii) The system must provide uninterrupted recording of surveillance, ~~((this shall include))~~ during playback or copying: Provided, That motion-activated recording may be used;

(iv) Recording systems shall be capable of copying original images maintaining the original native format;

(v) Images shall be stored at a rate of not less than twenty-five images per second;

(vi) ~~((Resolution shall be))~~ Images shall be recorded at a minimum resolution of 320 x 240 and displayed during play-back at a minimum resolution of 640 x 480 or higher;

(vii) Images shall be stored in a format that is readable by commission computer equipment;

(viii) Images shall be stored in a format that ~~((contains a method to verify the authenticity of the original recording and copies))~~ can be verified and authenticated by commission staff;

(ix) Recorded images shall include the accurate time and date the video was originally recorded;

(x) Previously recorded material may be overwritten after seven continuous days of gaming; and

(xi) Recording systems shall be equipped with an uninterruptible power source to allow a proper system shutdown.

Use of multiplexing and quad recording devices.

(4) Multiplexing/quad recording devices may ~~((only))~~ be used for external surveillance ~~((, movement of drop boxes between tables and the count room,))~~ and on entrances and exits ~~((, Provided, That split screen devices may be utilized for areas not required to have surveillance coverage)).~~ Quad recording devices may be used to record the movement of drop boxes between tables and the count room.

Recording of illegal or suspicious activities.

(5) Illegal or suspicious activities within the monitored portion of the licensed premises shall be reported to commission staff, pursuant to WAC 230-40-815 (3)(a)(v) through (vi). Additionally, licensees shall ensure two copies of the entire recorded image sequence are made reflecting the questioned activity. One copy shall be provided to commission staff or other law enforcement representatives upon demand and the other copy maintained by the licensee for a period of thirty days.

Activities to be recorded.

(6) Video signals from all cameras shall be recorded when:

- (a) Gaming tables are in operation;
- (b) Drop boxes or chip trays are stored on the gaming tables;
- (c) Drop boxes are being transported; or
- (d) Drop box contents are being counted.

Video monitors.

(7) The CCTV system shall include a sufficient number of video monitors to simultaneously view multiple gaming tables, the cashier's cage, and count room activities.

Surveillance room.

(8) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That

this restriction does not apply to owners or approved supervisory or management personnel.

(b) Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(c) Entrances to surveillance rooms shall not be readily observable from the gaming operation area.

(d) The licensee shall ensure a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, any time the card room is open to conduct gaming and during the count process: Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks.

Surveillance activity log.

(9) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

- (a) Date and time of surveillance;
- (b) Person initiating surveillance;
- (c) Time of termination of surveillance;
- (d) Summary of the results of the surveillance; and
- (e) A record of any equipment or camera malfunctions.

Employee sign-in log.

(10) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing video and audio recordings.

(11) Video and audio recordings shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to recordings:

- (a) Recordings shall be retained for a minimum of seven complete gaming days;
- (b) Recordings of evidentiary value shall be maintained as requested by commission staff; and
- (c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and
- (d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(12) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes shall be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

WSR 04-11-090
PROPOSED RULES
GAMBLING COMMISSION

[Filed May 18, 2004, 5:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-023.

Title of Rule: Amending WAC 230-12-330 Accountability of gambling equipment and related products and services—Prices—Contracts—Discounts—Restrictions—Exceptions and 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions.

Purpose: To remove credit and discriminatory pricing restrictions from merchandise to be used as a punchboard or pull-tab prize.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Summary: Last spring, a licensee submitted a petition for rule change requesting the licensure of anyone selling merchandise prizes for pull-tab games. Staff felt licensure of these individuals was a business and marketing issue, rather than a regulatory issue and the commission denied the petition. At that time, the commission asked staff to review agency pricing restrictions to determine if alternatives existed to address the petitioner's concerns. This proposal is a result of that request.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Neal Nunamaker, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: LaConner Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101, on August 13, 2004, at 9:30 a.m.

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Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by August 1, 2004.

Date of Intended Adoption: August 13, 2004.

May 18, 2004
 Susan Arland
 Rules Coordinator

AMENDATORY SECTION (Amending Order 411, filed 4/18/02, effective 7/1/02)

WAC 230-12-330 Availability of gambling equipment and related products and services—Prices—Contracts—Discounts—Restrictions—Exceptions. Manufacturers and distributors shall make their products and services available to all licensees without discrimination. Merchandise to be used as a punch board or pull-tab prize is exempt from the requirements set forth in this rule. Except as authorized by this section, gambling equipment, devices, related paraphernalia or supplies, and services shall be offered to any licensee wishing to purchase such, for the same price and terms. The following restrictions, procedures, and exceptions apply to prices and terms related to sales of gambling-related products or services:

Pricing shall be consistent - exceptions.

(1) **Discriminatory prices are prohibited.** Prices are considered discriminatory when identical or similar items or services are offered to different persons for a different price or under different terms or conditions: Provided, That prices set under the following criteria shall not be considered discriminatory:

(a) **Prices that are established in advance** and available for review by the commission and customers prior to accepting a sales order utilizing such. For purposes of this section, prices are deemed to be established and available when they have been mailed or transmitted by facsimile to the commission at least forty-eight hours prior to completing sales transactions or accepting orders for products or services;

(b) **Separate and different price schedules** established by manufacturers or distributors for transactions conducted with licensees at different marketing levels when such prices are progressively lower at each marketing level above the operator level;

(c) **Prices that are based upon the delivery location** of an item or service. If the price of an item or service is based upon "free on board" (FOB) terms at a specific location, such price may be varied based upon delivery at a different location, if such is justified by objective evidence. The burden of proof regarding such price differentiation is borne by the seller. Such prices are subject to all other requirements of this section; and

(d) **Short-term price reductions or "sales"** by manufacturers or distributors are authorized when every licensee is afforded an opportunity to participate. For purposes of this section licensees will be deemed to have been afforded an opportunity to participate when:

(i) All prices and terms are clearly posted at all sales outlets for the benefit of operators and provided to all customers serviced by mobile sales representatives;

(ii) Manufacturers provide full details of the sale to all licensed distributors, including prices and terms, at least forty-eight hours prior to accepting orders for products or services being offered at a sale price. Such notice shall be by mail or telephone facsimile; and

(iii) Any limitations or conditions of the sale are clearly stated in advertisements or notices for such sale.

Contracts restricting sales not allowed.

(2) Except as set forth in WAC 230-12-230, licensees shall not enter into contracts that directly or indirectly restrict the distribution or use of gambling equipment, devices, paraphernalia, supplies, or services: Provided, That holders of proprietary rights to products or services that have been gained through patents, copyrights, trademarks, or other similar rights bestowed by state or federal law or by courts shall be allowed to enter into license agreements with manufacturers that restrict the ability to manufacture or distribute products or services if all other requirements of this section are met. The following transactions are prohibited:

(a) An operator or distributor shall not agree to deal in, purchase, sell, lease, or operate any particular brand or brands of gambling device or equipment to the exclusion of any other brand of gambling device or equipment;

(b) A manufacturer or distributor, or licensed representative or employee thereof, shall not sell or offer to sell, lease, or loan any gambling-related product, service, or merchandise if such is contingent upon the purchase or order of another product, service, or merchandise; and

(c) Except as set forth in this subsection, no person shall enter into any agreement, express or implied, that prohibits a person from selling or providing any gambling-related product or service within a particular geographic area: Provided, That -

(i) Licensed manufacturers, distributors, and service suppliers may enter into such agreements with its licensed representative; and

(ii) An operator may enter into an agreement with a licensed service supplier that is supplying only management or consulting services when such agreement only restricts the service supplier from supplying the same or similar services to other operators within a specified geographic area.

Discounts.

(3) Manufacturers and distributors may offer discounts of base prices that are authorized by this section when such discounts are nondiscriminatory. For purposes of this title, discounts will be deemed to be nondiscriminatory when:

(a) Offered to all licensees on the same terms;

(b) The scheme upon which the discount is based is in writing and submitted to the commission at least forty-eight hours prior to being offered;

(c) The discount applies to:

(i) A single sales transaction; or

(ii) Multiple sales transactions, which are made over a period of time not to exceed one week. For purposes of this section, one week shall be defined as seven consecutive days; and

(d) The level of a discount is based only upon any of the following criteria:

(i) The amount of product sold or the dollar value of the sale;

(ii) Whether the purchaser makes full payment in cash at time of sale;

(iii) Whether the purchaser makes final payment for a transaction within a predetermined time period for sales made under "trade account" terms; and

(iv) Any other structure or terms, subject to preapproval by the director. The manufacturer shall pay for the approval process and any additional requirements necessary to assure compliance with this section.

Limiting sales to specific market levels.

(4) A licensed manufacturer or distributor may elect to limit sales of products and services to licensees at any marketing level. For purposes of this section, marketing levels are defined as manufacturer, distributor, and operator. If a manufacturer or distributor elects to make sales to any licensee at a marketing level, sales must be made to all licensees at the same level: Provided, That if the distributor is in violation of WAC 230-12-340, the manufacturer shall not be required to make sales to that distributor: Provided further, That transactions between a manufacturer and distributor, when both are owned and operated by the same persons, are considered internal to that business. For purposes of this section, internal transactions are not considered sales at a different marketing level. All other restrictions of this section apply to such sales. For example:

(a) A licensed manufacturer may elect to sell or provide products and services only to distributors; or

(b) A licensed distributor may elect to sell or provide products and services only to operators.

Minimum purchasing requirements not allowed - exceptions.

(5) Manufacturers or distributors shall not set minimum purchase requirements for any product or service, except as authorized below:

(a) Minimum purchase requirements are not allowed for purchases made under prepaid or cash on delivery (COD) terms: Provided, That manufacturers may establish and charge a reasonable fee for services to handle an order for products or services below a specified level, if such policy is in writing and provided to distributors prior to accepting orders;

(b) Minimum purchase restrictions may be set for transactions between manufacturers and distributors that are conducted using trade account terms, as authorized by WAC 230-12-340;

(c) Discounts may be set based upon a minimum purchase amount as authorized by subsection (3) of this section; and

(d) Minimum purchase restrictions may be placed on products being offered for a bargain or "sale" price if a bargain or "sale" price is established for any and all levels of purchases under such terms.

Sales of nongambling products and services.

(6) A manufacturer or distributor shall not grant licensees, nor shall such licensees accept, more favorable prices, credit terms, or other arrangements than those extended to nonlicensed persons purchasing identical or similar nongambling goods or services. The price of nongambling goods or services sold to licensees shall be in conformity with the open market price in the locality where sold. The terms of such sales shall not exceed those normally granted in accordance

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with the customary business practice of the particular trade in the locality where such sales are made.

Transactions with tribal casinos.

(7) This section shall not apply to transactions conducted with tribal governments operating class III casinos under tribal/state compacts or with management companies operating such casinos on the behalf of tribal governments.

AMENDATORY SECTION (Amending Order 411, filed 4/18/02, effective 7/1/02)

WAC 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions. The use of credit in the sale of gambling equipment, devices, related supplies or paraphernalia, and services is prohibited. Merchandise to be used as punch board or pull-tab prize may be sold on credit. Except as authorized by this section, all sales of such shall be transacted on a cash basis. The following definitions, restrictions, and procedures apply to this section:

(1) All licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling-related support equipment through capital lease agreements or other financing arrangements to operators subject to the following conditions and requirements:

- (a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;
- (b) The term of the contract does not exceed forty-eight months;
- (c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;
- (d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership interest in the licensee, or exercise any control over the use of the item in the licensed activity;
- (e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;
- (f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and
- (g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.

Definitions.

(2) The following definitions only apply to subsections (3) through (9) of this section:

- (a) **"Manufacturers and distributors"** refers only to the manufacturers and distributors of pull-tabs, punch boards, and bingo supplies.
- (b) A **"cash basis"** means full payment is received by the seller on or before actual delivery of the product or service to the purchaser;

(c) A **"trade account"** is a payment system that allows distributors to place orders for inventory or services from manufacturers or distributors and to make payment for such within a specific period of time after shipment of the product or completion of the service;

(d) **"Prescribed time period"** is the maximum period of time a distributor has to pay for purchases of goods or services made under trade account terms prior to being restricted to cash basis terms. The time period begins when a product is shipped or service completed and ends on the date payment is actually delivered to the manufacturer or distributor, or if delivered by the U.S. mail, the U.S. postmark date of the envelope containing the payment. For purposes of this section, prescribed time period means no later than sixty days after shipment of the products or completion of the services.

Authorized transactions.

(3) For purposes of this WAC title, the following transactions are authorized and shall not be deemed as credit or loans of money when applicable requirements are met:

- (a) Purchases of goods and services from manufacturers or distributors when paid for by checks that meet the requirements of WAC 230-12-350;
- (b) Purchases of goods or services by distributors from manufacturers or other distributors when utilizing trade account terms and the requirements of subsection (4) of this section are followed;
- (c) Promissory notes between manufacturers and distributors for payment of debts incurred prior to the effective date of this section;
- (d) Purchases made under capital lease agreements when the requirements of this section are followed;
- (e) All transactions between manufacturers or distributors and tribal governments or companies certified to manage class III gambling activities operated under a tribal/state compact are exempt from all provisions of this section;
- (f) Charitable or nonprofit organizations licensed to conduct bingo may purchase bingo cards and bingo supplies from distributors and/or manufacturers and receive such without making immediate payment if payment is made, by check or cash, no later than thirty days after delivery of the product. If the distributor or manufacturer does not receive payment within thirty days, they must immediately restrict the licensee to sales on a cash on delivery basis until payment is received. Licensees paying for bingo supplies on terms other than a cash basis must document on the purchase invoice the date paid and the check number; and
- (g) The sales of nongambling equipment, fixtures, supplies, or commodities to licensees are exempt from all provisions of this section when the requirements of WAC 230-12-330(6) are met.

Trade account conditions.

- (4) Manufacturers and distributors may allow distributors to establish "trade accounts" to purchase gambling-related inventory or services without making immediate payment under the following conditions:
 - (a) Trade account terms, if offered to any distributor, shall be made available to all distributors without discrimina-

tion: Provided, That trade accounts may be restricted to distributors that:

(i) Meet objective credit criterion established by a manufacturer or distributor. Such criterion must be in writing, available to the commission for review, and provided to any distributor upon request. A manufacturer or distributor may include a distributor's payment history as a part of the trade account approval criterion;

(ii) Meet minimum purchase requirements established by the manufacturer: Provided, That the minimum purchase requirement shall not be greater than five hundred dollars per transaction;

(b) Trade account terms shall not allow a manufacturer or distributor to gain any ownership or financial interest in a licensee. This section is not intended to prohibit or restrict a manufacturer or distributor from gaining a security interest in inventory sold for credit, as authorized by the Uniform Commercial Code: Provided, That this section shall not allow a manufacturer to obtain an interest in inventory sold by any other manufacturer under trade account terms;

(c) A distributor shall make full payment for all goods or services purchased under trade account terms within the prescribed time period. Failure to pay within the prescribed time period may be deemed solicitation of credit by the distributor.

Procedures for past due accounts - notification and sales restrictions.

(5) When a distributor fails to pay for goods or services purchased under trade account terms within the prescribed time period, the creditor manufacturer or distributor shall comply with the procedures set forth below. Failure to comply with these procedures may result in the manufacturer or distributor being deemed to have extended credit to the distributor. The following procedures must be followed when a distributor fails to make required payments:

(a) Notify the delinquent distributor of failure to pay by telephone no later than the end of the next business day;

(b) Restrict sales of all goods and services to the delinquent distributor no later than the end of the third business day after the default: Provided, That sales may be made to a delinquent distributor on a cash basis only;

(c) Notify the commission and all licensed manufacturers and distributors in writing by letter, facsimile or e-mail no later than the end of the fifth business day after default. Written notification shall include at least the following:

(i) The distributor's name;

(ii) The invoice or shipping order numbers involved in the transaction;

(iii) The date the item was shipped or service was provided; and

(iv) Any other information requested by the commission.

Cash only sales to delinquent distributors.

(6) Upon receipt of notification from the manufacturer that a distributor has a delinquent account, manufacturers and distributors shall immediately cease sales, shipments of products, and providing services to the delinquent distributor on other than a cash basis.

Notification of payment on past due accounts.

(7) The manufacturer shall notify the commission and all manufacturers and distributors in writing by letter, facsimile or e-mail, no later than the next business day after receiving payment from the delinquent distributor for the outstanding account. Trade account sales may then resume with all manufacturers.

(8) The distributor that was placed on a credit hold shall notify the commission in writing by letter, facsimile or e-mail, no later than the next business day after payment has been made to the manufacturer in which they were delinquent.

Failure to pay promissory notes.

(9) A creditor manufacturer or distributor shall immediately notify the commission if a distributor fails to abide by the terms of the promissory note and the process being pursued to correct the situation.

WSR 04-11-093

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 19, 2004, 8:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-06-074.

Title of Rule: WAC 16-250-155 Tonnage fee requirements and 16-252-155 Tonnage fee required.

Purpose: The purpose of the proposed amendments is to increase tonnage feeds [fees] for commercial feed and pet food/specialty pet food from nine cents per ton to twelve cents per ton.

Statutory Authority for Adoption: RCW 15.53.9018, section 309(2), chapter 25, Laws of 2003 1st sp.s. (ESSB 5404) and chapter 34.05 RCW.

Statute Being Implemented: RCW 15.53.9018 and section 309(2), chapter 25, Laws of 2003 1st sp.s. (ESSB 5404).

Summary: The department is proposing to increase the inspection fees in WAC 16-250-155 and 16-252-155 in order to reduce a feed program funding deficit. The feed program is funded entirely from fees (registration fees, license fees and inspection fees). From January 1980 to the present, inspection fees have increased from eight cents/ton to nine cents/ton. The one-cent/ton increase occurred in 1996 and was used to support the feed program's share of the department's administrative costs. The 1996 one-cent/ton fee increase was not used to fund program activities. The three-cent/ton increase that the department is proposing will not completely address the feed program funding deficit, but it will give the department and its feed advisory committee sufficient time to address long-term program funding needs and solutions. Section 309(2), chapter 25, Laws of 2003 1st sp.s. (ESSB 5404) authorizes the department to propose a fee increase in excess of the Office of Financial Management (OFM) fiscal growth rate factor.

Reasons Supporting Proposal: Without the proposed increase, the department will be forced to curtail the services

that it offers to the commercial feed and pet food/specialty pet food industries.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ted Maxwell, 1111 Washington Street S.E., 2nd Floor, (360) 902-2026.

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 purpose of the proposed amendments is to increase tonnage feeds [fees] for commercial feed and pet food/specialty pet food from nine cents per ton to twelve cents per ton in WAC 16-250-155 and 16-252-155. The department is proposing to increase these inspection fees in order to reduce the feed program's funding deficit. The feed program is funded entirely from fees (registration fees, license fees and inspection fees). From January 1980 to the present, inspection fees have increased from eight cents/ton to nine cents/ton. The one-cent/ton increase occurred in 1996 and was used to support the feed program's share of the department's administrative costs. The 1996 one-cent/ton fee increase **was not** used to fund program activities. The three-cent/ton increase that the department is proposing will not completely address the feed program funding deficit, but it will give the department and its feed advisory committee sufficient time to address long-term program funding needs and solutions. Section 309(2), chapter 25, Laws of 2003 1st sp.s. (ESSB 5404) authorizes the department to propose a fee increase in excess of the Office of Financial Management (OFM) fiscal growth rate factor. Without the proposed increase, the department will be forced to curtail the services that it offers to the commercial feed and pet food/specialty pet food industries.

Proposal Changes the Following Existing Rules: The proposal increases the tonnage fees in WAC 16-250-155 and 16-252-155 from nine cents per ton to twelve cents per ton.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In order to mitigate any potential adverse economic impact of its proposed increase in commercial feed and pet food/specialty pet food tonnage fees, the department is delaying the effective date of the increases until January 1, 2005. In addition, since the department could not determine the potential cost impact of its proposed tonnage fee increase, it conducted an economic impact survey. A survey, cover letter and a stamped envelope addressed to the department's rules coordinator was mailed (March 29, 2004) to all commercial feed licensees licensed by the department and pet food/specialty pet food registrants registered with the department (514 surveys). All licensees and registrants were given until April 26, 2004, to complete and return the survey. One survey was returned as "undeliverable." Respondents representing a response rate of 27.1%, returned one hundred and thirty-nine surveys. Of those returned, one hundred and fourteen respondents (82.0%) indicated that the proposed tonnage fee increases would have no effect upon their business.

The twenty-five respondents, who reported that the proposed tonnage fees would increase their cost of doing business, reported a total of annual cost of compliance of \$7,986.

Using information gathered on the survey, the department has calculated an estimated average cost of compliance per:

- Full-time employee of \$10.26;
- One hundred dollars of sales of \$00.00; and
- Tons of feed distributed of \$00.01.

The department does not consider these costs to be "more than minor" and, therefore, has not prepared a formal small business economic impact statement as described in chapter 19.85 RCW.

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

Hearing Location: Natural Resources Building, Room 259, 1111 Washington Street, Olympia, WA, on June 30, 2004, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Virginia Walsh by June 14, 2004, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail lmauerman@agr.wa.gov, fax (360) 902-2093, by 5:00 p.m., June 30, 2004.

Date of Intended Adoption: July 6, 2004.

May 19, 2004
Bob Arrington
Assistant Director

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

WAC 16-250-155 Tonnage fee requirements. Each initial distributor of commercial feed in or into Washington state must pay the department an inspection fee of (~~nine~~) twelve cents per ton on all commercial feed they sold during the year. The minimum inspection fee, the late penalty fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

AMENDATORY SECTION (Amending WSR 03-23-129, filed 11/19/03, effective 7/1/04)

WAC 16-252-155 Tonnage fee required. Each initial distributor of a pet food or specialty pet food in or into Washington state must pay the department an inspection fee of (~~nine~~) twelve cents per ton on all pet food or specialty pet food they sold, for distribution within Washington state, during the year. The minimum inspection fee, the late penalty fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

WSR 04-11-097

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed May 19, 2004, 8:34 a.m.]

Continuance of WSR 04-09-056.

Purpose: The purpose of this continuance is to establish a hearing time and location for the proposed amendment to

WAC 246-217-010 Food worker cards—Definitions. This information was left off the original notice.

Hearing Location: State Board of Health, Centralia Train Depot, 210 Railroad Avenue, Centralia, WA 98531, on July 14, 2004, at 2:00 p.m.

Assistance for Persons with Disabilities: Ned Therien by July 7, 2004, (360) 236-2257.

Submit Written Comments to: Ned Therien, P.O. Box 47824, Olympia, WA 98504-7824, fax (360) 236-2257, by July 7, 2004.

Date of Intended Adoption: July 14, 2004.

May 18, 2004

Craig McLaughlin

Acting Executive Director

WSR 04-11-098

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed May 19, 2004, 8:36 a.m.]

Original Notice.

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

Title of Rule: WAC 246-282-990 Sanitary control of shellfish—Fees.

Purpose: The proposed rule restructures a fee schedule, implemented August 16, 2002, pursuant to the 2002 supplemental operating budget, section 220, chapter 371, Laws of 2002, that is assessed to commercial shellfish operations to pay for paralytic shellfish poisoning (PSP) testing of commercially harvested shellfish. The proposed rule has two elements: The annual realignment of geoduck PSP fees, and refunding \$28,800 in unspent fiscal year 2003 fees in the form of a reduction in both the geoduck and intertidal fees. This results in lower fees for most, but raises fees for some geoduck harvesters over 601 limits. Authority to exceed 601 limits was approved by the legislature in the 2003-2005 budget cycle.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

Summary: This proposed revision realigns the geoduck PSP fee using 2003 data; it also refunds 2003 unspent funds to shellfish companies in the form of reduced fees.

Reasons Supporting Proposal: The proposed fees provide the revenue necessary for DOH to conduct testing for PSP in commercial shellfish. This testing is essential to public health as it is the only means available to determine if dangerous levels of PSP exist in commercial shellfish and ensures toxic shellfish do not reach consumers.

Name of Agency Personnel Responsible for Drafting: Jan Jacobs, New Market Center, Building 4, Tumwater, (360) 236-3316; Implementation and Enforcement: Jennifer Tebaldi, New Market Center, Building 4, Tumwater, (360) 236-3325.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule has two distinct elements:

Realigning Geoduck PSP Fees: The method of calculating the geoduck PSP fees was developed in cooperation with the geoduck industry and the Washington treaty tribes.

Geoduck PSP fees are based on the total cost of service. The specific fees are calculated by dividing the number of tests done for each entity by the total number of geoduck PSP tests performed in the prior year. The resulting percentage is then multiplied by the total cost of service, which provides the fee for the current license year.

The current geoduck PSP fees listed in WAC are based on 2002 data, i.e., the entities that submitted geoduck tests in 2002 and the total number of tests performed. This proposed revision seeks to update the geoduck PSP fees based on 2003 data, and allows the inclusion of companies, not on the current fee schedule, that began harvesting geoduck and submitting samples for PSP testing in 2003.

This redistribution is revenue neutral. However, while reducing some fees, the redistribution will increase others over I-601 limits. Authority to exceed I-601 limits was approved by the legislature in the 2003 biennial budget.

Refunding FY03 Unspent Fees: Both the geoduck PSP fees and intertidal PSP fees are based on recovering 100% of the cost of the PSP testing at the public health lab in Seattle. At the onset of PSP fee assessment, DOH promised the shellfish industry that any unspent PSP fees would be refunded to them in the form of lowered fees in a subsequent year. The lab requires \$126,000 per year to cover the costs of commercial PSP testing. In fiscal year 2003, however, the lab's expenditures were down due to staff vacancies and associated costs, which resulted in an under expenditure of \$28,800 of the total PSP fees collected. This proposed revision will result in the refund of those unspent funds to shellfish companies in the form of reduced fees.

Proposal Changes the Following Existing Rules: The proposed rule restructures fees assessed to shellfish operations to pay for PSP testing of commercially harvested shellfish. It allows for the inclusion of all entities submitting geoduck PSP samples to share the cost of that service, and refunds unspent fees collected the previous year in the form of reduced fees for both geoduck and intertidal harvesters.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025, a small business economic impact statement is not required for rules that set or adjust fees pursuant to legislative standards. This rule proposes to revise a fee necessary to defray the costs of administering the commercial shellfish license program. The department is directed under RCW 43.27.250 to set fees so that the cost of a business license program is fully borne by members of that business. In addition, the 2002 supplemental operating budget changed the funding source for this activity from the general fund-state to general fund-local account.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 "significant rule analysis" does not apply to rules that set or adjust fees pursuant to legislative standards, as this proposal does. See above.

PROPOSED

Hearing Location: Department of Health, Point Plaza East, Room 153, 310 Israel Road S.E., Tumwater, WA 98501, on June 24, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jan Jacobs by TDD (800) 833-6388.

Submit Written Comments to: Jan Jacobs, Food Safety and Shellfish Programs, P.O. Box 47824, Olympia, WA 98504-7824, fax (360) 236-3316, by June 24, 2004.

Date of Intended Adoption: June 26, 2004.

May 17, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 03-18-093, filed 9/2/03, effective 10/3/03)

WAC 246-282-990 Fees. (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	\$282.
50 or greater Acres	\$452.
Scallop Shellstock Shipper	\$282
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$622.
Plants with floor space > 5000 sq. ft.	\$1,147.

(2) The fee for each export certificate is \$10.30.

(3) Annual PSP testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category

Type of Operation	Number of Harvest Sites	Fee
Harvester	≤ 2	\$((173)) <u>133</u>
Harvester	3 or more	\$((259)) <u>199</u>
Shellstock Shipper	≤ 2	\$((195)) <u>150</u>
0 - 49 acres		
Shellstock Shipper	3 or more	\$((292)) <u>225</u>
0 - 49 acres		
Shellstock Shipper	N/A	\$((468)) <u>360</u>
50 or greater acres		
Shucker-Packer	≤ 2	\$((354)) <u>273</u>
(plants < 2000 ft ²)		

Fee Category

Type of Operation	Number of Harvest Sites	Fee
Shucker-Packer	3 or more	\$((533)) <u>410</u>
(plants < 2000 ft ²)		
Shucker-Packer	≤ 2	\$((429)) <u>330</u>
(plants 2000-5000 ft ²)		
Shucker-Packer	3 or more	\$((644)) <u>496</u>
(plants 2000-5000 ft ²)		
Shucker-Packer	N/A	\$((1,189)) <u>916</u>
(plants > 5000 ft ²)		

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1 of each year for companies licensed as harvesters; or
- (iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting geoduck are as follows:

Harvester	Fee
Department of natural resources (quota tracts harvested by DNR contract holders)	\$((9,987)) <u>6,393</u>
Jamestown S'Klallam Tribe	\$((10,442)) <u>3,324</u>
Lower Elwah Klallam Tribe	\$((1,249)) <u>1,449</u>
Lummi Nation	\$((454)) <u>341</u>
Nisqually Indian Tribe	\$((2,497)) <u>2,216</u>
Port Gamble S'Klallam Tribe	\$((5,675)) <u>3,324</u>
Puyallup Tribe of Indians	\$((3,859)) <u>3,239</u>
Skokomish Indian Tribe	\$((908)) <u>171</u>
Squaxin Island Tribe	\$((4,994)) <u>2,898</u>
Suquamish Tribe	\$((7,832)) <u>8,610</u>
Swinomish Tribe	\$((568)) <u>256</u>
Tulalip Tribe	\$((2,724)) <u>1,449</u>

PROPOSED

((Chelsea Farms LLC DBA Due's, Inc.	\$227))
<u>Discovery Bay Shellfish</u>	<u>\$171</u>
	\$(454))
Seattle Shellfish	<u>5,285</u>
	\$(795))
Taylor Shellfish Company, Inc. (Shelton)	<u>2,728</u>
	\$(5,335))
Washington Shell Fish, Inc.	<u>2,898</u>

(5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

WSR 04-11-099
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed May 19, 2004, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-097.

Title of Rule: Adult heart surgery standards and need forecasting method; adult elective coronary interventions standards and need forecasting method; and pediatric cardiac surgery and interventional treatment center standards and need forecasting method.

Purpose: To reduce many regulatory requirements prohibiting the establishment of heart surgery and interventional cardiology programs and increase access to those services while still maintaining high quality programs.

Other Identifying Information: The original proposal was heard on March 4, 2003. However, based on public comment, the department has redrafted the proposal.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Statute Being Implemented: Chapter 70.38 RCW.

Summary: Amends WAC 246-310-261 Open heart surgery standards and need forecasting methods, 246-310-262 Nonemergent interventional cardiology standards, and creates new section WAC 246-310-263 Pediatric cardiac surgery and interventional treatment centers standards and need forecasting methods.

Reasons Supporting Proposal: This proposed rule is consistent with recommendations forwarded by the 2000 Heart Surgery Advisory Committee, a panel of top cardiac practitioners and hospitals. These changes will decrease the regulatory burden on applicants and increase access to cardiac services while still maintaining high quality programs.

Name of Agency Personnel Responsible for Drafting and Implementation: Bart Eggen, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2960; and Enforcement: Gary Bennett, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2900.

Name of Proponent: 2000 Heart Surgery Advisory Committee, Department of Health, governmental.

Rule is necessary because of state court decision, 23480-7-II (WAC 246-310-263).

Explanation of Rule, its Purpose, and Anticipated Effects: Amends WAC 246-310-261 Open heart surgery standards and need forecasting methods, to revise definitions to reflect technological changes in adult heart surgery; reduce the minimum volume standards for applying hospitals and individual surgeons, and make other changes which reduce the regulatory burden on applicants. These changes should result in increased access to adult heart surgery services.

Amends WAC 246-310-262 Nonemergent interventional cardiology standards, to remove the requirement that all nonemergent interventional cardiology procedures be performed in hospitals with on-site open heart surgery programs; specifically define "adult elective coronary interventions"; require a separate certificate of need for these programs; establish standards for applying programs; and develop a need forecasting method. These changes should result in increased access to adult elective coronary interventions and provide improved treatment options.

As required through a August 1999 court decision, creates a new section, WAC 246-310-263 Pediatric cardiac surgery and interventional treatment center standards and need forecasting methods consistent with the definitions and standards in the American Academy of Pediatrics, Guidelines for Pediatric Cardiology Diagnostic and Treatment Centers and the adult heart surgery need forecasting method. This places in rule guidelines the department has been utilizing since the court decision, clarifying for applicants the standards and methods the department will use in their decision making.

Proposal Changes the Following Existing Rules: WAC 246-310-261, updates definitions, places requirements for the concurrent review process in this section, reduces minimum volume standards for hospitals and surgeons, changes the process applicants use to demonstrate they can meet the minimum volume, changes the requirements for board certified surgeons and twenty-four-hour coverage, requires institutions to address the heart surgery program in their quality improvement plan, and requires ongoing compliance with the certificate of need standards.

WAC 246-310-262, removes the requirement that all nonemergent interventional cardiology procedures be performed in hospitals with on-site open heart surgery programs, defines "adult elective coronary interventions," requires a separate certificate of need for adult elective coronary intervention programs, establishes a concurrent review process for these programs, develops institutional and staff volume requirements, requires institutions to address the adult elective coronary intervention program in their quality improvement plan, requires ongoing compliance with the certificate of need standards, and develops a need forecasting method.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None of the facilities subject to this rule fall under the definition of a small business.

RCW 34.05.328 applies to this rule adoption. Rules are significant per RCW 34.05.328 (5)(a)(i).

Hearing Location: Department of Health, 310 Israel Road S.E., Rooms 152 and 153, Tumwater, WA 98501, on July 12, 2004, at 9:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Yvette Fox by July 6, 2004, TDD (800) 833-6388 or (360) 236-2928.

Submit Written Comments to: Yvette Fox, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, fax (360) 236-2901, www3.doh.wa.gov/policyreview, comments due by July 12, 2004.

Date of Intended Adoption: August 1, 2004.

May 14, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending Order 274, filed 5/26/92, effective 6/26/92)

WAC 246-310-261 ((Open)) Adult heart surgery standards and need forecasting method. (1) Heart surgery means a specialized surgical procedure of the heart and great vessels in the chest (excluding organ transplantation) (which utilizes a heart-lung bypass machine and is intended to correct congenital and acquired cardiac and coronary artery disease).

(2) Heart surgery is a tertiary service as listed in WAC 246-310-020. To be granted a certificate of need, ((an open)) a heart surgery program ((shall)) must meet the standards in this section in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240. To be granted a certificate of need for adult heart surgery, a hospital is also required to have or concurrently obtain a separate certificate of need for adult elective coronary intervention as defined in WAC 246-310-262.

(3) The department shall review new adult heart surgery applications using the concurrent review cycle in this subsection.

(a) Applicants must submit letters of intent between the first working day and last working day of July of each year.

(b) Initial applications must be submitted between the first working day and last working day of August of each year.

(c) The department shall screen initial applications for completeness by the last working day of September of each year.

(d) Responses to screening questions must be submitted by the last working day of October of each year.

(e) The public review and comment period for applications begins on November 16 of each year. If November 16 is not a working day in any year, then the public review and comment period begins on the first working day after November 16.

(f) The public comment period is limited to ninety days, unless extended under WAC 246-310-120 (2)(d). The first sixty days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested person that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, must also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period may not exceed sixty days, unless extended under WAC 246-310-120 (2)(d).

(4) The department may convert the review of an application that was initially submitted under the concurrent review cycle to a regular review process if the department determines that the application does not compete with another application.

(5) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

(6) Standards.

(a) A minimum of two hundred fifty ((open)) heart surgery procedures per year ((shall)) must be performed at ((institutions)) hospitals with an ((open)) adult heart surgery program by the third year of operation and for each year thereafter.

(b) Hospitals applying for a certificate of need ((shall)) must demonstrate that they can meet one hundred ten percent of the minimum volume standard. ((To do so,)) The applicant hospital must provide ((written documentation, which is verifiable, of open heart surgeries performed on patients referred by active medical staff of the hospital. The volume of surgeries counted must be appropriate for the proposed program (i.e., pediatric and recognized complicated cases would be excluded).

(c) No new program shall be established which will reduce an existing program below the minimum volume standard.

(d) Open heart surgery programs shall have at least two board-certified cardiac surgeons, one of whom shall be available for emergency surgery twenty-four hours a day. The practice of these surgeons shall be concentrated in a single institution and arranged so that each surgeon performs a minimum of one hundred twenty-five open heart surgery procedures per year at that institution.

(e) Institutions with open heart surgery programs shall have plans for facilitating emergency access to open heart surgery services at all times for the population they serve. These plans should, at minimum, include arrangements for addressing peak volume periods (such as joint agreements with other programs, the capacity to temporarily increase staffing, etc.), and the maintenance of or affiliation with emergency transportation services (including contingency plans for poor weather and known traffic congestion problems).

(f)) data from CHARS demonstrating:

(i) The zip codes served by the applying hospital;

(ii) The applying hospital's percentage of total adult hospital admissions in the applicable zip codes during the most recent available three years data. Expired patients will not be counted;

(iii) The number of heart surgeries performed on patients from these zip codes during the most recent available three years data. The percentage established in (ii) of this subsection must then be applied to the number of heart surgeries. This number must be equal to or greater than two hundred seventy-five (one hundred ten percent of the minimum volume).

(c) The department shall not grant a certificate of need to a new program if the new program would:

(i) Cause the number of procedures at any existing program to drop below two hundred seventy-five procedures per year; or

(ii) Reduce the number of procedures at any existing program that has not yet reached two hundred seventy-five procedures per year.

(d) At the time of project commencement, and thereafter, heart surgery programs must have at least two cardiac surgeons. Of the two required surgeons, one must be the program's designated head and be a U.S. board certified cardiac or cardio-thoracic surgeon. The other required surgeon must be a U.S. board certified or board prepared cardiac or cardio-thoracic surgeon. Board prepared status must not extend beyond five years.

(e) Each required surgeon must perform a minimum of one hundred twenty-five heart surgery procedures per year. By the end of the third year of the program's operation each required surgeon must perform at least one hundred heart surgery procedures at the applying hospital.

(f) The program must provide twenty-four hour coverage.

(g) Hospitals with heart surgery programs must have plans for facilitating emergency access to heart surgery services at all times for the population they serve. These plans should, at minimum, include arrangements for addressing peak volume periods (such as joint agreements with other programs, the capacity to temporarily increase staffing, etc.), and the maintenance of or affiliation with emergency transportation services (including contingency plans for poor weather and known traffic congestion).

(h) Hospitals with heart surgery programs must provide a copy of the hospital's OI plan that includes/incorporates a section specific to the heart surgery program.

(i) When a certificate of need is issued, it will be conditioned, at a minimum, to require ongoing compliance with the certificate of need standards. Failure to operate the heart surgery program in accordance with certificate of need standards may be grounds for revocation or suspension of a hospital's certificate of need, or other appropriate licensing or certification action.

(j) In the event two or more hospitals are competing to meet the same forecasted net need, the department shall consider the following factors when determining which proposal best meets forecasted need:

(i) The most appropriate improvement in geographic access;

(ii) The most cost efficient service;

(iii) Minimizing impact on existing programs;

(iv) Providing the greatest breadth and depth of cardiovascular and support services; and

(v) Facilitating emergency access to care.

~~((g))~~ (k) Hospitals granted a certificate of need have three years from the date ((the program is initiated)) of project commencement to ((establish)) meet the program ((and meet these)) procedure volume standards.

~~((h))~~ (l) These standards should be reevaluated ((in at least)) every three years.

~~((4))~~ Steps in the need forecasting method. The department will develop a forecast of need for open heart surgery every year using the following procedures:

~~(a) Step 1.~~ Based upon the most recent three years volumes reported for the hospitals within each planning area, compute the planning area's current capacity and the percent of out-of-state use of the area's hospitals. In those planning areas where a new program is being established, the assumed volume of that institution will be the greater of either the minimum volume standard or the estimated volume described in the approved application and adjusted by the department in the course of review and approval.

~~(b) Step 2.~~ Patient origin adjust the three years of open heart surgery data, and compute each planning area's age-specific use rates and market shares.

~~(e) Step 3.)~~ (7) Need forecasting method. The data used for evaluating applications submitted during the concurrent review cycle will be the most recent three years CHARS data available at the close of the application submittal period for that review cycle.

(a) Step 1. Compute each planning area's current capacity. In those planning areas where a new program is being established, the assumed volume of that hospital will be the greater of the actual volume or the minimum volume standard or the estimated volume described in the approved application, including any adjustments made by the department in the course of review and approval.

(b) Step 2. Compute the average percent of out-of-state use of each planning area.

(c) Step 3. Adjust the three years of heart surgery data for patient origin.

(d) Step 4. Compute each planning area's average age-specific use rates.

(e) Step 5. Compute each planning area's average age-specific market shares.

(f) Step 6. Multiply the planning area's average age-specific use rates by the area's corresponding forecast year population. The sum of these figures equals the forecasted number of surgeries expected to be performed on the residents of each planning area.

~~((d) Step 4.)~~ (g) Step 7. Apportion the forecasted surgeries among the planning areas in accordance with each area's average age-specific market share for the ((last three years of the)) four planning areas. This figure equals the forecasted number of state residents' surgeries expected to occur within ((the hospitals in)) each planning area. In those areas where a newly approved program is being established, an adjustment will be made to reflect anticipated market share shifts consistent with the approved application.

~~((e) Step 5.)~~ (h) Step 8. Increase the number of surgeries expected to occur within ((the hospitals in)) each planning area in accordance with the percent of surgeries calculated as occurring in ((those hospitals)) each planning area on out-of-state residents((, based on the average of the last three

years)). This figure equals the total forecasted number of surgeries expected to occur within ~~((the hospitals in))~~ each planning area.

~~((f) Step 6.)~~ (i) Step 9. Calculate the net need for additional ~~((open))~~ heart surgery ~~((services))~~ programs by subtracting the current capacity from the total forecasted surgeries.

~~((g) Step 7. If the net need is less than the minimum volume standard, no new programs shall be assumed to be needed in the planning area. However, hospitals may be granted certificate of need approval even if the forecasted need is less than the minimum volume standard, provided:))~~

(j) Step 10. The department will not grant a certificate of need to new programs if the net need is less than the minimum volume standard. An exception may be made and a certificate of need granted if (j)(i) and (ii) of this subsection can be met:

(i) The applying hospital can meet all the other certificate of need criteria for ~~((an open))~~ a heart surgery program (including documented evidence of capability of achieving the minimum volume standard); and

~~((There is documented evidence that))~~ (ii) At least eighty percent of the ~~((patients referred for open))~~ results identified in subsection (6)(b)(iii) of this section for heart surgery ~~((by the medical staff of the applying hospital are referred to institutions))~~ received heart surgery at hospitals more than seventy-five miles away.

~~((5))~~ (8) For the purposes of the forecasting method in this section, the following terms have the following specific meanings:

(a) Age-specific categories. The categories used in computing age-specific values will be fifteen to forty-four year olds, forty-five to sixty-four year olds, sixty-five to seventy-four year olds, and seventy-five and older.

(b) Current capacity. A planning area's current capacity for ~~((open))~~ heart surgeries equals the sum of the highest reported annual volume for each hospital ~~((within the planning area during the most recent available three years data))~~ with an approved heart surgery program within the planning area. In those planning areas where a new program is being established, the assumed volume of that hospital will be the greater of the actual volume or the minimum volume standard or the estimated volume described in the approved application, including any adjustments made by the department in the course of review and approval.

(c) Forecast year. ~~((Open))~~ Heart surgery service needs shall be based on forecasts for the fourth year after the certificate of need ~~((open))~~ heart surgery concurrent review process. ~~((The 1992 reviews will be based on forecasts for 1996.))~~

(d) Market share. The market share of a planning area represents the percent of a planning area's total patient origin adjusted surgeries that were performed in hospitals located in that planning area. ~~((The most recent available three years data will be used to compute the age-specific market shares for each planning area.))~~

(e) ~~((Open))~~ Heart surgeries. ~~((Open))~~ Heart surgeries are defined as diagnosis related groups (DRGs) 104 through ~~((108, inclusive))~~ 111 as developed under the Centers for Medicare and Medicaid Services (CMS) contract. The

department will update the list of codes administratively to reflect future revisions made by CMS to the DRGs to be considered in certificate of need definitions, analyses and decisions. The department's updates to DRGs will be based on the definition of heart surgery contained in subsection (1) of this section. All pediatric surgeries (ages fourteen and under) are excluded.

(f) Out-of-state use of planning area hospitals. The percent of out-of-state use of hospitals within a planning area will equal the percent of total surgeries occurring within the planning area's hospitals that were performed on patients from out-of-state (or on patients whose reported zip codes are invalid). ~~((The most recent available three years data will be used to compute out-of-state use of planning area hospitals.))~~

(g) Patient origin adjustment. A patient origin adjustment of ~~((open))~~ heart surgeries provides a count of surgeries performed on the residents of a planning area regardless of which planning area the surgeries were performed in. (Surgeries can be patient origin adjusted by using the patient's zip code reported in the CHARS data base.)

(h) Planning areas. Four regional health service areas will be used as planning areas for forecasting ~~((open))~~ heart surgery service needs.

(i) Health service area "one" includes the following counties: Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Snohomish, Skagit, and Whatcom.

(ii) Health service area "two" includes the following counties: Cowlitz, Clark, Grays Harbor, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum.

(iii) Health service area "three" includes the following counties: Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Okanogan, and Yakima.

(iv) Health service area "four" includes Adams, Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Stevens, Spokane, Walla Walla, and Whitman.

(v) Use rate. The ~~((open))~~ heart surgery use rate equals the number of surgeries performed on the residents of a planning area divided by the population of that planning area. ~~((The most recent available three years data is used to compute an averaged annual age-specific use rate for the residents of each of the four planning areas.))~~

~~((6))~~ (9) The data source for ~~((open))~~ heart surgeries is the comprehensive hospital abstract reporting system (CHARS), office of hospital and patient data, department of health.

~~((7))~~ (10) The data source for population estimates and forecasts is the office of financial management population trends reports.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-262 ~~((Nonemergent interventional cardiology standard.))~~ Adult elective coronary interventions—Standards and need forecasting method. ~~((All non-emergent percutaneous transluminal coronary angioplasty (PTCA) procedures and all other nonemergent interventional cardiology procedures are tertiary services as defined in WAC 246-310-010 and shall be performed in institutions which have an established on-site open heart surgery pro-~~

~~gram capable of performing emergency open heart surgery-)~~
(1) Adult elective coronary interventions mean catheter-based nonsurgical therapeutic interventions in the heart and great vessels in the chest. These procedures must be provided only in a facility that has on-site inpatient hospital services. For purposes of this section, a facility that has on-site inpatient hospital services includes a permanent structure that is attached to or contiguous with an inpatient hospital facility. These interventions include, but are not limited to: Insertion of coronary artery stents, percutaneous transluminal coronary angioplasty (PTCA), and catheter-based invasive electrophysiologic procedures.

(2) Adult elective coronary interventions are tertiary services as listed in WAC 246-310-020. To be granted a certificate of need, an adult elective coronary intervention program must meet the standards in this section in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(3) The department shall review new adult elective coronary intervention services using the concurrent review cycle in this subsection, except as noted in subsection (6) of this section.

(a) Applicants must submit letters of intent between the first working day and last working day of July of each year.

(b) Initial applications must be submitted between the first working day and last working day of August of each year.

(c) The department shall screen initial applications for completeness by the last working day of September of each year.

(d) Responses to screening questions must be submitted by the last working day of October of each year.

(e) The public review and comment period for applications begins on November 16 of each year. If November 16 is not a working day in any year, then the public review and comment period begins on the first working day after November 16.

(f) The public comment period is limited to ninety days, unless extended under WAC 246-310-120 (2)(d). The first sixty days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested person that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, must also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period may not exceed sixty days, unless extended under WAC 246-310-120 (2)(d).

(4) The department may convert the review of an application that was initially submitted under the concurrent review cycle to a regular review process if the department determines that the application does not compete with another application.

(5) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

(6) The department may administratively determine and announce an alternative schedule of the events in subsection (3) of this section, during the first and second year this rule is in force.

(7) Standards.

(a) Hospital volume requirements.

(i) A minimum of two hundred therapeutic catheter-based interventions per year must be performed in hospitals with an adult elective coronary intervention program by the end of the third year of operation and for each year thereafter.

(ii) During the first year of operation, a minimum of one hundred therapeutic catheter-based interventions must be performed.

(b) Hospitals applying for a certificate of need must demonstrate that they can meet one hundred ten percent of the minimum volume standard. The applicant hospital must provide data from CHARS demonstrating:

(i) The zip codes served by the applying hospital;

(ii) The applying hospital's percentage of total adult hospital admissions in the applicable zip codes during the most recent available three years data. Expired patients will not be counted.

(iii) The number of adult therapeutic catheter-based interventions from these zip codes during the most recent available three years data. The percentage established in (b)(ii) of this subsection must then be applied to the number of therapeutic catheter-based interventions. This number must be equal to or greater than two hundred twenty procedures (one hundred ten percent of the minimum volume).

(c) The department will not grant a certificate of need to a new program if the new program would:

(i) Cause the number of procedures at any existing program to drop below two hundred twenty procedures per year; or

(ii) Reduce the number of procedures at any existing program that has not yet reached two hundred twenty procedures per year; or

(iii) Reduce an existing hospital located within fifty miles travel distance that is currently performing in excess of four hundred interventions per year to fewer than four hundred interventions per year.

(d) Physicians performing adult elective coronary interventional procedures at the applying hospital must meet the certification standards in (e) of this subsection and volume standards in (f) of this subsection.

(e) Physician certification standards.

(i) Director of interventional cardiology. At the time the project is initiated, and thereafter, the director of the adult elective coronary intervention program must be U.S. board certified in general cardiology and become U.S. board certified in interventional cardiology within two years.

(ii) Established cardiologists. Established cardiologists are defined as cardiologists out of fellowship for more than two years as of the effective date of this section. At the time of project commencement, and thereafter, established cardi-

ologists must be U.S. board certified or board prepared in interventional cardiology. Board prepared status must not extend beyond five years. Cardiologists certified in general cardiology at time of project commencement and thereafter, must be U.S. Interventional Cardiology Board certified within five years.

(iii) New cardiologists. New cardiologists means those cardiologists out of fellowship for less than two years. At the time of project commencement, and thereafter, new cardiologists must be U.S. board certified or board prepared in interventional cardiology and must maintain certification. Board prepared status must not extend beyond two years.

(iv) An exception to the requirement for interventional cardiology board certification or prepared for both (e)(i) and (ii) of this subsection applies to physicians having acquired board certification in cardiology prior to 2003 and having acquired documented personal post-training experience of at least five hundred interventions or at least one hundred fifty post-training interventions in the preceding two years.

(f) Physicians volume standard.

(i) Established cardiologists. Established cardiologists (including the director of interventional cardiology) must perform a minimum of seventy-five catheter-based therapeutic interventions per year. An exception to this volume standard is given to those established cardiologists who have performed a minimum of five hundred post-training cases during his/her career. For these established cardiologists the minimum volume standard is fifty procedures per year.

(ii) New cardiologists. New cardiologists must perform a minimum of fifty catheter-based therapeutic interventions per year until they have been in post-fellowship practice for two years. After the two-year period, these cardiologists must meet the established cardiologist minimum volume standards.

(g) Hospitals with adult elective coronary intervention programs must have plans for facilitating safe and swift emergency access to heart surgery services at all times for the population they serve. These plans must include, at a minimum:

(i) A formal written transfer agreement for emergency medical/surgical management with at least one hospital that provides heart surgery services, that can be reached expeditiously from the program by available emergency transport within a reasonable amount of time (never to exceed two hours) and that provides the greatest assurance of patient safety;

(ii) A plan for conferences between representatives from the heart surgery program(s) and the elective coronary intervention program to be held at least quarterly, in which a significant number of preoperative and post-operative cases are reviewed, including all transport cases;

(iii) Arrangements for addressing peak volume periods (such as joint agreements with other programs, the capacity to temporarily increase staffing, etc.); and

(iv) The maintenance of, or affiliation with, emergency transportation services (including contingency plans for poor weather and known traffic congestion problems).

(h) Hospitals with adult elective coronary intervention programs must provide a copy of the hospital's OI plan that

includes/incorporates a section specific to the adult elective coronary intervention program.

(i) If a certificate of need is issued, it will be conditioned, at a minimum, to require ongoing compliance with the certificate of need standards. Failure to meet the conditioned standards may be grounds for revocation or suspension of a hospital's certificate of need, or other appropriate licensing or certification actions.

(j) If two or more hospitals are competing to meet the same forecasted net need, the department shall consider the following factors when determining which proposal best meets forecasted need:

(i) The most appropriate improvement in geographic access;

(ii) The most cost efficient service;

(iii) Minimizing impact on existing adult coronary intervention programs;

(iv) Providing the greatest breadth and depth of cardiovascular and support services; and

(v) Facilitating emergency access to care.

(k) Hospitals granted a certificate of need have three years from the date of initiating the program to meet the program procedure volume standards.

(l) These standards should be reevaluated every three years.

(8) Need forecasting method. The data used for evaluating applications submitted during the concurrent review cycle will be the most recent three years CHARS data available at the close of the application submittal period for that review cycle.

(a) Step 1. Compute the planning area's current capacity. In those planning areas where a new program has operated less than three years, the assumed volume of that hospital will be the greater of the actual volume or the minimum volume standard or the estimated volume described in the approved application, including any adjustments made by the department in the course of review and approval.

(b) Step 2. Adjust the data for patient origin.

(c) Step 3. Compute the average percent of out-of-state use of each planning area. This is calculated by dividing the number of catheter-based therapeutic interventions occurring within the planning area's hospitals that were performed on residents from out-of-state (or on patients whose reported zip codes are invalid) by the sum of interventions performed on residents of that planning area and out-of-state residents.

(d) Step 4. Compute each planning area's average age-specific use rates.

(e) Step 5. Multiply the planning area's average age-specific use rates by the area's corresponding forecast year population. The sum of these figures equals the forecasted number of catheter-based therapeutic interventions expected to be performed on the residents of each planning area.

(f) Step 6. For each planning area, increase the number of projected catheter-based therapeutic interventions in accordance with the percent of catheter-based therapeutic interventions projected for out-of-state residents.

(g) Step 7. Calculate the net need for additional adult elective coronary intervention programs by subtracting the current capacity from the results of step 6.

(h) Step 8. The department will not grant a certificate of need for new programs if the net need is less than the minimum volume standard. An exception may be made and a certificate of need granted if (h)(i) and either (ii) or (iii) of this subsection can be met:

(i) The applying hospital meets all the other certificate of need criteria for an adult elective coronary intervention program (including documented evidence of capability of achieving the minimum volume standard); and

(ii) There is no existing program in the planning area; or

(iii) If there is an existing program in the planning area, eighty percent of the results identified in subsection (7)(b)(iii) of this section for catheter-based therapeutic interventions received interventional services at hospitals more than seventy-five miles away.

(9) For the purposes of the forecasting method in this section, the following terms have the following specific meanings:

(a) Age-specific categories. The categories used in computing age-specific values will be fifteen to forty-four year olds, forty-five to sixty-four year olds, sixty-five to seventy-four year olds, and seventy-five and older.

(b) Current capacity. A planning area's current capacity for adult elective coronary interventions equals the sum of the highest reported annual volume for each hospital with an approved adult interventional program or a department grandfathered program within the planning area. In those planning areas where a new program has operated less than three years, the assumed volume of that hospital will be the greater of the actual volume or the minimum volume standard or the estimated volume described in the approved application, including any adjustments made by the department in the course of review and approval.

(c) Forecast year. Adult elective coronary intervention service needs must be based on forecasts for the fourth year after the certificate of need adult elective coronary intervention concurrent review process.

(d) Adult elective coronary interventions. Adult elective coronary interventions means diagnosis related groups as developed under the Centers for Medicare and Medicaid Services (CMS) contract that describe catheter-based interventions involving the coronary arteries and great arteries of the chest. All pediatric catheter-based therapeutic and diagnostic interventions (ages fourteen and under) are excluded. The department will update the list of codes administratively to reflect future revisions made by CMS to the DRGs to be considered in certificate of need definitions, analyses, and decisions. The department's updates to DRGs will be based on the definition of adult elective coronary interventions contained in WAC 246-310-262(1).

(e) Patient origin adjustment. A patient origin adjustment of catheter-based therapeutic interventions provides a count of interventions performed on the residents of a planning area regardless of which planning area the interventions were performed in. (Interventions can be patient origin adjusted by using the patient's zip code reported in the CHARS data base.)

(f) Planning areas. Planning area means each individual county designated by the department as the smallest geo-

graphic area for which adult coronary interventions are projected.

(g) Use rate. The adult elective coronary intervention use rate equals the number of catheter-based therapeutic interventions performed on the residents of a planning area divided by the population of that planning area.

(h) Grandfathered programs means those hospitals operating a certificate of need approved interventional cardiac catheterization program or heart surgery program prior to the effective date of these rules. For hospitals with jointly operated programs, only the hospital where the program's procedures were approved to be performed will be grandfathered.

(10) The data source for adult elective coronary interventions is the comprehensive hospital abstract reporting system (CHARS), office of hospital and patient data, department of health.

(11) The data source for population estimates and forecasts is the office of financial management population trends reports.

NEW SECTION

WAC 246-310-263 Pediatric cardiac surgery and interventional treatment center standards and need forecasting method. (1) A pediatric cardiac surgery and interventional treatment center is a hospital providing comprehensive pediatric cardiology care, including medical and surgical diagnosis and treatment.

(2) Pediatric cardiac surgery and interventions includes, but is not limited to: All pediatric surgery of the heart (excluding organ transplantation) and the great vessels in the chest; all pediatric catheter-based nonsurgical therapeutic and diagnostic interventions in the heart and great vessels in the chest; and invasive pediatric electrophysiologic procedures.

(3) Pediatric cardiac surgery and interventional procedure is a tertiary service as listed in WAC 246-310-020. To be granted a certificate of need for a pediatric cardiac surgery and interventional treatment center, a hospital must meet the standards in this section in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(4) The department must review new pediatric cardiac surgery and interventional center applications using the concurrent review cycle in this section.

(a) Applicants must submit letters of intent between the first working day and last working day of August of each year.

(b) Initial applications must be submitted between the first working day and last working day of September of each year.

(c) The department shall screen initial applications for completeness by the last working day of October of each year.

(d) Responses to screening questions must be submitted by the last working day of November of each year.

(e) The public review and comment period for applications begins on December 16 of each year. If December 16 is not a working day in any year, then the public review and

comment period begins on the first working day after December 16.

(f) The public comment period is limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d). The first sixty days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested person that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, must also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period is limited to sixty days, unless extended according to the provisions of WAC 246-310-120.

(5) The department may convert the review of an application that was initially submitted under the concurrent review cycle to a regular review process if the department determines that the application does not compete with another application.

(6) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

(7) Standards.

(a) A minimum of one hundred pediatric cardiac surgical procedures (seventy-five with extracorporeal circulation) per year and a minimum of one hundred fifty catheterizations must be performed at a hospital with a pediatric cardiac surgery and interventional treatment center by the third year of operation and each year thereafter.

(b) Hospitals applying for a pediatric cardiac surgery and interventional center certificate of need must demonstrate that they can meet one hundred ten percent of the minimum volume standards. The applicant hospital must provide data from CHARS demonstrating:

(i) The zip codes served by the applying hospital;

(ii) The percentage of the total hospital admissions for children ages zero through nineteen served by the applying hospital in each of the applicable zip codes during the most recent available three years data. Expired patients will not be counted;

(iii) The number of pediatric heart surgeries, number of therapeutic and diagnostic interventions and invasive electrophysiologic procedures performed in these zip codes during the most recent available three years data. The percentage established in (b)(ii) of this subsection shall then be applied to the number of pediatric heart surgeries, interventions and invasive electrophysiologic procedures. This number must be equal to or greater than one hundred ten percent of the minimum volume standards.

(c) The department will not grant a certificate of need to a new center if:

(i) The new center will reduce any existing center below one hundred ten percent of any one of the minimum volume standards; or

(ii) Reduces the volumes of any existing center that has not yet met any one of the minimum volume standards; or

(iii) Fails to meet any one of the center's minimum volume standards.

(d) At time of initiating the program, and thereafter, the director of the pediatric cardiac surgery and interventional center must be a U.S. board certified pediatric cardiologist.

(e) At time of initiating the program, and thereafter, pediatric cardiac surgery and interventional centers must have at least two U.S. board certified or board prepared cardiac surgeons on the staff. At least one of the required surgeons must be certified by the American Board of Thoracic Surgery. Board prepared status must not extend beyond five years.

(f) The program must provide twenty-four hour coverage.

(g) Hospitals with a pediatric cardiac surgery and interventional center must have plans for facilitating emergency access to heart surgery services at all times for the population they serve. These plans should, at minimum, include arrangements for addressing peak volume periods (such as joint agreements with other programs, the capacity to temporarily increase staffing, etc.), and the maintenance of or affiliation with emergency transportation services (including contingency plans for poor weather and known traffic congestion problems).

(h) Hospitals with a pediatric cardiology surgery and interventional center must provide a copy of the hospital's QI plan that includes/incorporates a section specific to the pediatric cardiac surgery and interventional center.

(i) If a certificate of need is issued, it will be conditioned, at a minimum, to require ongoing compliance with the certificate of need standards. Failure to meet the conditioned standards may be grounds for revocation or suspension of a hospital's certificate of need, or other appropriate licensing or certification action.

(j) In the event two or more centers are competing to meet the same forecasted net need, the department shall consider the following factors when determining which proposal best meets forecasted need:

(i) The most appropriate improvement in geographic access;

(ii) The most cost efficient service;

(iii) Minimizing impact on existing programs;

(iv) Providing the greatest breadth and depth of pediatric cardiovascular and support services; and

(v) Facilitating emergency access to care.

(k) Hospitals granted a certificate of need have three years from the date of initiating the program to meet the center procedure volume standards.

(l) These standards should be reevaluated every three years.

(8) Need forecasting method. The data used for evaluating applications submitted during the concurrent review cycle will be the most recent three years CHARS data available at the close of the application submittal period for that

review cycle. Separate forecasts are to be made for heart surgery, interventions and electrophysiological procedures.

(a) Step 1. Compute the planning area's current capacity. When a new center is being established, the assumed volume of that center will be the greater of the actual volume or the minimum volume standards or the estimated volumes described in the approved application, including any adjustments made by the department in the course of review and approval.

(b) Step 2. Compute the percent of out-of-state use of the area's hospitals.

(c) Step 3. Compute the planning area's average age-specific use rates.

(d) Step 4. Multiply the planning area's age-specific use rates by the area's corresponding forecast year population. The sum of these figures equals the forecasted number of pediatric cardiac surgical and interventional procedures expected to be performed on Washington pediatric residents.

(e) Step 5. Increase the number of pediatric cardiac surgical and interventional procedures expected to occur within the planning area in accordance with the percent of procedures calculated as occurring in those hospitals on out-of-state residents, based on the average of the last three years. This figure equals the total forecasted number of procedures expected to occur within the hospital's planning area.

(f) Step 6. Calculate the net need for additional pediatric cardiac centers by subtracting the current capacity from the total forecasted pediatric cardiac surgical and interventional procedures.

(g) Step 7. The department will not grant a certificate of need for a new center if the need is less than the minimum volume standards. An exception may be made and a certificate of need granted if (g)(i) and (ii) of this subsection can be met:

(i) The applying hospital can meet all the other certificate of need criteria for a pediatric cardiac surgery and interventional treatment center (including documented evidence of capability of achieving the minimum volume standard); and

(ii) At least eighty percent of the results identified in subsection (7)(b)(iii) of this section for pediatric cardiac services received pediatric cardiac services more than seventy-five miles away.

(9) For the purposes of the forecasting method in this section, the following terms have the following specific meanings:

(a) Age-specific categories. The categories used in computing age-specific values will be zero through fourteen, fifteen through nineteen year olds.

(b) Current capacity. The planning area's current capacity for pediatric cardiac surgical and interventional procedures equals the sum of the highest reported annual volume for each hospital with an approved pediatric cardiac surgical and interventional center within the planning area. When a new center is being established, the assumed volumes of that center will be the greater of the actual volume or minimum volume standards or the estimated volumes described in the approved application, including any adjustments made by the department in the course of review and approval.

(c) Forecast year. Pediatric cardiac surgery and interventional service needs shall be based on forecasts for the fourth year after the certificate of need pediatric cardiac surgery and interventional concurrent review process.

(d) Pediatric cardiac surgery and intervention. Pediatric cardiac surgery and intervention means diagnosis related groups (DRGs) 104-111 and 115-116, as developed under the Centers for Medicare and Medicaid Services (CMS) contract. All adult cardiac procedures (ages twenty-one and over) are excluded. The department will update the list of codes administratively to reflect future revisions made by CMS to the DRGs to be considered in certificate of need definitions, analyses and decisions. The department's updates to DRGs will be based on the definition of pediatric heart surgery contained in subsection (2) of this section.

(e) Out-of-state use of planning area hospitals. The percent of out-of-state use of hospitals within the planning area will equal the percent of total pediatric cardiac surgery and interventional procedures occurring within the planning area's hospitals that were performed on patients from out-of-state (or on patients whose reported zip codes are invalid). The most recent available three years data will be used to compute out-of-state use of Washington hospitals.

(f) Planning area. For the purpose of pediatric cardiac surgery and intervention, the planning area is the state of Washington.

Use rate. The pediatric cardiac surgery and interventional use rate equals the number of procedures performed on the pediatric residents of the planning area.

(10) The data source for pediatric cardiac surgery and interventional procedures is the comprehensive hospital abstract reporting system (CHARS), office of hospital and patient data, department of health.

(11) The data source for population estimates and forecasts is the office of financial management population trends reports.

AMENDATORY SECTION (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

WAC 246-310-990 Certificate of need review fees. (1) An application for a certificate of need under chapter 246-310 WAC must include payment of a fee consisting of the following:

- (a) A review fee based on the facility/project type;
- (b) If more than one facility/project type applies to an application, the review fee for each type of facility/project must be included.

Facility/Project Type	Review Fee
Ambulatory Surgical Centers/Facilities	\$13,379.00
Amendments to Issued Certificates of Need	\$8,432.00
Emergency Review	\$5,427.00
Exemption Requests	
• Continuing Care Retirement Communities (CCRCs)/Health Maintenance Organization (HMOs)	\$5,427.00
• Bed Banking/Conversions	\$883.00

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• Determinations of Nonreviewability	\$1,261.00
• Hospice Care Center	\$1,136.00
• Nursing Home Replacement/Renovation Authorizations	\$1,136.00
• Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement/Renovation Authorizations)	\$1,136.00
• Rural Hospital/Rural Health Care Facility	\$1,136.00
Extensions	
• Bed Banking	\$505.00
• Certificate of Need/Replacement Renovation Authorization Validity Period	\$505.00
Home Health Agency	\$16,155.00
Hospice Agency	\$14,388.00
Hospice Care Centers	\$8,432.00
Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center/Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)	\$26,506.00
Kidney Disease Treatment Centers	\$16,409.00
Nursing Homes (Including CCRCs and TCUs)	\$30,293.00

(2) The fee for amending a pending certificate of need application is determined as follows:

(a) If an amendment to a pending certificate of need application results in the addition of one or more facility/project types, the review fee for each additional facility/project type must accompany the amendment application;

(b) If an amendment to a pending certificate of need application results in the removal of one or more facility/project types, the department shall refund to the applicant the difference between the review fee previously paid and the review fee applicable to the new facility/project type; or

(c) If an amendment to a pending certificate of need application results in any other change as identified in WAC 246-310-100, a fee of one thousand three hundred fifty-one dollars must accompany the amendment application.

(3) Where a hospital simultaneously submits applications for heart surgery and elective coronary interventions certificates of need, as required by WAC 246-310-261(2), the combined fee for the two applications will be one hundred fifty percent of the normally required sum for one application.

(4) If a certificate of need application is returned by the department under WAC 246-310-090 (2)(b) or (e), the department shall refund seventy-five percent of the review fees paid.

((4)) (5) If an applicant submits a written request to withdraw a certificate of need application before the beginning of review, the department shall refund seventy-five percent of the review fees paid by the applicant.

((5)) (6) If an applicant submits a written request to withdraw a certificate of need application after the beginning of review, but before the beginning of the ex parte period, the department shall refund one-half of all review fees paid.

((6)) (7) If an applicant submits a written request to withdraw a certificate of need application after the beginning of the ex parte period the department shall not refund any of the review fees paid.

((7)) (8) Review fees for exemptions and extensions are nonrefundable.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-310-132 Open heart surgery concurrent review cycle.

**WSR 04-11-103
PROPOSED RULES
LAKE WASHINGTON
TECHNICAL COLLEGE**
[Filed May 19, 2004, 9:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-105.

Title of Rule: Student rights and responsibilities, conduct code.

Purpose: To provide a current and comprehensive student conduct code consistent with federal and state regulations and intercollege agreements.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Revisions to, and replacement of, chapter 495D-120 WAC were required by changes in state liability and public access, distance learning agreements, and alignment with Washington State Administrative Procedure Act.

Reasons Supporting Proposal: Improved and compliant rules of conduct that are in accordance with external regulations and college procedures.

Name of Agency Personnel Responsible for Drafting and Implementation: Dennis B. Long, 11605 132nd Avenue N.E., Kirkland, WA, (425) 739-8313; Enforcement: Michael Metke, 11605 132nd Avenue N.E., Kirkland, WA, (425) 739-8200.

Name of Proponent: Lake Washington Technical College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule defines elements of student conduct that are prohibited or restricted. The purpose is to maintain and establish a safe and open environment of learning at the college.

The effects of the rule change will be a more easily understood disciplinary process, rules that protect student's rights, and establish due process protections for students and the college.

Proposal Changes the Following Existing Rules: Substitute changes to improve the summary suspension procedure, clarify, and improve the appeals of grievances and disciplinary process. New rule addressing jurisdiction of student conduct in Washington online distance learning classes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. It shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, and increased administrative costs.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply because the agency is not one of the enumerated agencies in RCW 34.05.328(5), and the agency has not opted to be covered by this section. The proposed rule changes are primarily procedural in nature and do not subject a person to a penalty or sanction.

Hearing Location: Lake Washington Technical College, Room W305A, 11605 132nd Avenue N.E., Kirkland, WA 98034, on July 1, 2004, at 2:30 p.m.

Assistance for Persons with Disabilities: Contact Mia Calkins at (425) 739-8200, by June 24, 2004, TDD (425) 739-8109.

Submit Written Comments to: Dennis B. Long, Lake Washington Technical College, 11605 132nd Avenue N.E., Kirkland, WA 98034, fax (425) 739-8299, by June 24, 2004.

Date of Intended Adoption: July 1, 2004.

May 18, 2004
Michael Metke Ed.D
President

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 495D-120-010 Student conduct code—Definitions.
- WAC 495D-120-020 Student conduct code—Statement of purpose.
- WAC 495D-120-030 Student conduct code—Jurisdiction.
- WAC 495D-120-040 Student conduct code—Student misconduct.
- WAC 495D-120-045 Student conduct code—Loss of eligibility—Student activity participation.
- WAC 495D-120-050 Student conduct code—Civil disturbances.
- WAC 495D-120-060 Student conduct code—Free movement on campus.
- WAC 495D-120-070 Student conduct code—Right to demand identification.
- WAC 495D-120-080 Student conduct code—Academic dishonesty/and classroom/lab/clinic conduct.

- WAC 495D-120-085 Student conduct code—Hazing prohibited.
- WAC 495D-120-090 Student conduct code—Campus speakers.
- WAC 495D-120-100 Student conduct code—Distribution of information.
- WAC 495D-120-110 Student conduct code—Commercial activities.
- WAC 495D-120-120 Student conduct code—Student conduct sanctions.
- WAC 495D-120-130 Student conduct code—Initiation of discipline.
- WAC 495D-120-140 Student conduct code—Appeal of academic action or disciplinary action and student grievances.
- WAC 495D-120-170 Student conduct code—Refunds and access.
- WAC 495D-120-180 Student conduct code—Readmission after dismissal or suspension.
- WAC 495D-120-190 Student conduct code—Reestablishment of academic standing.
- WAC 495D-120-200 Student conduct code—Reporting, recording, and maintaining records.

NEW SECTION

WAC 495D-121-010 Student conduct code—Statement of purpose. (1) Lake Washington Technical College is operated by the state of Washington to provide programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Violations of college rules or conduct that interfere with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. Provisions of this code are subject to change. Misconduct of students under the age of eighteen who attend the Lake Washington Technical Academy will be reported to the student's parents. The college and the academy may report misconduct to any parent who claims the student as a dependant or as oth-

PROPOSED

erwise provided by the Family Educational Rights and Privacy Act of 1972, as amended.

NEW SECTION

WAC 495D-121-020 Student conduct code—Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of College District 26.

(2) "College" means Lake Washington Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto, including various distance learning environments not limited to online courses, telecourses, Washington Online, and interactive video.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary official" means the instructor or administrator who takes disciplinary action as authorized in this chapter.

(8) "Student" means a person who is enrolled at the college, including enrollment in distance learning courses.

(9) "Disciplinary action" means one or more of the sanctions described in WAC 495D-121-170.

(10) "Good standing" means that the student is currently enrolled in the college, has no restrictions on the use of college facilities and/or services, is eligible to participate in college activities, and is not under any current disciplinary or academic sanctions.

NEW SECTION

WAC 495D-121-030 Student conduct code—Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities. A nonstudent who violates any provisions of this conduct code may be referred to civilian authorities for criminal prosecution and/or may be barred from the campus and be subject to prosecution for trespass.

The vice-president of student services or designee is responsible for the administration of the conduct code. The vice-president's responsibilities include the authority to adjudicate and administer sanctions pursuant to the initiation of discipline (WAC 495D-121-040).

(1) Off-campus conduct. When a student violates the student conduct code by an offense committed off campus that is not associated with a college-connected activity, the disciplinary authority of the college will not be used merely to duplicate the penalty involved for such an act under applicable ordinances and laws.

(2) The college will take disciplinary action against a student for such an off-campus offense only when the nature of the offense is such that, in the judgment of the vice-president of student services, the student's conduct is likely to interfere with the educational process, the orderly operation of the college, or the student presents an imminent danger to college property or to himself or herself or other persons on or off campus.

NEW SECTION

WAC 495D-121-040 Student conduct code—Initiation of discipline. (1) Any college faculty, or administrator, or managing authority of a distance learning course except the president and the vice-president who would hear any appeal, may initiate proceedings and recommend to take any of the disciplinary actions defined in WAC 495D-121-170, except that only the president, a vice-president, or designee may expel, dismiss, or suspend a student from the college. Before taking the action, the disciplining official will notify his/her supervisor and meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student.

(2) Disciplinary proceedings.

Any person shall have the right to request disciplinary proceedings for violations of the student conduct code.

All requested or referred disciplinary proceedings will be initiated by the vice-president of student services who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

Any student accused of violating any provision of the rules of student conduct will be called for a meeting with the vice-president of student services or designee and will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the range of penalties which might result from consideration of the disciplinary proceeding.

After considering the evidence in the case and interviewing the accused, the vice-president of student services or designee may take the following actions:

(a) Terminate the proceeding, exonerating the accused;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly such as warning, reprimand, restitution, and/or disciplinary probation;

(d) Impose major sanctions such as deferred suspension, suspension, dismissal or expulsion;

(e) Refer the matter to the student conduct board for a recommendation to a college vice-president as to appropriate action;

A student accused of violating any provision of the code of student conduct shall be given written notification of the vice-president of student services or designee's action.

Disciplinary action recommended by the vice-president of student services is final unless the accused exercises his/her right of appeal within ten working days as provided in WAC 495D-121-200.

The student should be given written notice of any disciplinary action except a verbal warning. Such written notice shall be either delivered personally or mailed by first-class

mail to the student's last known address. The notice or warning should advise the student of his/her right to appeal under these rules.

NEW SECTION

WAC 495D-121-050 Student conduct code—Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the vice-president of administrative services or any other person he or she may designate.

NEW SECTION

WAC 495D-121-060 Student conduct code—Right to demand identification. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce identification and/or evidence of student enrollment at the college by tender of that person's student identification card, registration schedule, and/or receipt for payment of fees for a current course.

NEW SECTION

WAC 495D-121-070 Student conduct code—Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty, staff member, or student of the college who is in the peaceful discharge or conduct of his/her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty, staff member or student of the college who is in the peaceful discharge of his/her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator, faculty, or staff member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

NEW SECTION

WAC 495D-121-080 Student conduct code—Authority to prohibit trespass. In the instance of any event that is deemed to impede the movement of persons or vehicles or which is deemed to disrupt or threatens to immediately disrupt the ingress and/or egress of persons from col-

lege facilities or for violations of this chapter by nonstudents, the president or designee, acting through the vice-president of student services or such other designated person, shall have authority and power to:

(1) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(2) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(3) Order any person, persons or group of persons to leave or vacate all or any portion of a college facility.

Any student or person who shall disobey a lawful order given by the college president or designee pursuant to the requirements of this rule shall be subject to disciplinary and/or legal action.

NEW SECTION

WAC 495D-121-090 Student conduct code—Notice of summary suspension. If the college president or designee determines that it is necessary to exercise the authority to summarily suspend a student for more than ten instructional days, the president or designee shall cause notice and an order thereof to be served on that student by registered and/or certified mail at the student's last known address, or by personal service of such notice and order to the student. The notice shall be entitled notice and order of summary suspension together with a statement of charges and shall state:

(1) The statement of charges against the student including reference to provisions of the student conduct code and/or law.

(2) The order of summary suspension shall contain a brief statement of the findings of fact, conclusions of law, and policy reasons for the decision to justify the determination of an immediate danger and the college's decision to take the specific action.

(3) The notice of summary suspension shall inform the student that the student charged must appear before the vice-president of student services or designee for a summary suspension hearing at a date and time specified in the notice.

NEW SECTION

WAC 495D-121-100 Student conduct code—Initiation of summary suspension proceedings. The college president or designee may suspend any student for not more than ten instructional days pending investigation, action, or prosecution on charges of an alleged violation of the student conduct code if the president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the safety and well-being of the college or its functioning renders the normal disciplinary process ineffectual and commands such suspension. Any summary suspension for more than ten instructional days requires a formal notice and order of summary suspension.

PROPOSED

NEW SECTION

WAC 495D-121-110 Student conduct code—Summary suspension hearing procedures. At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity to prove to the vice-president of student services that the findings and conclusions in the order of summary suspension are not supported by probable cause to believe that the violations cited on the notice of summary suspension did occur, and do not justify summary action and that summary suspension is not necessary or justifiable pursuant to WAC 495D-121-170.

The student may offer oral testimony, present witnesses, submit any statement, declaration or affidavit, examine any document offered into evidence, or cross-examine any witness who may appear against him/her and submit any matter in extenuation or mitigation of the offense or offenses charged.

The vice-president of student services shall at the time of the summary suspension hearing determine whether there is probable cause to believe that a violation of the law occurred or believe summary suspension continues to be necessary pursuant to RCW 34.05.479 and WAC 495D-121-170, 495D-121-040, and 495D-121-200. In the course of making such decisions, the vice-president may consider only the sworn affidavits or declarations, and oral testimony, or other competent evidence presented at the hearing of persons who alleged that the student charged has committed a violation of law or the student conduct code and the oral testimony and affidavits submitted by the student charged.

NEW SECTION

WAC 495D-121-120 Student conduct code—Summary suspension proceedings not duplicitous. As indicated, the summary suspension proceedings shall not substitute for disciplinary proceedings provided for in the student conduct code. At the end of the suspension, the student suspended shall be reinstated to full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed pursuant to the student conduct code or these rules of summary suspension.

Records and evidence presented during the course of any facet of a summary suspension proceeding brought against the student shall be available for use by the student and the college in disciplinary proceeding initiated under the student conduct code and shall be deemed admissible.

NEW SECTION

WAC 495D-121-130 Student conduct code—Decision by vice-president of student services. On conclusion of the summary suspension hearing and review of evidence and testimony presented therein, the vice-president of student services or designee may exercise a range of actions including, but not limited to, the following:

(1) Sustain the summary suspension for its duration or portion thereof, subject to disciplinary actions which may be brought under the student conduct code rules following the suspension.

(2) Stay the summary suspension and impose any disciplinary action(s) enumerated in WAC 495D-121-170.

(3) Take such other action as is necessary to alleviate the need for summary action pending a hearing on the merits.

Following the summary suspension hearing, the student shall be provided written notification of findings, conclusions, and disciplinary actions, if any. Notification and any attendant instructions or information will be provided through personal service or sent to the student by registered and/or certified mail at the student's last known address.

NEW SECTION

WAC 495D-121-140 Student conduct code—Academic dishonesty/and classroom/lab/clinic conduct. (1) Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty, which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in subsection (b) of this section, shall be subject to disciplinary action.

(d) An instructor may adjust the student's grade on a particular project, paper, test, or class for academic dishonesty. This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom.

(2) Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college, or the managing authority of distance learning courses, is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course provided that, a student shall have the right to appeal such disciplinary action to the supervisor of the person imposing disciplinary action.

NEW SECTION

WAC 495D-121-150 Student conduct code—Hazing prohibited. (1) Hazing is prohibited.

(2) Hazing means any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution.

(3) Penalties.

(a) Any student organization, association or club that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Lake Washington Technical College as an official organization, association, or club on this campus. If the organization, association, or club is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of one year.

(c) Forfeiture of state-funded grants, scholarships, or awards may include permanent forfeiture, based upon the seriousness of the violations.

(d) The student conduct code may be applicable to hazing violations.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(4) Sanctions for impermissible conduct not amounting to hazing.

(a) Impermissible conduct associated with initiation into a student organization or club or any pastime or amusement engaged in, with respect to the organization or club, will not be tolerated.

(b) Impermissible conduct, which does not amount to hazing, may include conduct that causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(c) Impermissible conduct not amounting to hazing is subject to any sanctions available under the student conduct code, depending upon the seriousness of the violation.

NEW SECTION

WAC 495D-121-160 Student conduct code—Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules, which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(2) Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code shall be considered to be the same extent as completed violations.

(3) Breaching campus safety or security, to include, but not be limited to:

(a) Unauthorized access to college facilities; intentionally damaging door locks; unauthorized possession of college keys or access cards; duplicating college keys or access cards; or propping open of exterior doors;

(b) Tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits;

(c) Placement of equipment or vehicles (including bicycles) so as to obstruct the means of access to/from college buildings;

(d) Illegal entry. Entering or remaining in any closed college facility or entering after the closing time of the college facility without permission of a college official;

(4) Disorderly conduct. Conduct that is disorderly, lewd, indecent or a breach of peace on college premises or at college-sponsored activities;

(5) Disruptive activity. Participation in promoting disruptive activity that would interfere with teaching, research, disciplinary proceedings or other college activities. Such activity may include, but is not limited to:

Classroom behavior that seriously interferes with either:

(a) The instructor's ability to conduct the class; or

(b) The ability of other students to profit from the instructional program;

(6) Failure to appear for a college disciplinary proceeding to respond to allegations or to testify as a witness when reasonably notified to do so;

(7) Failure to comply with college attendance policy as published in the current edition of the *Student Handbook* or course syllabi;

(8) Failure to comply with a college rule or policy, as set forth in the *Lake Washington Technical College Policies and Procedures Manual* (a copy of which may be found in the Lake Washington Technical College library);

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

(10) False statements. The intentional making of false statements or filing of false charges against the college, its employees, and members of the college community;

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(12) Harassment, including conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the college;

(13) Illegal use of alcoholic beverages. The possession, use, sale, or distribution of any alcoholic beverage or illegal drugs on the college campus except as specifically provided for by board policy. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(14) Illegal use or possession of weapons. The unauthorized use, possession, display, or storage of any weapons, fireworks or explosives on college premises or at any college-sponsored activity. The term weapon means any object or substance designed to inflict a wound, cause injury, or

incapacitate. Weapons may include, but are not limited to, all firearms (whether lawfully or unlawfully possessed), pellet guns, slingshots, martial arts devices, switchblade knives and clubs. Legal defense sprays possessed or used for the purpose of self-defense are exempt from this section;

(15) **Imminent danger.** Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education processes of the college;

(16) **Interference with the discipline code.** Action or conduct that hinders, obstructs or otherwise interferes with the implementation of this discipline code;

(17) **Interruption of instructional programs** (see policy (6. P.39));

(18) **Misuses of information technology.** Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Failure to protect passwords or use of computer accounts. Breach of computer security, unauthorized access to computer system networks, college or agent's websites, codes and data, or computer back-end systems. Harmful access or invasion of privacy; use of another's password or identity, or use of anonymous or fictitious e-mail addresses, internet domains or name servers.

(19) **Physical abuse, including attempting or causing injury to an individual.** Causing or threatening physical contact with another when the person knows or should reasonably believe that the other will regard the contact or threat as offensive or provocative;

(20) **Inciting others.** Intentionally encouraging, preparing, or compelling others to engage in prohibited conduct.

(21) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing an educational goal or major.

(22) **Sexual assault/rape, including the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent.** An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical forces, coercion, and intentional impairment of an individual's ability to appraise the situation through the administering of any substance or threat of harm to the victim;

Sexual abuse, including attempting or making sexual contact including, but not limited to, inappropriate touching or fondling against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent;

(23) **Smoking.** Smoking in all enclosed college facilities and other areas so posted by college officials;

(24) **Stalking, including any repeated conduct directed specifically at another person that causes that person (or a member of that person's family or household) to fear for his/her safety.** Such conduct includes following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of

that person's family or household or an offense being committed against that person's property;

(25) **Theft and damage.** Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(26) **Unacceptable use of college facilities and equipment;**

(27) **Violation of laws.** Violation of any law of the United States, laws of the state of Washington, or applicable municipal or county ordinance;

(28) **Witness retaliation.** Retaliation upon witnesses or accusers under this chapter.

NEW SECTION

WAC 495D-121-170 Student conduct code—Student conduct sanctions. Student conduct sanctions are categorized as primary and secondary. More than one primary sanction or any combination of primary sanctions and secondary sanctions may be imposed for any single violation. Once a student has been finally assessed a disciplinary sanction, however, no more severe primary sanctions may be assessed against him or her by any higher college authority.

(1) **Primary sanctions** (in order of severity):

(a) **Expulsion:** Separation of the student from the college whereby the student is not eligible for reenrollment or readmission to the college.

(b) **Dismissal:** Separation of the student from the college for an indefinite period of time. Readmission to the college may be possible in the future, but no specific time for a decision is established.

(c) **Suspension:** Separation of the student from the college for a period of time with a review of the disciplinary action prior to readmission. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.

(d) **Deferred suspension:** The sanction of suspension may be placed in deferred status. If the student is found in violation of any college rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the college. A student who is not in good standing is subject to the following restrictions:

(i) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(ii) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

(iii) May have additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct.

(e) **Conduct probation:** An official warning that the student's conduct is in violation of Lake Washington Technical college student conduct code, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on

conduct probation is deemed "not in good standing" with the college.

(f) *Letter of enrollment block*: A letter stating that the student may not reenter Lake Washington Technical College without prior approval by the office of the vice-president for student services if enrollment has been blocked for a previous student conduct problem or for medical reasons.

(g) *Letter of reprimand*: A letter that makes a matter of record any incident that reflects unfavorably on the student or the college.

(h) *Warning*: Admonition of a student for actions unbecoming to the college community.

(2) Secondary sanctions (no order of severity is established for secondary sanctions):

(a) *Community/college service*: A student may be offered an opportunity to complete a specified number of hours of community/college service in lieu of other sanctions. The type of community/college service must be approved by the hearing officer.

(b) *Educational requirements*: A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, an anger management class, essays, or reports.

(c) *Restrictions*: The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

(d) *Restitution*: A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions.

(e) *Loss of parking privileges on campus*: Revocation of parking privileges.

NEW SECTION

WAC 495D-121-180 Student conduct code—Loss of eligibility—Student activity participation. Any student found to have violated chapter 69.50 RCW, the Uniform Controlled Substances Act, or chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored student events or activities.

NEW SECTION

WAC 495D-121-190 Student conduct code—Appeal of academic action or disciplinary action and student grievances. (1) Definitions:

(a) *Academic action*: Action taken by the college regarding instructional decisions regarding student progress, student attendance, and/or academic status.

(b) *Disciplinary action*: Action taken by the college for student violations of college rules, policies and procedures, the student conduct code, or applicable federal, state, county, or municipal laws.

(c) *Grievance*: A student appeal of a decision of the college, excluding academic actions or disciplinary actions, including those made by faculty, staff, and administration or the actions of another student.

(d) *Major disciplinary actions*: Conduct discipline actions including deferred suspension, suspension, dismissal and expulsion.

(e) *Minor disciplinary action*: Conduct discipline actions including letter of enrollment block, conduct probation, letter of reprimand, warning and all secondary sanctions.

(2) Filing of appeals or grievances:

(a) *Grievance*. Students may appeal an action of the college or grieve the actions of the college, its staff, or another student except for grade appeals and disciplinary actions, by filing a grievance with the appropriate vice-president within ten working days, from the moment when the student had knowledge of the college action or grievable action. The grievance shall be filed with the vice-president of instructional services regarding academic actions, with the vice-president of administrative services for administrative and business service issues, and with the vice-president of student services for other student matters. A student is deemed to have notice three working days after any notice is mailed to the student's last address on record with the college.

Students may have an advocate present during the grievance procedure with prior notice given the presiding officer. No attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

Resolution of the grievance is attempted between the principals. The vice-president or their designees involved with the grievance are responsible for conducting a hearing. This hearing will be completed within ten working days of the student filing of the grievance; the unit supervisor will consider the issues in the dispute and render a written decision on the issues within ten working days of hearing the grievance. The decision of the vice-president or designee presiding officer is final.

(b) *Disciplinary appeal*:

(i) Appeal of minor disciplinary actions should be filed with the vice-president of student services or designee within ten days of the disciplinary action. The vice-president will convene a brief adjudicative procedure pursuant to WAC 495D-108-050 and RCW 34.05.485 within ten days of receipt of the appeal. The vice-president will hear evidence and arguments in the matter and render a written decision within ten working days. The decision of the presiding officer is final.

(ii) Appeals of major disciplinary actions should be filed with the vice-president of student services within ten working days of the issuance of the action. The vice-president will convene a judicial board that will conduct a fully adjudicated hearing, pursuant to RCW 34.05.410 through 34.05.494, to hear the appeal within ten days of receipt of the appeal. All parties to the appeal will have the opportunity to present information to the judicial board. A record of the judicial board's proceedings will be kept, which will entail at a mini-

mum that the proceeding be tape-recorded. All testimony of witnesses and interpreters will be given under oath. The judicial board will conduct its hearing within ten working days of receipt of the appeal. Students may have an advocate present during the grievance procedure with prior notice given the presiding officer. No attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

The judicial board, after hearing the appeal, shall recommend disposition of the case to the appropriate vice-president. The recommendation will be included in the board's findings of fact and a recommended course of action.

The vice-president shall consider the recommendations of the judicial board; respond with a written decision within ten working days of receipt of the judicial board's recommendations. The vice-president's decision in the matter is final.

Where violations of federal, state, or local statutes are alleged to have occurred, students may also be subject to additional actions in the courts.

NEW SECTION

WAC 495D-121-200 Student conduct code—Refunds and access. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 495D-121-210 Student conduct code—Readmission after dismissal or suspension. Any student dismissed or suspended from the college for academic or disciplinary reasons will normally be readmitted on a space available basis in the student's program of study upon expiration of the time period for which the dismissal or suspension was issued.

If a student who has been dismissed or suspended believes that circumstances warrant reconsideration of the dismissal or suspension prior to its expiration; or, if the student was dismissed or suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president who imposed such suspension or such other designated administrator. Such petition must state reasons that support a reconsideration of the matter. Before readmission may be granted in any case, a petition must be submitted, reviewed in a conference with a counselor and an administrator, and approved by the appropriate vice-president.

NEW SECTION

WAC 495D-121-220 Student conduct code—Reestablishment of academic standing. Students who have been expelled, dismissed, or suspended pursuant to disciplinary procedures set forth in WAC 495D-121-170 and 495D-121-

040 and whose expulsion, dismissal, or suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 495D-121-230 Student conduct code—Reporting, recording and maintaining records. Records of all disciplinary and grievance cases shall be kept by the vice-president for student services. All documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not less than six years.

NEW SECTION

WAC 495D-121-240 Student conduct code—Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the college community as chair, or requiring permission for comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

NEW SECTION

WAC 495D-121-250 Student conduct code—Distribution of information. (1) Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the appropriate administrator, provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers, and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall make contact with and receive directions from the director of campus services or designee on the time, place, and manner of distribution prior to the distribution of any handbill, leaflet, newspaper, or related matter to ensure that such distribution or sale does not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subsections (1) and (2) of this section will be subject to disciplinary action. Any person who violates provisions of subsection (2) of this section shall be subject to removal from the college campus.

NEW SECTION

WAC 495D-121-260 Student conduct code—Commercial activities. (1) College facilities will not be used for a commercial solicitation, advertising, or promotional activities except when such activities:

(a) Clearly serve educational objectives, including, but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment; and

(b) Are conducted under the sponsorship or at the request of the college or official organizations of the college if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) College facilities, equipment, and supplies may not be used by students for personal commercial gain.

(3) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 495D-121-260.

**WSR 04-11-107
PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER**

[Filed May 19, 2004, 9:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-177.

Title of Rule: Public access to information and records.

Purpose: These proposed rules reflect recent changes in the law, technology, and the Office of the Insurance Commissioner (OIC) processes for public access to information and records. These proposed rules make it easier for requesters to understand OIC procedures regarding access to public records.

Other Identifying Information: Insurance Commissioner Matter No. R 2003-10.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.250, 42.17.300, 70.02.050.

Statute Being Implemented: RCW 42.17.250 and 70.02.050.

Summary: RCW 42.17.250 requires each agency to adopt separate procedures for requesters to gain access to information. The current rules were last amended in 1975.

Reasons Supporting Proposal: The current rules do not reflect changes in the law, technology, and OIC processes. These proposed rules improve clarity and make it easier for requesters to understand OIC procedures regarding access to public records.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7039; Implementation: Steve Carlsberg, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7003; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 42.17.250 requires each agency to adopt separate procedures for requesters to gain access to information. The current rules were last amended in 1975. The current rules do not reflect changes in the law, technology, and OIC processes. These proposed rules improve clarity and make it easier for requesters to understand OIC procedures regarding access to public records.

Proposal Changes the Following Existing Rules:

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed regulations impose no costs on businesses regulated by the OIC.

RCW 34.05.328 does not apply to this rule adoption. This proposal is not a significant legislative rule for the purposes of RCW 34.05.328.

Hearing Location: Insurance Commissioner's Office, Room TR 120, 5000 Capitol Boulevard, Tumwater, WA 98501, on June 24, 2004, at 10:00.

Assistance for Persons with Disabilities: Contact Lori Villaflores by June 21, 2004, TDD (360) 586-0241.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by June 23, 2004.

Date of Intended Adoption: June 30, 2004.

May 19, 2004

Mike Kreidler

Insurance Commissioner

Chapter 284-03 WAC

**PUBLIC ((ACCESS TO INFORMATION AND))
RECORDS**

PUBLIC RECORDS REQUESTS

NEW SECTION

WAC 284-03-005 What is a public record? "Public record" is defined in RCW 42.17.020. Public records include any written or recorded communication containing information relating to the conduct of the OIC or the performance of any governmental or proprietary function prepared, owned, used, or retained by the OIC.

PROPOSED

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

WAC 284-03-010 (~~(Purpose.)~~) Who should I contact about a public record request? (~~((The purpose of this chapter is to provide rules implementing RCW 42.17.250-42.17.320 (§§ 25 through 32, chapter 1, Laws of 1973).))~~) The public records officer is in charge of all records maintained by the office of the insurance commissioner (OIC). This includes records at any office in the state maintained by the insurance commissioner. The public records officer is responsible for overseeing the release of public records, coordinating OIC public disclosure staff, and maintaining the records indexes.

NEW SECTION

WAC 284-03-015 How do I make a public record request? (1) Public record requests must be made in writing. The OIC accepts written public record requests made in person or sent by e-mail, fax, or mail. Requests will be accepted either:

(2) On an OIC Public Disclosure Request form. The forms are available on the OIC website or by contacting the public records officer; or

(3) If the OIC form is not used, the public record request should be in writing and include the following information:

- (a) The name of the person requesting the record;
- (b) The calendar date on which the request was made;
- (c) A statement that the request is not to be used for commercial purposes; and
- (d) A sufficient description of the record requested.

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

WAC 284-03-020 (~~(Definitions.)~~) What records indexes are available? (~~((1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.~~)

(2) "Office" is the office of the insurance commissioner of the state of Washington, which includes by operation of law the office of the state fire marshal.) The OIC does not maintain or have custody of all agency records. Historical records are sent to the secretary of the state's archives division. The OIC maintains a current index providing identifying information regarding OIC public records. The index is available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. The records are indexed:

- (1) By appropriate names;
- (2) By calendar year;
- (3) By topic; or
- (4) A combination of the above methods, as appropriate.

NEW SECTION

WAC 284-03-025 Is the OIC required to create public records for me? The Public Disclosure Act (RCW 42.17.250 through 42.17.348) requires access to existing, identifiable public records in an agency's possession at the time of the request (see RCW 42.17.270). The OIC is not

required to collect or organize data to create a public record that does not exist at the time of the public record request.

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

WAC 284-03-030 (~~(Functions—Organization—Administration.)~~) How will the OIC respond to my public record request? (1) For purposes of this chapter, the functions, organization and administration of the office relating to insurance matters shall be as set forth in chapter 284-02 WAC.

~~((2) For purposes of this chapter, the functions, organization and administration of this office relating to the state fire marshal shall be as set forth in chapter 212-02 WAC.))~~ Within five business days after receiving a request, the OIC will either:

- (a) Provide the record(s);
- (b) Acknowledge your request and give you a reasonable estimate of how long the agency will take to provide records. If your request is not clear, the OIC may ask you for more information (see WAC 284-03-035); or
- (c) Deny all or part of the request in writing, with reasons for the denial (see WAC 284-03-040 and 284-03-045). The explanation will include the law the OIC relied upon in its denial. Every denial will be sent to the public records officer for review as required by RCW 42.17.320.

(2) At his or her discretion, the public records officer may send the requested records to you by e-mail, fax, or mail. The records may be delivered on computer or compact disks, or by use of other methods of transmittal or storage.

NEW SECTION

WAC 284-03-035 Why might the OIC need to extend the time to respond to a public record request? The OIC may need to extend the time to respond to a public record request to:

- (1) Locate and gather the information requested;
- (2) Notify an individual or organization affected by the request;
- (3) Determine whether the information requested is exempt from disclosure and whether all or part of the public record requested can be released; or
- (4) Contact you to clarify the intent, scope or specifics of the request. If you fail to clarify the request, the OIC may not have to respond to your request.

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

WAC 284-03-040 (~~(Public records available.)~~) What happens if the public record I requested is exempt from disclosure? (~~((Public records are available for public inspection and copying pursuant to these rules except as otherwise provided by RCW 42.17.310 and these rules.))~~) If the OIC determines that a record is exempt from disclosure, you will be informed in writing of the specific exemption authorizing the OIC to withhold the record.

NEW SECTION

WAC 284-03-045 What happens if only part of the record I requested is exempt? The OIC may delete identifying details or other information when there is reason to believe the information is not subject to disclosure (see RCW 42.17.260 for an example). The public records officer will explain any deletion in writing.

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

WAC 284-03-050 ((Public records officer.)) Will the OIC review the denial of my request? ~~((The public records officer for the office shall be the administrative officer, as designated by the state insurance commissioner, for all records maintained by such office whether located at the central office thereof at Olympia, Washington, or at such other offices throughout the state maintained by the state insurance commissioner. The public records officer shall be located at such central office. The public records officer shall be responsible for implementation of this chapter regarding release of public records, coordinating the staff of the office in this regard, generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17-250-42.17.320, and maintaining the records index of such office as required.))~~ If the OIC denies your public record request, you may ask the OIC to review the denial. To request a review, you must:

- (1) Make your request in writing;
- (2) Specifically refer to the written exemption provided by the OIC; and
- (3) Address the request for review to the OIC's public records officer.

After receiving your request for review, the public records officer will refer the matter for review to the insurance commissioner or a designated deputy insurance commissioner. The commissioner or designee will either affirm or reverse the denial within two business days after the receipt of your request for review.

NEW SECTION

WAC 284-03-055 What are the fees to copy or inspect records? There is no cost to inspect records. Copying or duplicating fees are intended to equal the costs to the OIC, including costs of materials, machinery, and personnel. The fees charged will be reviewed periodically to assure their accuracy (see RCW 42.17.300). Contact the public records officer or check the OIC website to find out the current fees.

AMENDATORY SECTION (Amending Order R 90-9, filed 8/28/90, effective 9/28/90)

WAC 284-03-060 ((Records index.)) What records can I inspect and/or copy? ~~((The office has available to all persons a current index which provides identifying information as to public records received, issued, adopted or promulgated since its inception. The current index adopted by the office shall be available to all persons under the same rules~~

~~and on the same conditions as are applied to public records available for inspection.~~

~~The indexes shall be kept current and maintained by the commissioner's designee, located in the Olympia office, and shall be updated no less frequently than annually. All indexes maintained by the commissioner shall be indexed by appropriate names, by calendar year, by topic, or a combination of these, as appropriate.))~~ You may inspect or get copies of all public records unless they are exempted by chapter 42.17 RCW, Title 48 RCW, chapter 19.108 or 70.02 RCW, or other applicable law.

NEW SECTION

WAC 284-03-065 When can I inspect or copy documents? You can inspect and copy public records at the OIC headquarters in Thurston County from 8:30 a.m. to noon and 1:00 p.m. to 4:30 p.m., Monday through Friday. Records are not available for inspection or copying on legal holidays. The OIC reserves the right to restrict your ability to examine or copy public records when the OIC believes it is necessary to preserve public records or prevent interference in the performance of agency duties. This does not prevent OIC from providing you with copies of the public records or limit the duty of the OIC to provide you with copies of the public records.

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

WAC 284-03-070 ((Office hours.)) Do I need to make an appointment? ~~((Public records shall be available for inspection and copying during the customary office hours of the office. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.))~~ Appointments are not required but help the OIC provide prompt and efficient service. Since public records facilities and staff are limited, you should make an appointment with the public records officer. When making an appointment, please tell the public records officer what record(s) you would like to inspect or copy. Some records may be offsite, may need to be identified, or may be exempt from disclosure.

NEW SECTION

WAC 284-03-075 Can I take original records away from the OIC's office? No. You cannot take original records from the OIC's building. The OIC has a duty to protect public records (see RCW 42.17.290).

USE AND PROTECTION OF PERSONAL INFORMATION BY THE OIC

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

WAC 284-03-100 ((Exemptions.)) If I make a complaint or inquiry, how will the OIC use that information? ~~((1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined~~

WSR 04-11-110
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed May 19, 2004, 10:30 a.m.]

~~in WAC 284-03-080 is exempt under the provisions of RCW 42.17.260 and/or such other laws as may be deemed applicable.~~

~~(2) In addition, pursuant to RCW 42.17.260 the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy or as otherwise provided in WAC 284-03-040. The public records officer will fully justify such deletion in writing:~~

~~(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.) The OIC will use the information you provide in a consumer complaint or inquiry to attempt to resolve your issue or inquiry. This includes contacting the business or person you complained about and any other persons, governments, businesses, or entities that may help the OIC resolve your complaint. If you do not wish the information to be disclosed by the OIC, you must state that in writing to the OIC. This may prevent the OIC from assisting you in resolving your issue.~~

NEW SECTION

WAC 284-03-105 Will the OIC protect my personal information? The OIC reserves the right to protect personal information, including health information, as permitted by RCW 42.17.250 through 42.17.348, chapter 70.02 RCW, Title 48 RCW, and other applicable laws.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 284-03-080 Requests for public records.
- WAC 284-03-090 Copying fees.
- WAC 284-03-110 Review of denials of public records request.
- WAC 284-03-120 Protection of public records.
- WAC 284-03-130 Consumer complaints and inquiries.
- WAC 284-03-140 Adoption of forms.
- WAC 284-03-990 Form 276-1—Request for inspection of records.
- WAC 284-03-99001 Form 276-2—Request for photocopy of record(s).

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-115 [03-15-044].

Title of Rule: Regulation of money services providers (money transmitters and currency exchangers).

Purpose: To implement the Uniform Money Services Act, chapter 287, Laws of 2003, chapter 19.230 RCW; specifically to facilitate licensing, monitoring, investigation and examination of money services businesses as required by the act. This is to replace the emergency rule filed as WSR 04-07-182.

Statutory Authority for Adoption: RCW 19.230.310 and 43.320.040.

Summary: Licensing requirements, financial security standards, record-keeping and reporting requirements, examination authority, and a schedule of fees to support the regulatory program are established by the proposed rule.

Reasons Supporting Proposal: The rule is necessary to implement the statute and to carry out the duties assigned by the legislature and the governor. The rule establishes reasonable standards and fees with a minimum of impact on the affected businesses. The regulatory program provides protection and remedies for consumers.

Name of Agency Personnel Responsible for Drafting: David Cheal, 150 Israel Road, Olympia, WA 98504-1200, (360) 902-0512; Implementation: Chuck Cross, 150 Israel Road, Olympia, WA 98504-1200, (360) 902-8733; and Enforcement: Kwadwo Boateng, 150 Israel Road, Olympia, WA 98504-1200, (360) 902-8725.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule directs the affected businesses to apply for a license, and outlines the application requirements. It establishes minimum net worth and surety bond requirements. Reasons for license denial are listed. Record-keeping and reporting requirements, including coordination with certain federal requirements are provided. Investigation and examination authority is detailed. Fees sufficient to support the regulatory program, as directed by the act, are imposed.

The effects of the proposed rule are that money transmitters and currency exchangers are provided with direction and detail as to how to comply with the law.

Proposal Changes the Following Existing Rules: 1. Authorized delegates (agents) of licensed businesses that are added after the license is issued may be reported periodically after they are added by the licensee, rather than by preapplication.

2. Money transmission transaction record keeping is made identical to federal requirements.

3. Other changes are minor technical, grammatical and style corrections.

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

PROPOSED

Small Business Economic Impact Statement

Introduction: The Department of Financial Institutions ("department") has prepared this small business economic impact statement (SBEIS) in compliance with chapter 19.85 RCW, the Regulatory Fairness Act (RFA). The preproposal statement of inquiry (form CR-101) was filed as WSR 03-15-044.

Background for Proposed Rule: The Uniform Money Services Act ("act") was enacted by the Washington state legislature and signed by the governor in 2003. This is the Washington version of a national model act prepared by the National Conference of Commissioners on Uniform State Laws, and enacted in forty-three states. As with all proposed uniform laws, the adoption and recommendation of the Uniform Money Services Act by the Uniform Law Commissioners represents their judgment that this is an area of the law that would benefit from uniform national standards and procedures, while preserving a reasonable degree of local flexibility. The National Conference of Uniform Law Commissioners is composed of appointed delegates from every state.

The purpose of the act is to require the licensing of money transmitting and currency exchange businesses, to establish financial security, reporting and record keeping, and examination standards for the industry, and to provide for general monitoring of the industry by the state through the department. The act is part of a national effort to regulate a previously unregulated industry with the goal of enhancing consumer protection, preventing money laundering and preventing terrorist financing. The system of state regulation reflected in the act is coordinated with federal registration and reporting and record-keeping requirements.

Description of the Proposed Rule: The proposed rule:

- Directs the affected business to apply for a license, and outlines the requirements;
- Establishes minimum net worth and surety bond requirements;
- Lists reasons for license denial;
- Provides record-keeping and reporting requirements; including coordination with certain federal requirements;
- Provides for periodic examination of money transmitter businesses; and
- Imposes fees to support the regulatory program, as directed by the act.

It should be noted that all of these requirements are prescribed by state law. This rule provides necessary detail, as directed by the act.

REQUIRED ELEMENTS OF SBEIS:

ELEMENT 1. A brief description of the reporting, record-keeping, and other compliance requirements of the proposed rule and the kinds of professional services that a small business is likely to need in order to comply with the requirements.

RESPONSE: Reporting. There are four reporting requirements: An annual report, quarterly reports, reports of "material changes" as defined in the act and the rules, and the reporting of certain events within one day of their occurrence.

Annual reports: The annual report must include an audited financial statement, a list of current authorized delegates and locations where money services are provided, certification that the licensee is invested only in the types of

investments authorized for money transmitter licensees by the act, and proof that the licensee has the required net worth and surety bond.

Quarterly reports: Within forty-five days of the end of each fiscal quarter licensees must report additions and deletions of locations where money services are provided, any change in the name or trade name of an existing authorized delegate, and additions and deletions from its roster of authorized delegates.

Immediate reports: Licensees must immediately report filing for bankruptcy protection, action against the license of the licensee in another jurisdiction, criminal charges, cancellation or impairment of its security bond, a charge or conviction of a felony of the licensee, executive officer, board director, manager or person in control, or other similar events.

Material changes: Changes in certain items listed that are initially part of a licensee's license application must be reported within thirty days of the occurrence of the change. Generally, these include changes in ownership, management, address or trade name.

A small business would need the services of an independent accountant to prepare the annual audited financial statement. Other reporting and record-keeping and other compliance requirements could be performed by the licensee or his or her employees.

Record keeping: The act requires licensees to keep records that demonstrate compliance for a period of five years. These records include a general ledger, bank statements, names and addresses of authorized delegates, and compliance with federal record-keeping requirements. The act authorizes the department to require retention of other records, however, the rule makes no additional record-keeping requirements.

Other compliance requirements: The act requires the obtaining of a license, prior notice of proposed changes in control following licensure, approval of a change in control, maintenance of a certain level of net worth, obtaining and maintaining of a surety bond, and payment of an annual assessment.

The rule provides details for making a request for approval of a change in control. The rule also prescribes the dollar amount of the initial license fee, the initial license application processing fee, the annual assessment, net worth amounts, and surety bond amounts.

ELEMENT 2. An analysis of the costs of compliance for identified industries, including costs of equipment, supplies, and increased administrative costs.

RESPONSE: The following cost analysis addresses only those elements of the proposed rule over which the department has some discretion, or is required by the act to determine a level or amount.

Initial licensing: Each applicant must pay a \$500 fee to cover the cost of processing the application, and an additional \$50 for each authorized delegate or additional location where money services are to be provided, up to a maximum of \$15,000.

The fee for the initial license is \$500, plus \$50 for each authorized delegate or additional location where money services are to be provided, up to a maximum of \$15,000.

PROPOSED

The range of cost for processing the license application and initial licensing is \$1,000 for one location and up to \$30,000 for a licensee with one hundred fifty or more locations.

Annual assessment: Each licensee must pay an annual assessment of \$500, plus \$50 for each authorized delegate or additional location where money services are provided, up to a maximum of \$15,000. The range of annual assessment cost is \$500 for a single location and no authorized delegates, to \$15,000 for one hundred fifty or more authorized delegates or additional licensee-owned locations.

Reporting: Money transmitter licensees are required to have an annual audited financial statement prepared according to generally accepted accounting principles. However, this requirement is imposed by the act without further interpretation or qualification by the proposed rule, and therefore will not be included in this analysis.

Other reporting expenses depend on the unique business experience of each licensee. Reporting other than the annual report depends on the frequency of material changes in the business, ownership changes, expansion or contraction of the number of authorized delegates, financial reversal, including claims against its bond, involvement in significant litigation, adverse action by regulators, the number of transactions that require federal reporting, or criminal charges against owners or officers. The range of additional reporting expenses is infinite and largely unpredictable. However, it would not be unusual for a small volume licensee to experience no reporting obligations except for the annual report. The larger affected businesses could easily experience all of the additional reporting requirements.

All reporting requirements are imposed by state and federal law and not this proposed rule.

Record keeping: Transaction record-keeping requirements are identical to federal requirements. No additional record-keeping requirements are imposed by the proposed rule.

Other compliance requirements: Financial security; fees. The act requires a minimum level of financial security and stability on the part of money transmitters. The rule establishes surety bond amounts within statutory parameters, graduated according to volume of money transmission business during the previous twelve months, and the number of locations where money transmission services are provided. The required penal sum of the surety bond ranges from \$10,000 to \$550,000.

Licensees have the option of assigning a certificate of deposit to the department in lieu of the surety bond. The certificate must be for a principal amount equal to the surety bond that would otherwise be required. The licensee receives the interest generated by the certificate of deposit. The cost to the licensee who chooses this option would be the difference between the interest received and the yield from other lost investment opportunities for those funds.

According to information supplied by licensees, surety bond premiums range from \$1,000 to \$10,000. Premiums are based not only on the penal sum of the bond, but the financial liquidity of the bond purchaser.

The rule also establishes a schedule of net worth requirements as directed by the act, graduated according to the lic-

ensee's volume of money transmission business during the previous twelve months.

In addition to licensing, reporting and record keeping, and financial security requirements, licensees are required to pay certain fees. RCW 19.230.320 requires the department to establish fees by rule sufficient to cover the costs of administering the act.

The rule establishes five types of fees:

(1) A license application fee of \$500 plus \$50 for each additional location where money services are provided, to cover the cost of investigation of the applicant, and other administrative costs of processing the application;

(2) An initial license fee;

(3) An annual assessment fee;

(4) A transaction fee of \$30 to cover the administrative cost of recording changes in vital information about a licensee as they occur, such as address change, ownership change and management change; and

(5) A fee of \$75 per hour of staff time to cover the costs of required examinations and investigations of licensees.

The application, initial license and annual assessment fees are graduated according to the number of authorized delegates and licensee-owned locations where money services are provided. These fees are each capped at \$15,000.

ELEMENT 3. Whether compliance with the proposed rule will cause businesses to lose sales or revenue.

Response: Compliance with the rule should give potential customers greater assurance that their money will be transmitted according to their wishes. Compliance also provides a range of remedies to consumers who experience difficulty. Compliance should provide a competitive advantage over money transmitters who are unlicensed, particularly after awareness grows among consumers that this is a regulated industry. Therefore, rather than cause the loss of sales, regulation under the law and this rule should have the opposite effect in the long term.

ELEMENT 4. A comparison of compliance costs for the small business segment and the large business segment of the affected industries, and whether the impact on small business is disproportionate.

Response: Based on data supplied by the affected businesses, the largest ten percent of licensees have an average annual total dollar volume of money transmissions of \$125,960,000. Estimated average annual compliance costs excluding the first year are \$36,500.¹ Cost per "\$100 of sales" (see RCW 19.85.040 (1)(c)) is \$.0289. (\$36,500/\$1,259,600.)

Based on data supplied by the affected businesses, licensees with fifty or fewer employees (i.e., "small businesses," as defined by RCW 19.85.020) have an average total dollar volume of money transmissions of \$2,581,412. Average annual cost of compliance, excluding the first year, for this size business is \$3,850.² Cost per \$100 of sales is \$.1491. (\$3,850/\$25,814.)

Therefore, even though the cost of compliance is low for all licensees, the small business segment will experience a disproportionate cost.

ELEMENT 5. Steps taken by the agency under RCW 19.85.030(2) to reduce costs of the proposed rule on small

businesses, or reasonable justification for not doing so, addressing the specified mitigation steps.

Response: We have reviewed the six steps under RCW 19.85.030 (3)(a) through (f). Our analysis is as follows:

(a) Reducing, modifying, or eliminating substantive regulatory requirements: All the regulatory requirements of the proposed rule are required by state law. The agency does not have the authority to eliminate statutory requirements. The fee elements are graduated to reduce the impact on small business. Reporting requirements, including the audited annual financial statement, may have a disproportionate impact on small businesses, but are required by statute. The bond requirements are graduated to lessen the impact on small business. While the fee amounts could be reduced, the department is required by law to adopt a schedule of fees that will cover the costs of the regulatory program. The schedule in the proposed rule represents the best estimate of department of the amount required to cover those costs.

(b) Simplifying, reducing or eliminating record-keeping and reporting requirements: Reporting and record-keeping elements of the proposed rule are all required by statute except for transaction reports. However, the transaction report requirement duplicates federal transaction report requirements, and therefore does not impose additional costs.

(c) Reducing the frequency of inspections. Although the department does have the duty to conduct examinations and investigations, the proposed rule does not specify any particular frequency. The act gives the director the discretion as to the frequency of examinations and the circumstances requiring an investigation. The clear intent of the law is that investigations and examinations be carried out as required to insure safety and soundness of the affected businesses, and to support enforcement activities as they arise. To reduce frequency of these activities below those levels would be contrary to the department's fundamental mission.

(d) Delaying compliance timetables: The law does not give the department the option to delay compliance.

(e) Reducing or modifying fine schedules for noncompliance: The only "fine" or monetary penalty for noncompliance in the proposed rule is the late fee of 25% for late filing of the annual report. Various amounts were considered, but it was decided that this is the lowest amount likely to deter late filing.

(f) Other mitigation techniques: The department has provided, and will likely continue to provide a great many hours of staff time to advise and assist licensees in meeting their licensing and other compliance requirements. This service has undoubtedly reduced the cost of retaining professional accounting, consulting or legal services.

ELEMENT 6. A description of how the agency will involve small business in the development of the proposed rule.

Response: A total of eight meetings have been held in various locations throughout the state, where known affected small businesses were contacted and invited to participate in a discussion of the proposed rule. In addition, an advisory panel was convened, to provide a thorough review of the proposed rule. The panel consisted of a representative from large affected businesses, a representative of small affected

businesses and two consumer advocates. Several proposals of the panel were incorporated into the proposed rule.

ELEMENT 7. A list of the industry(ies) affected by the proposed rule.

Response: The industry affected by the proposed rule is money transmitters and currency exchangers. Currently there are no currency exchange licensees, however money transmitter licensees are authorized to provide currency exchange services without a separate currency exchange license. There is no standard industrial classification code for this industry.

END NOTES

1. Average annual predicted compliance costs for the largest ten percent of affected businesses are computed as follows:

Annual assessment	_____	\$15,000 (maximum amount)
Surety bond	_____	10,000
Miscellaneous reporting costs	_____	2,500
Examination costs	_____	9,000
		\$36,500

The examination estimate is based on an assumption of six examiner-weeks and a twenty-four-month examination cycle. At \$75 per hour an examiner week costs \$3,000. Thus an examination would cost \$18,000. If conducted every two years, the average annual cost would be \$9,000.

2. Average annual predicted compliance costs for affected businesses with less than fifty employees are computed as follows:

Annual assessment	_____	\$750 (\$500 plus \$50 each for five authorized delegates)
Surety bond	_____	1,000
Miscellaneous reporting costs	_____	300
Examination costs	_____	1,500

The examination estimate is based on an assumption of one examiner-week, and a twenty-four-month examination cycle. At \$75 per hour an examiner-week costs \$3,000. If conducted every two years the average annual cost would be \$1,500.

A copy of the statement may be obtained by writing to Chuck Cross, Assistant Director, Consumer Services, Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8733, fax (360) 664-2258.

RCW 34.05.328 does not apply to this rule adoption. Rules adopted by the Department of Financial Institutions are not subject to RCW 34.05.328, except as voluntarily made applicable.

Hearing Location: Department of Financial Institutions, 150 Israel Road, Olympia, WA 98504-1200, on June 22, 2004, at 7:00 p.m.

PROPOSED

Assistance for Persons with Disabilities: Contact David Cheal by June 18, 2004, TDD (360) 664-8126 or (360) 902-0512.

Submit Written Comments to: David Cheal, Department of Financial Institutions, 150 Israel Road, Olympia, WA 98501, fax (360) 664-2258, by June 22, 2004.

Date of Intended Adoption: June 23, 2004.

May 5, 2004
Chuck Cross
Assistant Director
Consumer Services

Chapter 208-690 WAC

REGULATION OF MONEY SERVICES PROVIDERS

PART A DEFINITIONS

NEW SECTION

WAC 208-690-010 Definitions. The definitions in RCW 19.230.010 and this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Act" means the Uniform Money Services Act, chapter 19.230 RCW.

(2) "Audited financial statement" means a statement prepared by an independent accountant according to generally accepted accounting principles.

(3) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership, company, corporation, or association, or the owner of a sole proprietorship.

(4) "RCW" means the *Revised Code of Washington*.

(5) "Unsafe or unsound practice" means a practice or conduct by a person licensed or required to be licensed by the act to provide money services, or an authorized delegate of such a person, which creates the likelihood of material loss, insolvency, or dissipation of the licensee's assets, or otherwise materially prejudices the financial condition of the licensee or the interests of its customers.

PART B LICENSING

NEW SECTION

WAC 208-690-020 Voluntary license application. (1) Any person otherwise exempt from licensing under the provisions of the act may voluntarily submit an application to the director for a money transmitter or currency exchange license. The director shall review such application and may grant or deny licenses to such applicants upon the same grounds and subject to payment of the same fees as are applicable to persons required to be licensed.

(2) Upon receipt of a license under this section, the licensee is required to maintain a valid license and is subject to all the provisions of the act and these rules until the license is surrendered or revoked.

NEW SECTION

WAC 208-690-030 License application. Each person required to have a money transmission or currency exchange license must apply to the director by filing:

(1) A completed application in a form and in a medium prescribed by the director. The application must contain:

(a) The legal name, business address, and residential address, if applicable, of the applicant and any fictitious or trade name used by the applicant in conducting its business;

(b) The legal name, residential and business address, date of birth, Social Security number, employment history for the five-year period preceding the submission of the application of the applicant's proposed responsible individual, and documentation that the proposed responsible individual is a citizen of the United States or has obtained legal immigration status to work in the United States. In addition, the applicant shall provide the fingerprints of the proposed responsible individual and a personal credit report from a recognized independent credit reporting agency on the proposed responsible individual;

(c) For the ten-year period preceding submission of the application, a list of any criminal convictions of the proposed responsible individual of the applicant, any material litigation in which the applicant has been involved, and any litigation involving the proposed responsible individual relating to the provision of money services;

(d) A description of any money services previously provided by the applicant and the money services the applicant seeks to provide in this state;

(e) A list of the applicant's authorized delegates including the business name and any additional names by which the business may be known, the business address and name of the primary contact person for each authorized delegate, and the locations in this state where the applicant and its authorized delegates propose to engage in the provision of money services;

(f) A list of other states in which the applicant is licensed to engage in money transmission, or provide other money services, and any license revocations, suspensions, restrictions, or other disciplinary action taken against the applicant in another state;

(g) A list of any license revocations, suspensions, restrictions, or other disciplinary action taken against any money services business involving the proposed responsible individual;

(h) Information concerning any bankruptcy or receivership proceedings involving or affecting the applicant or the proposed responsible individual;

(i) A sample form of the contract for authorized delegates, if applicable;

(j) A description of the source of money and credit to be used by the applicant to provide money services; and

(k) A full description of the screening process used by the applicant in selecting authorized delegates, including a sample of any forms used, and the method used to screen for criminal history.

(2) If the applicant is a corporation, limited liability company, partnership, or other entity, the applicant shall also provide:

(a) The date of the applicant's incorporation or formation and the state or country of incorporation or formation;

(b) If applicable, a certificate of good standing from the state or country in which the applicant is incorporated or formed;

(c) A brief description of the structure or organization of the applicant, including any parent or subsidiary of the applicant, and whether any parent or subsidiary is publicly traded;

(d) The legal name, any fictitious or trade name, all business and residential addresses, date of birth, Social Security number, and employment history in the ten-year period preceding the submission of the application for each executive officer, board director, or person that has control of the applicant;

(e) If the applicant or its corporate parent is not a publicly traded entity, the fingerprints of each executive officer, board director, or person that has control of the applicant;

(f) A list of any criminal convictions, material litigation, and any litigation related to the provision of money services, in the ten-year period preceding the submission of the application in which any executive officer, board director, or person in control of the applicant has been involved;

(g) A copy of the applicant's audited financial statements for the most recent fiscal year or, if the applicant is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation or the applicant's most recent audited consolidated annual financial statement, and in each case, if available, for the two-year period preceding the submission of the application;

(h) A copy of the applicant's unconsolidated financial statements for the current fiscal year, whether audited or not, and, if available, for the two-year period preceding the submission of the application;

(i) If the applicant is publicly traded, a copy of the most recent report filed with the United States Securities and Exchange Commission under section 13 of the federal Securities Exchange Act of 1934 (15 U.S.C. Sec. 78m);

(j) If the applicant is a wholly owned subsidiary of:

(i) A corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed under section 13 of the federal Securities Exchange Act of 1934 (15 U.S.C. Sec. 78m); or

(ii) A corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States;

(k) If the applicant has a registered agent in this state, the name and address of the applicant's registered agent in this state.

(3) If the application is for money transmission, a surety bond as required by WAC 208-690-040 or an assignment of a certificate of deposit, as required by WAC 208-690-045.

(4) An application fee as prescribed by WAC 208-690-130(1). The application fee is not refundable.

(5) An initial license fee as prescribed by WAC 208-690-130(2). The initial license fee will be refunded if the license application is denied.

(6) If the application is for money transmission, a certification that the applicant's investment portfolio includes only permissible investments under RCW 19.230.200 and 19.230.210.

The director may waive one or more requirements of subsection (1) or (2) of this section or permit an applicant to submit other information in lieu of the required information.

NEW SECTION

WAC 208-690-031 Addition of authorized delegates.

To add authorized delegate(s) or company owned locations after a money transmitter or currency exchanger license has been issued, the licensee must notify the director prior to providing money services at the new location(s) or through the new authorized delegate(s) by filing:

(1) A completed notification form prescribed by the director;

(2) For each proposed authorized delegate, the business name including any additional names by which the business may be known, the business address and name of the primary contact person, and the business address of each location where the authorized delegate will provide money services; and

(3) The fees required by WAC 208-690-130.

NEW SECTION

WAC 208-690-035 Authorized delegates, limitation, inclusion. (1) Only a licensee may designate an authorized delegate.

(2) An authorized delegate, or any other person exempt from the licensing requirements of chapter 19.230 RCW, cannot have an authorized delegate.

(3) Any person who is designated by a licensee to provide money services on behalf of the licensee is an authorized delegate, regardless of whether that person would be exempt from the application of chapter 19.230 RCW if they provided money services on their own behalf.

NEW SECTION

WAC 208-690-040 Surety bond. (1) Each money transmitter licensee shall continuously maintain a surety bond as required by RCW 19.230.050, issued by a company authorized to do surety business in this state, as a surety. The surety may not be a wholly owned subsidiary or affiliate of the applicant or licensee.

(2) The penal sum of the bond shall be calculated annually according to the following schedule:

(a) Ten thousand dollars if the applicant or licensee had money transmission receipts of less than one million dollars for the previous twelve months, including applicants who have not previously engaged in providing money transmission services.

(b) Twenty thousand dollars if the applicant or licensee had money transmission receipts of at least one million but less than two million dollars for the previous twelve months.

(c) Thirty thousand dollars if the applicant or licensee had money transmission receipts of at least two million but less than three million dollars for the previous twelve months.

(d) Forty thousand dollars if the applicant or licensee had money transmission receipts of at least three million but less than four million dollars for the previous twelve months.

(e) Fifty thousand dollars if the applicant or licensee had money transmission receipts of four million dollars or more for the previous twelve months.

In addition to these amounts, the penal sum of the bond is increased by ten thousand dollars for each additional location where that applicant provides money services, including each location of authorized delegates, and each location owned and operated by the applicant, up to a maximum total amount of five hundred thousand dollars.

NEW SECTION

WAC 208-690-045 Alternative to the surety bond, certificate of deposit. In lieu of the surety bond required under WAC 208-690-040, an applicant or licensee may substitute an assignment of a certificate of deposit in favor of the director in a form provided by the director. The certificate of deposit must be issued by a financial institution in the state of Washington whose shares or deposits are insured by an agency of the government of the United States. The depositor is entitled to receive all interest and dividends on the certificate of deposit. The assignment of a certificate of deposit will be held for at least five years after the date when a replacement security instrument is filed with the director, or at least five years after the date the money transmitter licensee ceases to provide money services in this state.

NEW SECTION

WAC 208-690-050 Increase of security. The director may increase the amount of security required, to a maximum of one million dollars, if the financial condition of a money transmitter licensee so requires. The director may consider, without limitation, the following criteria:

- (1) Significant reduction of net worth.
- (2) Financial losses.
- (3) Potential losses resulting from violations of chapter 19.230 RCW, or these rules;
- (4) Licensee filing for bankruptcy.
- (5) The initiation of any proceedings against the licensee in any state or foreign country.
- (6) The filing of a state or federal criminal charge against the licensee, person in control, responsible individual, executive officer, board director, employee, authorized delegate or principal, based on conduct related to providing money services or money laundering.
- (7) A licensee, executive officer, board director, person in control, responsible individual, principal or authorized delegate being convicted of a crime.
- (8) Any unsafe or unsound practice.
- (9) A judicial or administrative finding against a money transmitter licensee under chapter 19.86 RCW, or an examination report finding that the money transmitter licensee engaged in an unfair or deceptive act or practice in the conduct of its business.
- (10) Other events and circumstances that, in the judgment of the director, impair the ability of the licensee to meet its obligations to its money services customers.

NEW SECTION

WAC 208-690-060 Net worth. (1) A money transmitter applicant or licensee must demonstrate and maintain a net worth of at least the amounts set forth in the following schedule:

(a) Ten thousand dollars if the applicant has not previously engaged in the provision of money services, or the applicant or licensee had money transmission receipts of less than one million dollars for the previous twelve months;

(b) Twenty thousand dollars if the applicant or licensee had money transmission receipts of at least one million dollars but less than two million dollars for the previous twelve months;

(c) Thirty thousand dollars if the applicant or licensee had money transmission receipts of at least two million dollars but less than three million dollars for the previous twelve months;

(d) Forty thousand dollars if the applicant or licensee had money transmission receipts of at least three million dollars but less than four million dollars for the previous twelve months; or

(e) Fifty thousand dollars if the applicant or licensee had money transmission receipts of four million dollars or more for the previous twelve months.

(2) Determinations of net worth must be made according to generally accepted accounting principles.

NEW SECTION

WAC 208-690-070 License denial. (1) Director may deny a money services license if the director determines that:

- (a) The application is incomplete;
- (b) The surety bond or net worth requirements of WAC 208-690-040 through 208-690-060 have not been met;
- (c) The general fitness and character requirements of RCW 19.230.070 or 19.230.100 have not been met as demonstrated by findings including, but not limited to, the following:
 - (i) The applicant, an executive officer, proposed responsible person, board director, person in control or authorized delegate has been convicted of any felony within the past ten years;
 - (ii) The applicant, an executive officer, proposed responsible person, board director, person in control or authorized delegate has been convicted of a crime involving a financial transaction within the past ten years;
 - (iii) The applicant, an executive officer, proposed responsible person, board director or person in control has criminal, civil, or administrative charges issued against him/them in any jurisdiction for violations relating to a financial transaction(s) within the past ten years;
 - (iv) The applicant, an executive officer, proposed responsible person, board director, or person in control has falsified any information supplied in connection with the application;
 - (v) The applicant, or any proposed authorized delegate thereof, has had an adverse action taken against any business license related to providing financial services by a jurisdiction within the United States within the past five years;

(vi) The applicant has allowed a business under its control to deteriorate to a condition of insolvency determined by the fact that its liabilities exceed its assets or it cannot meet its liabilities as they mature;

(d) The applicant, or any authorized delegate thereof, fails to respond to a request for information from the director;

(e) The description of the screening process used by the applicant in selecting authorized delegates supplied by the applicant describes a process that is ineffective in determining the fitness of proposed authorized delegates;

(f) The applicant has failed to register with the United States Department of the Treasury as required by 31 U.S.C. Section 5330;

(g) The applicant, an executive officer, proposed responsible individual, board director, or person in control is listed on the specially designated nationals and blocked persons list prepared by the United States Department of the Treasury as a potential threat to commit terrorist acts or to finance terrorist acts.

(2) In lieu of denying an application as authorized by any of the findings in subsection (1) of this section, the director may return the application or extend the review period if the director determines that the condition or circumstances that would likely lead to denial may be temporary and resolved satisfactorily within a reasonable period of time. The director may resume processing the application if the director determines that a favorable resolution of the disqualifying condition has occurred.

(3) The director may revoke or suspend a license and issue an order to cease and desist operations as a money services licensee if:

(a) Another jurisdiction initiates an adverse action against the money services license of the licensee; or

(b) Upon finding the existence of any condition or fact that would have led to denial of a license if known by the director during the processing of the application.

PART C

RECORDKEEPING AND REPORTING

NEW SECTION

WAC 208-690-075 Transaction records. In addition to the records required to be retained under RCW 19.230.170, a money transmitter licensee shall maintain a record of money transmittals in accordance with Title 31, Code of Federal Regulations, Part 103.33(f), as now appearing or hereafter amended.

NEW SECTION

WAC 208-690-080 Audited annual financial statement. A money transmitter licensee is required to have an audited financial statement prepared annually in accordance with generally accepted accounting principles.

NEW SECTION

WAC 208-690-090 Annual report and annual assessment. Every licensee must submit a completed annual report and annual license assessment fee prescribed by WAC 208-

690-140. The completed report and the fee must be received in the department office no later than 5:00 p.m. July 1, or 5:00 p.m. the next business day if July 1 is not a business day. A form for the preparation of the annual report and license assessment will be made available by the department by electronic transmission or mailed upon request. The report shall include the following:

(1) If the licensee is a money transmitter, a copy of the licensee's most recent audited annual financial statement or, if the licensee is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent company.

(2) A list of current authorized delegates in a form and in a medium prescribed by the director.

(3) If the licensee is a money transmitter, a certification that the licensee's investment portfolio includes only permissible investments under RCW 19.230.200 and 19.230.210.

(4) If the licensee is a money transmitter, proof that the licensee has an adequate surety bond or assignment of a certificate of deposit and net worth as required by WAC 208-690-040 through 208-690-060.

(5) A description of each material change, as defined by WAC 208-690-110, which has not been previously reported to the director.

NEW SECTION

WAC 208-690-100 Late penalty. (1) If a licensee fails to submit the required annual report or license assessment fee by July 1, the director shall send the licensee a notice of suspension and assess a late fee equal to twenty-five percent of the license assessment fee. If a licensee whose license has been suspended under this section submits a completed annual report, the annual assessment and the late fee to the department office no later than 5:00 p.m., July 31, the license suspension shall be removed. If the delay extends past July 31, the director shall send a notice to the licensee that its license has expired effective August 1.

(2) The director may reinstate an expired license under this section if, by August 20, the licensee:

(a) Files the complete annual report and pays both the annual license assessment and the late fee; and

(b) The licensee or its delegates did not engage in providing money services during the period its license was expired.

(3) If any of the deadlines in this section occur on a day that is not a business day, the deadline shall be the next business day.

NEW SECTION

WAC 208-690-110 Report of material change. Material changes described in this section must be reported to the director within thirty business days of the occurrence of the change. "Material change" means any change that is not trivial, and that, if not reported, would cause an investigation or examination to be misled or delayed. Such changes include, but are not limited to:

- (1) A change of the physical and/or mailing address;
- (2) A change of the responsible individual;

(3) A change of the licensee's name or DBA (doing business as);

(4) A change in the location where the records of the licensee that are required to be retained under RCW 19.230.170 are kept;

(5) The obtaining, revocation or surrender of a money services license in any other jurisdiction;

(6) The conviction of the licensee, an executive officer, responsible individual, board director, principal, or person in control of a misdemeanor or gross misdemeanor involving a financial transaction; and

(7) Other similar activities or events.

The fee prescribed by WAC 208-690-150 must accompany each report.

NEW SECTION

WAC 208-690-112 Other reports. A licensee shall file a report with the director within one business day after the licensee has reason to know of the occurrence of any of the following events:

(1) The filing of a petition by or against the licensee, or any authorized delegate of the licensee, under the United States Bankruptcy Code (11 U.S.C. 101-110) for bankruptcy or reorganization;

(2) The filing of a petition by or against the licensee, or any authorized delegate of the licensee, for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of creditors;

(3) The commencement of a proceeding to revoke, suspend, restrict, or condition its license, or otherwise discipline or sanction the licensee, in a state or country in which the licensee engages in business or is licensed;

(4) The cancellation or other impairment of the licensee's bond or other security;

(5) A charge or conviction of the licensee or of an executive officer, responsible individual, board director of the licensee, principal, or person in control of the licensee, for a felony; or

(6) A charge or conviction of an authorized delegate for a felony.

NEW SECTION

WAC 208-690-115 Request for approval of change of control. A request for approval of change of control as required by RCW 19.230.160 shall be made within fifteen days after learning of the proposed change of control and at least thirty days prior to the proposed change of control. The request for approval shall include:

(1) A comprehensive description of the proposed change that sets forth:

(a) The identity of all persons acquiring control under the proposed change;

(b) The ownership interest and managerial authority of all persons in control under the proposed change.

(2) For each new person in control under the proposed change:

(a) Biographical information, including employment history for the immediate previous five years;

(b) A personal credit report issued by a recognized independent credit reporting agency;

(c) A signed authorization for a background investigation on a form prescribed by the director.

(3) A transaction fee as prescribed by WAC 208-690-150.

NEW SECTION

WAC 208-690-120 Quarterly reports—Deletion of authorized delegates, locations—Address or name change. (1) A licensee shall file with the director within forty-five days after the end of each fiscal quarter:

(a) Any deletion of licensee-owned locations where money services are provided, including mobile locations;

(b) Any change in the name or trade name (DBA or doing business as) or business address of an existing authorized delegate;

(c) Any deletions from its roster of authorized delegates; and

(d) The fee required by WAC 208-690-150.

(2) If there is no change in the roster of authorized delegates or locations where money services are provided, or no changes in the name or trade name (DBA or doing business as) or business address of any authorized delegate during a fiscal quarter, no report is required.

PART D FEES

NEW SECTION

WAC 208-690-130 License fees. (1) A nonrefundable license application fee of five hundred dollars shall be paid by each license applicant, plus fifty dollars for each additional location where the licensee or an authorized delegate will provide money services, up to a maximum of fifteen thousand dollars. A nonrefundable application fee of fifty dollars shall be paid by a licensee for each authorized delegate or company owned location the licensee seeks to add to its roster after the company license has been issued.

(2) An applicant shall pay an initial license fee of five hundred dollars, plus fifty dollars for each additional location where the applicant or an authorized delegate will provide money services, up to a maximum of fifteen thousand dollars. This initial license fee is refundable if the application is denied. A licensee shall pay an initial license fee of fifty dollars for each authorized delegate the licensee seeks to add to its roster after the license has been issued. This fee is refundable if the application to add an authorized delegate is denied. The fee is not refundable if the application is withdrawn.

NEW SECTION

WAC 208-690-140 License assessment. A licensee shall pay an annual license assessment of five hundred dollars plus fifty dollars for each additional location where the licensee or an authorized delegate provides money services, up to a maximum of fifteen thousand dollars.

NEW SECTION

WAC 208-690-150 Transaction fee. (1) A fee of thirty dollars shall be paid by a licensee for the administrative costs connected with processing each:

- (a) Change of a licensee's physical or mailing address, name or trade name (DBA or doing business as);
 - (b) Request for approval of a change in control of a licensee;
 - (c) Change of the responsible individual;
 - (d) Change in the business/trade name or location of an existing authorized delegate, or company-owned location, or deletions from the roster or authorized delegates; or
 - (e) Material change.
- (2) Transaction fees to cover administrative costs are separate, distinct from, and in addition to investigation and examination fees under WAC 208-690-170.

NEW SECTION

WAC 208-690-160 Late fees. A late fee of twenty five percent of the annual license assessment will be added to the assessment if the annual report and license assessment are not received in the office of the department by 5:00 p.m., July 1. If July 1 is not a business day, the deadline is 5:00 p.m. the next business day.

NEW SECTION

WAC 208-690-170 Investigation and examination fee. (1) The director will collect fees of seventy-five dollars per hour for investigation and examination, including, but not limited to, the following services:

- (a) The review and attendant investigation of changes in control changes in the responsible individual, changes in the identity or location of authorized delegates, and other material changes.
 - (b) The review and attendant investigation of permissible investments of the licensee.
 - (c) Any examination of the licensee's books, records and files deemed necessary by the director.
- (2) The licensee, applicant or person subject to licensing under this chapter who is the subject of an examination or investigation shall pay the actual expenses of required out-of-state travel including, but not limited to, travel, lodging and per diem expense.
- (3) Investigation and examination fees are separate, distinct from, and in addition to transaction fees imposed by WAC 208-690-150.

**PART E
ENFORCEMENT**

NEW SECTION

WAC 208-690-180 Authority to conduct examinations and investigations. (1) For the purposes of discovering violations of chapter 19.230 RCW or these rules, discovering unsafe and unsound practices, or securing information lawfully required under chapter 19.230 RCW, the director may at any time, either personally or by designee, investigate or

examine the business and, wherever located, the books, accounts, records, papers, documents, files, and other information used in the business of every licensee or its authorized delegates, and of every person who is engaged in the business of providing money services, whether the person acts or claims to act under or without the authority of chapter 19.230 RCW. For these purposes, the director or designated representative shall have free access to the offices and places of business, books, accounts, papers, documents, other information, records, files, safes, and vaults of all such persons. The director may require the attendance of and examine under oath all persons whose testimony may be required about the business or the subject matter of any investigation, examination, or hearing and may require such person to produce books, accounts, papers, documents, records, files and any other information the director or designated person declares is relevant to the inquiry. The director may require the production of original books, accounts, papers, documents, records, files, and other information; may require that such original books, accounts, papers, documents, records, files, and other information be copied; or make copies himself or herself or by designee of such original books, accounts, papers, documents, records, files, or other information. If the director determines that there is a danger that original records may be destroyed, altered, or removed to deny access, or hinder an examination or investigation, or that original documents are necessary for the preparation of a criminal referral, the director may take possession of originals of any items described in this section, regardless of the source of such items. Originals and copies taken by the director may be held, returned, or forwarded to other regulatory or law enforcement officials as determined necessary by the director. The director or designated person may issue a subpoena or subpoena duces tecum requiring attendance or compelling production of the books, accounts, papers, documents, records, files, or other information.

(2) The licensee, applicant, or person subject to licensing under this chapter shall pay the cost of examinations and investigations as specified in RCW 19.230.320 and WAC 208-690-170.

(3) Information obtained during an examination or investigation under these rules may be disclosed only as provided in RCW 19.230.190.

(4) The director may retain attorneys, accountants, or other professionals and specialists as examiners, auditors or investigators, to conduct or assist in the conduct or examinations or investigations. The cost of these services shall be borne by the person who is the subject of the examination or investigation.

WSR 04-11-111

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 19, 2004, 10:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-045.

Title of Rule: Chapter 16-402 WAC, Plant pest infestations and plant labeling, nursery shipment reporting, record-keeping, and holding period.

Purpose: This proposal establishes reporting and record keeping requirements for licensed nurseries for shipments of plants from outside the state. The proposal also establishes mandatory holding periods before plants from outside the state may be sold, distributed, or transported or delivered to another location, to allow for their inspection.

Statutory Authority for Adoption: Chapters 15.13, 17.24, and 34.05 RCW.

Statute Being Implemented: Chapters 15.13 and 17.24 RCW.

Summary: Washington state has experienced several instances of entry into or presence in this state of nursery stock infested with *Phytophthora ramorum*, the causative organism of the invasive, exotic plant disease sudden oak death. Although evidence indicates the disease is not at this time established outside regulated nurseries, it is a serious economic and environmental threat that necessitates the department having the ability to inspect nursery stock entering the state in order to locate and eradicate populations of this organism and of other nonnative, invasive pest species before they can become established.

Reasons Supporting Proposal: Sudden oak death has a wide host range, including native species such as rhododendrons, Douglas fir and bigleaf maples and other common ornamental species such as camellia and pieris. Once the pathogen is detected, the only current control method is destruction of the infested plant. The risk of introduction of this and other nonnative, invasive plant pest species appears to be increasing dramatically, making inspection of incoming nursery stock necessary.

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: This proposal would place in rule the provisions of a current emergency rule. It would establish reporting and record-keeping requirements for licensed nurseries for shipments of plants from outside the state. The proposal also establishes mandatory holding periods before plants from outside the state may be sold, distributed, or transported or delivered to another location, to allow for their inspection. Washington state has experienced several instances of entry into or presence in this state of nursery stock infested with *Phytophthora ramorum*, the causative organism of the invasive, exotic plant disease sudden oak death. Although evidence indicates the disease is not at this time established outside regulated nurseries, it is a serious economic and environmental threat that necessitates the department having the ability to inspect nursery stock entering the state in order to locate and eradicate populations of the organism before they can become established. Sudden oak death has a wide host

range, including native species such as rhododendrons, Douglas fir and bigleaf maples and other common ornamental species such as camellia and pieris. Once the pathogen is detected, the only current control method is destruction of the infested plant. The risk of introduction of this and other non-native, invasive plant pest species appears to be increasing dramatically.

Proposal Changes the Following Existing Rules: This proposal adds WAC 16-402-100, 16-402-110, 16-402-120, and 16-402-130 to chapter 16-402 WAC. These sections establish reporting and record-keeping requirements for licensed nurseries for shipments of plants from outside the state. They also establish mandatory holding periods before plants from outside the state may be sold, distributed, or transported or delivered to another location, to allow for their inspection.

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. Analysis of the economic effects of the proposed rule amendments demonstrate that the changes will not be more than a minor cost to the regulated industry and, therefore, an SBEIS is not required. However, failure to adopt these changes may have a large impact on the regulated industry.

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, 1111 Washington Street S.E., Natural Resource Building, 2nd Floor, Conference Room 2005, Olympia, WA 98504-2560, on June 22, 2004, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Henri Gonzales by June 8, 2004, 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 June 22, 2004.

Date of Intended Adoption: July 6, 2004.

May 19, 2004

Mary A. Martin Toohey
Assistant Director

REPORTING AND HOLDING OF TREE AND SHRUB NURSERY STOCK

NEW SECTION

WAC 16-402-100 Purpose. The intrusion of nonnative, invasive plant pest species into Washington state is a significant public concern. Plant pest species include insects, nematodes, snails, plant diseases, weeds and other species which harm plants or plant products. If established, such plant pests have potential to cause harm to the state's forest, agricultural, horticultural, floricultural and apiary industries, to damage natural resources and the property of private landowners, to reduce environmental quality, and to threaten the diversity and abundance of native species. In recent years, many of these invasive plant pests have entered the state, in some

cases causing significant private and public expense for monitoring, control or eradication. This rule is intended to aid in the exclusion, tracking, identification, control and/or eradication of invasive plant pests which may enter the state on or in association with horticultural plants, in order to protect public health, safety, welfare, and the environment.

NEW SECTION

WAC 16-402-110 Definitions. The following definitions apply to WAC 16-402-100 through 16-402-130:

(1) "Tree and shrub nursery stock" means woody forest and ornamental trees, shrubs and vines grown or kept for propagation, distribution or sale, including bareroot, balled and burlaped, and containerized plants, liners, budwood, seedlings and cuttings. Fruit, seeds and tissue culture plantlets are not considered tree and shrub nursery stock.

(2) "Business day" means Monday through Friday, excluding state holidays.

(3) "Receiving nursery" means any nursery dealer within Washington state, including landscape firms and greenhouses required to be licensed as nursery dealers, that acquires tree and shrub nursery stock via interstate or international shipment.

NEW SECTION

WAC 16-402-120 Notification requirement. (1) Receiving nurseries for tree and shrub nursery stock imported into Washington state from any out-of-state source are required to notify the Washington state department of agriculture (WSDA). Notification methods may include U.S. mail, telefacsimile, delivery service or e-mail to: Nursery Inspection Program Supervisor, Plant Protection Division, Washington State Department of Agriculture, 1111 Washington St. S.E., P.O. Box 42560, Olympia, WA 98504-2560; fax 360-902-2094; e-mail: nursery@agr.wa.gov.

(2) Notification must include the species of plant(s), quantities of each species, source of each shipment and the receiving nursery's contact information including telephone numbers and e-mail address (if available). Copies of regular shipping documents, such as load lists, with this information are encouraged.

(3) Notification must arrive at WSDA no later than two business days after arrival of the shipment at the receiving nursery. Notification in advance of the shipment is encouraged.

(4) WSDA may approve alternative notification systems, if the alternative systems allow the provisions of WAC 16-401-130 to be carried out.

NEW SECTION

WAC 16-402-130 Hold requirement. (1) Tree and shrub nursery stock shipments from outside the state must be held separate from other nursery stock for a minimum of one full business day after notification is received by WSDA.

(2) WSDA will contact the nursery before or during the hold period specified in subsection (1) of this section, if the tree and shrub nursery stock must be held for inspection. WSDA will conduct the inspection as soon as practicable.

(3) Unless the receiving nursery has been instructed by WSDA to hold the shipment under subsection (2) of this section, the receiving nursery may distribute the stock before the expiration of the hold period specified in subsection (1) of this section, if the disposition of the stock is fully traceable. Retail sale to cash customers is not permitted during the hold period.

WSR 04-11-112 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed May 19, 2004, 10:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-121.

Title of Rule: Chapter 308-56A WAC, Certificates of Title—Motor vehicles, etc., new rule WAC 308-56A-024 Stolen vehicle check required for certificate of ownership.

Purpose: To establish requirements for stolen vehicle checks on application for vehicle certificate of ownership.

Statutory Authority for Adoption: RCW 46.01.110.

Summary: New WAC 308-56A-024 Stolen vehicle check required for certificate of ownership.

Reasons Supporting Proposal: A theft inquiry will be performed on all applications for vehicle certificate of ownership.

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 purpose of the rule is [to] allow nationwide theft inquiries by VIN on all vehicles which will assist law enforcement in locating vehicles that have been reported stolen.

The anticipated effect of this rule is an increase in locating and recovering vehicles that have been reported stolen. This will also help prevent the sale of stolen vehicles. There will be more vehicles subject to VIN inspection.

Proposal does not change existing rules. This is a new rule and does not change existing rules.

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 rule is specifically requiring the department to check all vehicles for a stolen background. This WAC is used to help implement stolen vehicle checks through the National Motor Vehicle Title Information System (NMVTIS).

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on July 8, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by July 7, 2004, 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 July 7, 2004.

Date of Intended Adoption: November 23, 2004.

May 19, 2004

Steve Borchowitz

Policy and Projects Office

NEW SECTION

WAC 308-56A-024 Stolen vehicle check required for certificate of ownership. (1) **Is a stolen vehicle check required whenever application is made for certificate of ownership?** Yes. A Washington Crime Information Center/National Crime Information Center (WACIC/NCIC) stolen vehicle search will be performed on all vehicle title transactions.

(2) **What is a WACIC/NCIC stolen vehicle search?** A WACIC/NCIC stolen vehicle search is defined to include any nationally recognized source of stolen vehicle data obtained from the NCIC, including the National Insurance Crime Bureau (NICB).

(3) **Who is authorized to receive and process stolen vehicle search inquiries?** The department and vehicle licensing offices are authorized to receive and process stolen vehicle search information. In addition to WACIC/NCIC, stolen vehicle searches may also be processed through any nationally recognized source of stolen vehicle data obtained from the NCIC, including the National Insurance Crime Bureau (NICB).

(4) **What happens if the stolen vehicle search indicates the vehicle has been reported stolen?** If the information obtained indicates the vehicle has been reported and confirmed stolen, the Washington state patrol will immediately be notified. A title will not be issued until the matter is resolved. If the department checks with the reporting law enforcement agency or jurisdiction and the reporting agency indicates that the vehicle's stolen status has been resolved, a certificate of ownership will be issued if the department is satisfied that all other requirements have been met.

(5) **What happens if the stolen vehicle search indicates that the vehicle has not been reported stolen?** If the stolen vehicle check is negative, a certificate of ownership will be issued if the department is satisfied that all other requirements have been met.

WSR 04-11-114

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 19, 2004, 11:25 a.m.]

Original Notice.

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

Title of Rule: WAC 356-05-178 Higher education system or higher education rules, 356-05-210 Law enforcement personnel, 356-05-220 Noncompetitive positions, 356-05-305 Premium payment, 356-05-370 Salary range, 356-05-375 Scheduling plan, 356-05-477 Washington general service, 356-05-479 Washington management service, 356-06-003 Scope, 356-06-040 Classified service, 356-06-065 Incumbent status for position converted by the board from exempt to classified, 356-06-100 Director—Powers—Duties, 356-06-110 Federal preemption—Fair Labor Standards Act, 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption, 356-07-040 General method of operation, 356-09-040 Affirmative action program—Responsibilities—Department of personnel, 356-10-020 Classification plan—Revision, 356-10-045 Employee appointment status—Lateral reallocation, 356-14-010 Compensation plan—General provision, 356-14-031 Compensation plan—Adoption, 356-14-045 Salaries—Comparable worth, 356-14-062 Compensation plan—Fiscal impact, 356-15-010 Compensation plan appendix—Preparation—Provision, 356-15-020 Work period designations, 356-15-060 Shift premium provisions and compensation, 356-15-125 Assignment pay provisions, 356-15-130 Special pay ranges, 356-22-036 College recruitment program—General provisions, 356-22-230 Examinations—Noncompetitive, 356-30-143 Intergovernmental mobility, 356-30-260 Probationary period—Provisions—Status of employee, 356-39-010 Chapter purpose, 356-39-020 Human resource development—State-wide philosophy/definition, 356-46-070 Agencies—Reports on employee status changes—Requirements, 356-46-090 Personnel department—Reciprocity with other jurisdictions, 356-46-100 Rules—Amendments—Notice, 356-46-125 Drug testing—Limitations—Uses, 356-56-010 Application of rules, 356-56-035 Definitions, and 356-56-070 Incumbent status for positions converted by the board from exempt to classified.

Repealing WAC 356-06-080 Powers—Duties of the board.

Purpose: See above.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These modifications will support the director of the Department of Personnel being granted authority for rule making and the adoption of the classification and compensation plan.

Reasons Supporting Proposal: These modifications are necessary for implementation of SHB 1268 which passed in 2003.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule above.

SHB 1268, which passed during the 2003 legislative session, removed rule-making authority on most topics, classifi-

cation plan adoption and compensation plan adoption from the Washington Personnel Resources Board. As of July 1, 2004, under the provisions of the bill, the director of the Department of Personnel has authority to adopt rules, the classification plan and the compensation plan. The proposed modifications are necessary to implement this change.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 8, 2004, at 2:00.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 2, 2004, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 2, 2004.

Date of Intended Adoption: July 8, 2004.

May 19, 2004

E. C. Matt
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-12 issue of the Register.

WSR 04-11-115

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 19, 2004, 11:26 a.m.]

Original Notice.

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

Title of Rule: Amending WAC 251-01-160 Executive head exemption, 251-01-201 Higher education system or higher education rules, 251-01-305 Principal assistant exemption, 251-01-310 probationary period, 251-01-382 Salary range, 251-04-030 Scope, 251-04-060 Director, 251-04-070 Personnel officers, 251-04-160 Federal preemption—Fair Labor Standards Act, 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption [preemption], 251-05-040 Method of operation, 251-06-010 Classification plan—Preparation, 251-06-020 Classification plan—Adoption, 251-06-090 Probationary period—Duration, 251-07-100 Temporary appointment records, 251-08-005 Compensation plans—General, 251-08-007 Compensation plans—Content, 251-08-031 Compensation plans—Adoption, 251-08-070 Salary—Limits, 251-08-112 Salary—Reallocation, 251-08-160 Payroll certification, 251-09-080 Standby pay, 251-09-090 Special pay—Purpose, 251-09-094 Special pay—Requirements, 251-09-100 Hazardous conditions pay, 251-19-070 Appointment—Alternate, 251-19-140 Apprenticeship programs, 251-22-165 Workers' compensation—Leave, 251-22-240 Suspended operation, 251-23-010 Affirmative action—Authority and 251-24-010 Employee development—Authority, purpose objective; and repealing WAC 251-04-050 Powers—Duties of the board.

Purpose: See above.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: These modifications will support the director of the Department of Personnel being granted authority for rule making and the adoption of the classification and compensation plan.

Reasons Supporting Proposal: These modifications are necessary for implementation of SHB 1268 which passed in 2003.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule above. SHB 1268, which passed during the 2003 legislative session, removed rule-making authority on most topics, classification plan adoption and compensation plan adoption from the Washington Personnel Resources Board. As of July 1, 2004, under the provisions of the bill, the director of the Department of Personnel has authority to adopt rules, the classification plan and the compensation plan. The proposed modifications are necessary to implement this change.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 8, 2004, at 2:00.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 2, 2004, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 2, 2004.

Date of Intended Adoption: July 8, 2004.

May 19, 2004

E. C. Matt
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-12 issue of the Register.

WSR 04-11-116

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 19, 2004, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-189.

Title of Rule: Chapter 388-78A WAC, Boarding home licensing rules (entire chapter).

Purpose: The purpose of revising the boarding home licensing rules is to assure that chapter 388-78A WAC complies with chapter 18.20 RCW as amended by SSB 6225, SSB 6160 and SSB 5733 by the 2004 legislature, and to be responsive to the needs of department clients.

Other Identifying Information: The department is proposing to repeal all rules in chapter 388-78A WAC adopted under WSR 03-16-047 scheduled to take effect September 1, 2004, and replace them with the proposed rules contained in this notice.

Statutory Authority for Adoption: RCW 18.20.090, chapter 142, Laws of 2004.

Statute Being Implemented: Chapter 18.20 RCW, chapter 142, 144, and 140, Laws of 2004.

Summary: The proposed amendments:

- Repeal all existing sections in chapter 388-78A WAC adopted under WSR 03-16-047, and replace them with new sections.
- Clarify and strengthen the assessment and care planning requirements for residents in boarding homes.
- Outline the minimum level of support all boarding homes must provide to the residents.
- Clarify and strengthen the nursing, medication and other health support services available to residents in boarding homes.
- Identify when specialized training for developmental disabilities, mental illness, and dementia is required in boarding homes in accordance with chapter 18.20 RCW and chapter 388-112 WAC.
- Improve the requirements for boarding home administrators.
- Revise all sections to make the requirements easier to understand.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Denny McKee, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2590; Implementation and Enforcement: Patricia K. Lashway, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2401.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: DSHS intends to adopt proposed rules as permanent by July 30, 2004, and make them effective as of September 1, 2004.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 388-78A WAC contains the licensing standards for boarding homes. It is being revised in part to comply with directions provided by the 2004 legislature contained in SSB 6225, SSB 6160, and SSB 5733. The department is also revising the chapter to be responsive to the needs of department clients. The anticipated effects of this rule are that residents will receive more appropriate and individualized care and services in a boarding home.

Proposal Changes the Following Existing Rules: The entire licensing chapter 388-78A WAC has been revised to make it consistent with recent legislation and to be responsive to the needs of department clients. The proposed changes include:

- Repealing all sections in chapter 388-78A WAC adopted under WSR 03-16-047, and replacing them with new sections.
- Specifying when a boarding home license is and is not required.
- Specifying the characteristics of persons that boarding homes may accept and retain in the boarding home.
- Specifying the content and timing of preadmission resident assessments and full reassessments.
- Specifying who is qualified to complete the preadmission assessment.
- Specifying the process of developing negotiated service agreements for residents, including the timing and content of these agreements.
- Specifying the requirements for implementing negotiated service agreements and monitoring residents' well-being.
- Specifying the required services a boarding home must provide.
- Identifying the optional domiciliary care services a boarding home may provide, and the minimum level of assistance with activities of daily living a boarding home must provide if it chooses to provide assistance with activities of daily living.
- Specifying the requirements for medication assistance and medication administration, and storing and accounting for medications.
- Specifying the requirements for families providing medication assistance to residents.
- Specifying the requirements for food services and therapeutic diets.
- Specifying the requirements associated with providing nursing services.
- Specifying the requirements concerning resident-arranged services with providers external to the boarding home.
- Specifying the requirements for coordinating services with providers external to the boarding home.
- Specifying the requirements for providing adult day care and dementia care, and the requirements for operating a unit with restricted egress.
- Specifying the requirements associated with documenting resident care, and maintaining records regarding residents' care.
- Specifying the requirements for hiring and training sufficient staff for the boarding home, including requirements for criminal history background checks and testing for tuberculosis.
- Specifying the training requirements for staff.
- Specifying the qualifications and training requirements for boarding home administrators.
- Specifying the administrative requirements of operating a boarding home, including use of management agreements, development of policies and pro-

- cedures, infection control practices, and reporting requirements.
- Specifying resident rights in boarding homes.
 - Specifying requirements for disaster preparedness and disclosing available services.
 - Specifying the requirements for obtaining a boarding home license and the procedures for application.
 - Specifying the licensee's responsibilities in a boarding home.
 - Specifying the requirements for the building to be used as a boarding home.
 - Specifying the rights and responsibilities of the boarding home during the inspection process.
 - Specifying the enforcement actions the department may take in response to a boarding home's noncompliance with rules, and the boarding home's appeal rights.

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

Small Business Economic Impact Statement

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 04-12 issue of the Register.

A copy of the statement may be obtained by writing to Denny McKee, Residential Care Services, ADSA, P.O. Box 45600, Olympia, WA 98504-5600, or by e-mailing mckeedd@dshs.wa.gov, phone (360) 725-2590, fax (360) 438-7903.

RCW 34.05.328 applies to this rule adoption. A preliminary cost-benefit analysis has been prepared regarding this proposed rule. A copy of the preliminary cost-benefit analysis may be obtained by contacting Denny McKee, Residential Care Services, ADSA, P.O. Box 45600, Olympia, WA 98504-5600, or by e-mailing mckeedd@dshs.wa.gov, phone (360) 725-2590, fax (360) 438-7903.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 1, 2004, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., July 6, 2004.

Date of Intended Adoption: No later than July 30, 2004.

May 19, 2004

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 04-12 issue of the Register.

WSR 04-11-117
PROPOSED RULES
BOARD OF
INDUSTRIAL INSURANCE APPEALS

[Filed May 19, 2004, 11:34 a.m.]

Original Notice.

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

Title of Rule: Chapter 263-12 WAC, Practice and procedure before the Board of Industrial Insurance Appeals.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-01501, 263-12-020, 263-12-050 and 263-12-117; and adding new section WAC 263-12-106.

Statutory Authority for Adoption: RCW 51.52.020.

Summary: The proposed revisions make a number of housekeeping changes by clarifying and simplifying language and punctuation; clarifying provisions pertaining to electronic filing of a notice of appeal; clarifying the authority of legal interns to participate in appeals; clarification to reflect that various public employee death benefit appeals are also filed with the board; and clarifying provisions related to the taking of evidence in perpetuation depositions. Creates new section WAC 263-12-106, regarding expedited hearings (required due to the passage of SSB 6428, chapter 259, Laws of 2004).

Reasons Supporting Proposal: Rules are being modified to meet the clear-writing mandates; new section is due to the passage of SSB 6428.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David E. Threedy, 2430 Chandler Court S.W., Olympia, WA, (360) 753-6823.

Name of Proponent: Board of Industrial Insurance Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 263-12-01501, the rule includes a new subsection pertaining to the electronic filing of a notice of appeal. The primary importance of this rule is to give the parties notice that even though filed electronically, if it is filed after the board's customary business hours, it will not be considered as filed until the next day.

WAC 263-12-020, inclusion of a new subsection to cover the authority of legal interns (Rule 9 interns) to participate in appeals.

WAC 263-12-050, because we do not adhere to the current requirements in the rule regarding what is required in a notice of appeal, the mandatory language was removed. In addition, subsection (5) was changed to reflect that various public employee death benefit appeals are also filed with the board.

WAC 263-12-117, a clause was inserted to clarify that for perpetuation depositions, provisions related to the taking of evidence at hearing would also apply.

NEW SECTION WAC 263-12-106, a new section regarding expedited hearings is required due to the passage of SSB 6428, chapter 259, Laws of 2004. The rule indicates that the industrial appeals judge will receive all testimony and evi-

PROPOSED

dence, and then refer the matter directly to the board for decision.

Proposal Changes the Following Existing Rules: See Purpose, Summary and Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on financial issues in the amendments being made. They are basically clarification of procedural rules relating to administrative hearings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rule changes are not legislative; they relate to procedures related to agency hearings or clarify language of a rule without changing its effect.

Hearing Location: Board of Industrial Insurance Appeals, Main Conference Room, 2430 Chandler Court S.W., Olympia, WA, on June 22, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Donalda Ball by June 10, 2004, (360) 753-6823 ext. 183.

Submit Written Comments to: David E. Threedy, P.O. Box 42401, Olympia, WA 98504-2401, fax (360) 586-5611, by June 21, 2004.

Date of Intended Adoption: June 23, 2004.

May 19, 2004

David E. Threedy
Executive Secretary

AMENDATORY SECTION (Amending WSR 98-20-109, filed 10/7/98, effective 11/7/98)

WAC 263-12-01501 Communications and filing with the board. (1) Communications with the board.

(a) **Where to file.** All written communications by parties pertaining to a particular case, including notices of appeal, applications, notices of appearance, briefs, memoranda, motions, requests, or petitions for review, shall be filed with the board at its headquarters in Olympia, Washington.

(b) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board personally, by mail, or by telephone facsimile.

(i) **Filing personally.** The filing of a written communication with the board personally is perfected by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

(ii) **Filing by mail.** The filing of a written communication with the board is perfected by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a statute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

(iii) **Filing by telephone facsimile.**

(A) The filing of a written communication with the board by telephone facsimile is perfected when a legible copy of the written communication is reproduced on the board's tele-

phone facsimile equipment in Olympia. The hours of operation of the board's telephone facsimile equipment are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. If a transmission of a written communication commences after these hours of operation the written communication shall be deemed filed on the next succeeding business day.

(B) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission.

(C) No written communication should exceed fifteen pages in length, exclusive of the cover page required by this rule.

(D) The party attempting to file the written communication by telephone facsimile bears the risk that the written communication will not be legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

(E) The board may require a party to file an original of any document previously filed by telephone facsimile.

(iv) Electronic filing of a notice of appeal. A notice of appeal may be filed electronically when using the appropriate form for electronic filing of appeals as provided on the board's internet site. An electronic notice of appeal is filed when it is received by the Board's designated computer during the Board's customary office hours pursuant to WAC 263-12-015. Otherwise the notice of appeal is considered filed at the beginning of the next business day. The board shall issue confirmation to the filing party that an electronic notice of appeal has been received. The board may reject a notice of appeal that fails to comply with the board's filing requirements. The board must notify the filing party of the rejection.

(c) **Sending written communication.** All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the executive secretary of the board.

(d) **Form requirements.** Any written communications with the board concerning an appeal should reference the docket number which was assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending WSR 00-23-021, filed 11/7/00, effective 12/8/00)

WAC 263-12-020 Appearances of parties before the board. (1) Who may appear.

(a) Any party to any appeal may appear before the board at any conference or hearing held in such appeal, either on the party's own behalf or by an attorney at law or other authorized lay representative of the party's choosing as prescribed by section 3 below.

(b) Appeals under the Washington Industrial Safety and Health Act.

(i) In an appeal by an employee or employee representative under the Washington Industrial Safety and Health Act, the cited employer may enter an appearance as prescribed in subsection (2) below and will be deemed a party to the appeal.

(ii) In an appeal by an employer, under the Washington Industrial Safety and Health Act, an employee or employee representative may enter an appearance as prescribed in subsection (2) below, and will be deemed a party to the appeal.

(c) Where the party appears representing himself or herself, he or she may be accompanied, both at conference and at hearing, by a lay person of his or her choosing who shall be permitted to accompany the party into the conference or hearing room and with whom he or she can confer during such procedures.

(d) Although the industrial appeals judge may not advocate for either party, all parties who appear either at conferences or hearings are entitled to the assistance of the industrial appeals judge presiding over the proceeding. Such assistance shall be given in a fair and impartial manner consistent with the industrial appeals judge's responsibilities to the end that all parties are informed of the procedure which is to be followed and the issues which are involved in the proceedings. Any party who appears representing himself or herself shall be advised by the industrial appeals judge of the burden of proof required to establish a right to the relief being sought.

(2) How to make an appearance.

(a) Appearances shall be made either by:

(i) Filing a written notice of appearance with the board containing the name of the party to be represented, and the name and address of the representative; or by

(ii) Appearing at the time and place of a conference or hearing on the appeal, and notifying the industrial appeals judge of the party to be represented, and the name and address of the representative.

(b) The appearing party shall furnish copies of every written notice of appearance to all other parties or their representatives of record at the time the original notice is filed with the board.

(c) The board shall serve all notices and orders on each representative and each party represented. Service upon the representative shall constitute service upon the party. Where more than one individual associated with a firm, or organization, including the office of the attorney general, has made an appearance, service under this subsection shall be satisfied by serving the individual who filed the notice of appeal, or who last filed a written notice of appearance or, if no notice of appeal or written notice of appearance has been filed on behalf of the party, the individual who last appeared at any proceeding concerning the appeal.

(3) **Lay representation.** Duly authorized lay representatives may be permitted to appear in proceedings before the

board without a formal request for admission to practice before the board so long as the lay representative does not charge a fee and is not otherwise compensated for the representation except as provided below:

(a) A worker or beneficiary may be represented by a person employed by the worker's labor union whose duties include handling industrial insurance matters for the union. Lay persons may not represent workers before the board in return for remuneration received from the worker or from the worker's receipt of benefits under this act.

(b) An employer may be represented by an employee. An employer may also be represented by a firm or firms that contracts with the employer to handle matters pertaining to industrial insurance without regard to whether a fee is charged.

(c) In appeals involving the Washington Industrial Safety and Health Act under chapter 49.17 RCW and assessments under chapter 51.48 RCW, an employer may be represented by a lay person without regard to whether a fee is charged.

(d) Paralegals supervised by an attorney licensed in the state of Washington to practice law may represent any party (~~(appearing)~~) appearing before the board.

(e) Legal interns granted a limited license to engage in the practice of law pursuant to Admission to Practice Rule 9 of the Washington Court Rules (APR) may participate in proceedings to the same extent as permitted by APR 9(c)(5) with regard to courts of limited jurisdiction.

(4) **Withdrawal or substitution of representatives.** An attorney or other representative withdrawing from a case shall immediately notify the board and all parties of record in writing. The notice of withdrawal shall comply with the rules applicable to notices of withdrawal filed with the superior court in civil cases. Withdrawal shall be subject to approval by the industrial appeals judge or the executive secretary. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record together with the written consent of the prior attorney or representative. If such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

(5) **Conduct.** All persons appearing as counsel or representatives in proceedings before the board or before its industrial appeals judges shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

(a) Industrial appeals judge. If any such person does not conform to such standard, the industrial appeals judge presiding over the appeal, at his or her discretion and depending on all the circumstances, may take the following action:

(i) Admonish or reprimand such person, or

(ii) Exclude such person from further participation in the proceedings and adjourn the same, or

(iii) Certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100, or

(iv) Report the matter to the board.

(b) The board. In its discretion, either upon referral by an industrial appeals judge as stated above or on its own motion, after information comes to light that establishes to the board a question regarding a persons ethical conduct and fitness to

practice before the board, and after notice and hearing, may take appropriate disciplinary action including, but not limited to:

(i) A letter of reprimand,
 (ii) Refusal to permit such person to appear in a representative capacity in any proceeding before the board or its industrial Appeals judges, or

(iii) Certification of the record to the superior court for contempt proceedings as provided in RCW 51.52.100. If the circumstances require, the board may take action as described above prior to notice and hearing if the conduct or fitness of the person appearing before the Board requires immediate action in order to preserve the orderly disposition of the appeal or appeals.

(c) Proceedings. If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the industrial appeals judge may, at his or her discretion and depending on all the circumstances:

(i) Admonish or reprimand such person, or
 (ii) Exclude such person from further participation in the proceedings and adjourn the same, or
 (iii) Certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100, or
 (iv) Report the matter to the board for action consistent with (b) above.

AMENDATORY SECTION (Amending WSR 03-02-038, filed 12/24/02, effective 1/24/03)

WAC 263-12-050 Contents of notice of appeal. The board's jurisdiction shall be invoked by filing a written notice of appeal.

(1) **General Rule.** In all appeals, the notice of appeal ((shall)) should contain where applicable:

(a) The name and address of the appealing party and of the party's representative, if any;

(b) A statement identifying the date and content of the department order, decision or award being appealed. This requirement may be satisfied by attaching a copy of the order, decision or award;

(c) The reason why the appealing party considers such order, decision or award to be unjust or unlawful;

(d) A statement of facts in full detail in support of each stated reason;

(e) The specific nature and extent of the relief sought;

(f) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held;

(g) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true;

(h) The signature of the appealing party or the party's representative.

(2) **Industrial Insurance Appeals.** In appeals arising under the Industrial Insurance Act (Title 51 RCW), the notice of appeal ((shall)) should also contain:

(a) The name and address of the injured worker;

(b) The name and address of the worker's employer at the time the injury occurred;

(c) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;

(d) The nature of the injury or occupational disease;

(e) The time when and the place where the injury occurred or the occupational disease arose.

(3) **Crime Victims' Compensation Act.** In appeals arising under the Crime Victims' Compensation Act (chapter 7.68 RCW), the notice of appeal ((shall)) should also contain:

(a) The time when and the place where the criminal act occurred;

(b) The name and address of the alleged perpetrator of the crime; and

(c) The nature of the injury.

(4) **Assessment Appeals.** In appeals from a notice of assessment arising under chapter 51.48 RCW or in cases arising from an assessment under the Worker and Community Right to Know Act (chapter 49.70 RCW), the notice of appeal ((shall)) should also contain:

(a) A statement setting forth with particularity the reason for the appeal; and

(b) The amounts, if any, that the party admits are due.

(5) **LEOFF and Public Employee Death Benefit Appeals.** In appeals arising under the special death benefit provision of the Law Enforcement Officers' and Fire Fighters' Retirement System (chapter 41.26 RCW), the notice of appeal ((shall)) should also contain:

(a) The time when and the place where the death occurred; and

(b) The name and address of the decedent's employer at the time the injury occurred.

(6) **Asbestos Certification Appeals.** In appeals arising under chapter 49.26 RCW concerning the denial, suspension or revocation of certificates involving asbestos projects, the notice of appeal ((shall)) should also contain:

(a) A statement identifying the certification decision appealed from;

(b) The reason why the appealing party considers such certification decision to be incorrect.

(7) **WISHA Appeals.** In appeals arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), the appeal ((shall)) should also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s);

(c) A statement certifying compliance with WAC 263-12-059.

(8) **Other Safety Appeals.** In appeals arising under chapter 49.22 RCW concerning alleged violations of safety procedures in late night retail establishments, chapter 70.74 RCW concerning alleged violations of the Washington State

Explosives Act, or chapter 88.04 RCW concerning alleged violations of the Charter Boat Safety Act, the notice of appeal (~~shall~~) should also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation or violations;

(c) If applicable, a statement certifying compliance with WAC 263-12-059.

AMENDATORY SECTION (Amending WSR 03-02-038, filed 12/24/02, effective 1/24/03)

WAC 263-12-117 Perpetuation depositions. (1) **Evidence by deposition.** The industrial appeals judge may permit or require the perpetuation of testimony by deposition(-), subject to the applicable provisions of WAC 263-12-115. Such ruling may only be given after the industrial appeals judge gives due consideration to: (a) The complexity of the issues raised by the appeal; (b) The desirability of having the witness's testimony presented at a hearing; (c) The costs incurred by the parties in complying with the ruling; and (d) The fairness to the parties in complying with the ruling. The industrial appeals judge may require that depositions be taken and published within prescribed time limits, which time limits may be extended by the industrial appeals judge for good cause. Each party shall bear its own costs except when appropriate and requested by a party, the industrial appeals judge may allocate costs to parties or their representatives. If the deposition is not transcribed in a reproducible format it may be excluded from the record.

(2) **Procedure at deposition.** Unless the parties stipulate or the industrial appeals judge determines otherwise all depositions permitted to be taken for the perpetuation of testimony shall be taken subject to the following conditions: (a) That all motions and objections, whether to form or otherwise, shall be raised at the time of the deposition and if not raised at such time shall be deemed waived; (b) That all exhibits shall be marked and identified at the time of the deposition and, if offered into evidence, appended to the deposition; (c) That the deposition be published without necessity of further conference or hearing at the time it is received by the industrial appeals judge; (d) That all motions, including offers to admit exhibits and objections raised at the time of the deposition, shall be ruled upon by the industrial appeals judge in the proposed decision and order; and (e) that the deposition may be appended to the record as part of the transcript, and not as an exhibit, without the necessity of being re-typed into the record.

NEW SECTION

WAC 263-12-106 Expedited hearings. If a statute requires that the board conduct an expedited hearing in a matter, the matter will be referred to a duly authorized industrial appeals judge. Notices of conferences and hearings related to the expedited hearing will conform to the requirements identified in WAC 263-12-090 and WAC 263-12-100. After hearing all testimony and receiving all evidence related to the expedited hearing, the industrial appeals judge will refer the

matter directly to the board for decision. The board will issue an order based on the record of the expedited hearing.

**WSR 04-11-121
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed May 19, 2004, 12:26 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.1419(1).

Title of Rule: Amend Regulation I, Sections 7.03 and 7.07.

Purpose: To amend the agency's operating permit fee structure; and to remove an obsolete effective date.

Other Identifying Information: 7.03 pertains to Applicability and 7.07 pertains to Fees.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141 and 70.94.161.

Summary: Fees for operating permits will increase, but individual permit fees related to amendments, modifications, original issuance, reopening, and renewals will be deleted. Increases also reflect adjustments based on experienced level of effort and anticipated increases in effort related to implementing recently-issued permits. Two source category changes reflect equity adjustments based on staff time necessary to administer these permits. Also, an obsolete effective date is being removed.

Reasons Supporting Proposal: The fees need to cover program costs. The obsolete effective date needs to be deleted.

Name of Agency Personnel Responsible for Drafting: Steve Van Slyke, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4052; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

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: Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on June 24, 2004, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by June 17, 2004, TDD (800) 833-6388 or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, (206) 343-7522, by June 24, 2004.

Date of Intended Adoption: June 24, 2004.

May 17, 2004

Steve M. Van Slyke
Supervisory Engineer

336411	Aircraft Manufacturing	
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing	
928110	National Security	
	\$((30,000))
		<u>50,000</u>

(ii) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description	Fee
311119	Other Animal Food Manufacturing	
311812	Commercial Bakeries	
321113	Sawmills	
((321911	Wood Window and Door Manufacturing	
321912	Cut Stock, Resawing Lumber, and Planing	
321918	Other Millwork (including Flooring)	
321999	All Other Miscellaneous Wood Product Manufacturing	
322222	Coated and Laminated Paper Manufacturing	
326140	Polystyrene Foam Product Manufacturing	
327121	Brick and Structural Clay Tile Manufacturing	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	
	\$((7,500))
		<u>10,000</u>
(iii)	Operating permit sources with NAICS codes other than listed above	\$((15,000))
		<u>25,000</u>

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b)(1):
 \$23 for each ton of CO reported in the previous calendar year, and
 \$46 for each ton of NOx reported in the previous calendar year, and
 \$46 for each ton of PM₁₀ reported in the previous calendar year, and
 \$46 for each ton of SOx reported in the previous calendar year, and
 \$46 for each ton of VOC reported in the previous calendar year, and
 \$46 for each ton of HAP reported in the previous calendar year.

(c) In addition to the fees under Sections 7.07 (b)(1) and (b)(2) above, the Agency shall, on a source-by-source basis, assess the following fees:

AMENDATORY SECTION

REGULATION I SECTION 7.03 APPLICABILITY

The provisions of this article apply to all Chapter 401 sources subject to the requirements of chapter 173-401 WAC ((WAC 173-401 and shall become effective 90 days after the EPA authorizes Puget Sound Clean Air Agency to issue operating permits under the federal Clean Air Act)).

AMENDATORY SECTION

REGULATION I SECTION 7.07 OPERATING PERMIT FEES

(a) The Agency shall assess annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following annual operating permit fees are due and payable within 45 days of the invoice date. They shall be deemed delinquent if not fully paid within 90 days of the date of the invoice and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$5,000. In addition, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70.94 RCW).

(1) Sources in the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 1997), or sources subsequently determined by the control officer to be assigned to either Section 7.07 (b)(1)(i) or 7.07 (b)(1)(ii) shall be subject to the following facility fees:

(i) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description	Fee
221112	Fossil Fuel Electric Power Generation	
324110	Petroleum Refineries	
<u>327213</u>	<u>Glass Container Manufacturing</u>	
327310	Cement Manufacturing	
331111	Iron and Steel Mills	

PROPOSED

~~((1)) \$250 for administrative permit amendments [WAC 173-401-720], and~~

~~(2) for minor permit modifications [WAC 173-401-725(2) and (3)], a fee equal to 10% of the annual operating permit fee, not to exceed \$5,000, and~~

~~(3) for the original issuance [WAC 173-401-700], significant modification [WAC 173-401-725(4)], reopening for cause [WAC 173-401-730], or renewal [WAC 173-401-710] of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$10,000, and))~~

~~((4)) (1) ((to cover the)) costs of public involvement under WAC 173-401-800, and~~

~~((5)) (2) ((to cover the)) costs incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and ((€))chapter 246-247 WAC.~~

(d) In addition to the fees described under Sections 7.07 (b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under ((€))chapter 173-401 WAC to cover the Department of Ecology's program development and oversight costs.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

WSR 04-11-122
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed May 19, 2004, 12:26 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Repeal Regulation I, Sections 5.02, Amend Regulation I, Sections 5.03, 5.05, and 5.07.

Purpose: To improve the classification of air contaminant sources and to clarify reporting requirements.

Other Identifying Information: 5.02 is the Applicability and Purpose of the Registration Program. 5.03 is Registration Required. 5.05 is the General Reporting Requirements for Registration. 5.07 is the Annual Registration Fees.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141 and 70.94.151.

Summary: Section 5.02 will be repealed since the applicability provisions are moving to Section 5.03; the reporting requirements are moving to Section 5.05, and the fee provisions are moving to Section 5.07. These changes will improve the classification of air contaminant sources and clarify the reporting requirements.

Reasons Supporting Proposal: The applicability provisions in Section 5.02 belong in Section 5.03, the reporting provisions belong in Section 5.05, and the fee provisions belong in Section 5.07. This includes the statutory applicability provision presently in Section 5.02(a), the statutory reporting provision presently in Section 5.02(c), and the statutory fee provision presently in Section 5.02(d).

Puget Sound Clean Air Agency implements the source classification provisions of RCW 70.94.151(1) through Section 5.03. The proposed amendments are an effort to better classify air contaminant sources as authorized by RCW 70.94.151.

Puget Sound Clean Air Agency implements the reporting provisions of RCW 70.94.151(2) through Section 5.05. The proposed amendments are an effort to clarify these requirements. The existing regulations include reporting provisions in various portions of Article 5.

Puget Sound Clean Air Agency implements the fee provisions of RCW 70.94.151(2) through Section 5.07. The proposed amendments are an effort to establish a fee structure based on the revised classification system. The proposed fee structure should more closely resemble the level of effort required to administer the registration program for each class of sources.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4065; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Section 5.02 will be repealed since the applicability provisions are moving to Section 5.03; the reporting requirements are moving to Section 5.05, and the fee provisions are moving to Section 5.07.

These changes will improve the classification of air contaminant sources and clarify the reporting requirements.

A small number of sources that are currently registered will no longer require registration, however as is stated in Section 5.03(d), exemption from registration is not an exemption from any other provisions of the Agency's regulations.

Proposal Changes the Following Existing Rules: Section 5.02 will be repealed; the applicability provisions in Section 5.02 will move to Section 5.03; the reporting requirements will move to Section 5.05; and the fee provisions will move to Section 5.07.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

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: Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on June 24, 2004, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by June 17, 2004, TDD (800) 833-6388 or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, fax (206) 343-7522, by June 24, 2004.

Date of Intended Adoption: June 24, 2004.

May 17, 2004

Gerald S. Pade

Engineer

PROPOSED

REPEALER

REGULATION I SECTION 5.02 APPLICABILITY AND PURPOSE OF THE REGISTRATION PROGRAM

AMENDATORY SECTION

REGULATION I SECTION 5.03 APPLICABILITY OF REGISTRATION PROGRAM (REQUIRED)

(a) The requirements of this article shall apply only to:

(1) Sources subject to a federal emission standard under:

(A) 40 CFR Part 60 (except Subparts B, S, BB, and AAA);

(B) 40 CFR Part 61 (except Subparts B, H, I, K, O, R, T, W, and the provisions of Subpart M pertaining to asbestos on roadways, asbestos demolition and renovation activities, and asbestos spraying);

(C) 40 CFR Part 62; or

(D) 40 CFR Part 63 (except Subpart LL and the provisions of Subparts S and MM pertaining to kraft and sulfite pulp mills);

(2) Sources with a federally enforceable emission limitation established in order to avoid operating permit program applicability under Article 7 of this regulation;

(3) Sources with annual emissions:

(A) Greater than or equal to 2.50 tons of any single hazardous air pollutant (HAP);

(B) Greater than or equal to 6.25 tons of total hazardous air pollutants (HAP); or

(C) Greater than or equal to 25.0 tons of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM_{2.5} or PM₁₀), sulfur oxides (SO_x), or volatile organic compounds (VOC);

(4) Sources subject to the following sections of Regulation I, II, or III:

(A) Refuse burning equipment subject to Section 9.05 of Regulation I (including crematories);

(B) Fuel burning equipment or refuse burning equipment burning oil that exceeds any limit in Section 9.08 of Regulation I and sources marketing oil to such sources;

(C) Fuel burning equipment subject to Section 9.09 of Regulation I with a rated heat input greater than or equal to 1 MMBtu/hr of any fuel other than natural gas, propane, butane, or distillate oil, or greater than or equal to 10 MMBtu/hr of any fuel;

(D) Sources with spray-coating operations subject to Section 9.16 of Regulation I;

(E) Petroleum refineries subject to Section 2.03 of Regulation II;

(F) Gasoline loading terminals subject to Section 2.05 of Regulation II;

(G) Gasoline dispensing facilities subject to Section 2.07 of Regulation II;

(H) Volatile organic compound storage tanks subject to Section 3.02 of Regulation II;

(I) Can and paper coating facilities subject to Section 3.03 of Regulation II;

(J) Motor vehicle and mobile equipment coating operations subject to Section 3.04 of Regulation II;

(K) Flexographic and rotogravure printing facilities subject to Section 3.05 of Regulation II;

(L) Polyester, vinylester, gelcoat, and resin operations subject to Section 3.08 of Regulation II;

(M) Aerospace component coating operations subject to Section 3.09 of Regulation II;

(N) Coatings and ink manufacturing subject to Section 3.11 of Regulation II;

(O) Dry cleaners subject to Section 3.03 of Regulation III;

(P) Solvent metal cleaners subject to Section 3.05 of Regulation III; or

(Q) Ethylene oxide sterilizers subject to Section 3.07 of Regulation III;

(5) Sources with any of the following gas or odor control equipment having a rated capacity of greater than or equal to 200 cfm (≥4" diameter inlet):

(A) Activated carbon adsorption;

(B) Afterburner;

(C) Barometric condenser;

(D) Biofilter;

(E) Catalytic afterburner;

(F) Catalytic oxidizer;

(G) Chemical oxidation;

(H) Condenser;

(I) Dry sorbent injection;

(J) Flaring;

(K) Non-selective catalytic reduction;

(L) Refrigerated condenser;

(M) Selective catalytic reduction; or

(N) Wet scrubber;

(6) Sources with any of the following particulate control equipment having a rated capacity of greater than or equal to 2,000 cfm (≥10" diameter inlet):

(A) Baghouse;

(B) Demister;

(C) Electrostatic precipitator;

(D) HEPA (high efficiency particulate air) filter;

(E) HVAF (high velocity air filter);

(F) Mat or panel filter;

(G) Mist eliminator;

(H) Multiple cyclones;

(I) Rotoclone;

(J) Screen;

(K) Venturi scrubber;

(L) Water curtain; or

(M) Wet electrostatic precipitator;

PROPOSED

(7) Sources with a single cyclone having a rated capacity of greater than or equal to 20,000 cfm (≥27" diameter inlet);

(8) Sources with any of the following equipment:

(A) Asphalt batch plants;

(B) Burn-off ovens;

(C) Coffee roasters;

(D) Commercial composting with raw materials from off-site;

(E) Commercial smokehouses with odor control equipment;

(F) Concrete batch plants (ready-mix concrete);

(G) Galvanizing;

(H) Iron or steel foundries;

(I) Microchip or printed circuit board manufacturing;

(J) Rendering plants;

(K) Rock crushers or concrete crushers;

(L) Sewage treatment plants with odor control equipment;

(M) Shipyards;

(N) Steel mills; or

(O) Wood preserving lines or retorts; and

(9) Sources with equipment (or control equipment) that has been determined by the Control Officer to warrant registration through review of a Notice of Construction application under Section 6.03(a) or a Notification under Section 6.03(b) of this regulation, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, and with special reference to effects on health, economic and social factors, and physical effects on property.

(b) ((a)) The ((registration)) requirements of this article ((do)) shall not apply to:

(1) ((m)) Motor vehicles;

(2) ((n)) Nonroad engines or nonroad vehicles as defined in Section 216 of the federal Clean Air Act;

(3) ((s)) Sources that require an operating permit under Article 7 of this regulation;

(4) ((spray-coating operations exempt under Section 9.16(b) of this regulation)) Solid fuel burning devices subject to Article 13 of this regulation; or

(5) ((a)) Any source, including any listed in Sections 5.03((b) below) (a)(4) through 5.03 (a)(9) of this regulation, that has been determined through review by the Control Officer not to warrant registration, due to the amount and nature of air contaminants produced or the potential to contribute to air pollution, and with special reference to effects on health, economic and social factors, and physical effects on property.

(c) ((b)) It shall be unlawful for any person to cause or allow the operation of any source ((required to register under Section 5.03)) subject to registration under this section, unless it ((conforms to)) meets all the requirements of Article 5 of this regulation. ((Except as provided in Section 5.03(a), the owner or operator of each of the following stationary air contaminant sources shall register the source with the Agency by paying the annual fee required by Section 5.07 and submitting any reports required by Section 5.05.

(1) Any category of stationary sources to which a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), BB

(Kraft Pulp Mills), or AAA (New Residential Wood Heaters), applies;

(2) Any source category subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61, other than Subpart M (asbestos on roadways, asbestos demolition or renovation activities, or asbestos spraying), or 40 CFR Part 63;

(3) Any source that emits any of the following pollutants at a rate of emission equal to or greater than any one of the following rates (tons/year):

carbon monoxide	25
nitrogen oxides	25
sulfur dioxide	25
particulate matter (PM10)	25
particulate matter (PM2.5)	25
volatile organic compounds (VOC)	25
facility combined total of all toxic air contaminants (TAC)	6
any single toxic air contaminant (TAC)	2

(4) Any source that has equipment or control equipment, with an approved Notice of Construction under Article 6 of Regulation I;

(5) Any source that has been determined through review by the Control Officer to warrant registration, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property;

(6) Any source that has elected to opt out of the operating permit program by limiting its potential to emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of the federal Clean Air Act;

- (7) Other sources, such as:
- aerosol can filling facilities;
- agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;
- agricultural drying and dehydrating operations;
- alumina processing;
- ammonium sulfate manufacturing plants;
- asphalt and asphalt products production facilities;
- automobile or light-duty truck surface coating operations;
- baker's yeast manufacturing;
- brick and clay manufacturing plants, including tiles and ceramics;

cattle feedlots with operational facilities that have an inventory of 1,000 or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;

- chemical manufacturing plants;
- coal preparation plants;
- coffee roasting facilities;
- composting operations, including commercial, industrial and municipal, but exempting agricultural and residential composting activities;

PROPOSED

- ~~concrete product manufacturers and ready-mix and pre-mix concrete plants;~~
- ~~crematoria or animal carcass incinerators;~~
- ~~dry cleaning plants;~~
- ~~ethylene dichloride, polyvinyl chloride, or vinyl chloride plants;~~
- ~~explosives production;~~
- ~~flexible polyurethane foam production;~~
- ~~flexible vinyl and urethane coating and printing operations;~~
- ~~gasoline stations, bulk gasoline plants, and gasoline loading terminals;~~
- ~~gelecoat, polyester, resin, or vinylester coating manufacturing operations at commercial or industrial facilities;~~
- ~~glass manufacturing plants;~~
- ~~grain, seed, animal feed, legume, and flour processing operations and handling facilities;~~
- ~~hazardous waste treatment and disposal facilities;~~
- ~~ink manufacturers;~~
- ~~insulation fiber manufacturers;~~
- ~~landfills, active and inactive, including covers, gas collection systems, or flares;~~
- ~~lead-acid battery manufacturing plants;~~
- ~~lime manufacturing plants;~~
- ~~metal-casting facilities and foundries, ferrous and non-ferrous;~~
- ~~metal plating and anodizing operations;~~
- ~~metallic and nonmetallic mineral processing plants, including rock crushing plants and sand and gravel operations;~~
- ~~metallurgical processing plants;~~
- ~~mills such as lumber, plywood, shake, shingle, wood-chip, veneer operations, dry kilns, pulpwood-insulating board, or any combination thereof;~~
- ~~mineral wool production;~~
- ~~mineralogical processing plants;~~
- ~~municipal waste combustors;~~
- ~~nitric acid plants;~~
- ~~paper manufacturers, except Kraft and sulfite pulp mills;~~
- ~~petroleum refineries;~~
- ~~pharmaceuticals production;~~
- ~~plastics and fiberglass product fabrication facilities;~~
- ~~pneumatic materials conveying operations and industrial house-keeping vacuuming systems that exhaust more than 1,000 acfm to the atmosphere;~~
- ~~portland cement plants;~~
- ~~primary copper smelters, lead smelters, magnesium refining and zinc smelters, but excluding primary aluminum plants;~~
- ~~rendering plants;~~
- ~~semiconductor manufacturing;~~
- ~~shipbuilding and ship repair (surface coating);~~
- ~~soil vapor extraction (active), thermal soil contaminant desorption, or groundwater air stripping remediation projects;~~
- ~~sulfuric acid plants;~~
- ~~surface coating manufacturers;~~
- ~~surface spray coating operations, including automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates;~~

- ~~synthetic fiber production facilities;~~
- ~~synthetic organic chemical manufacturing industries;~~
- ~~tire recapping facilities;~~
- ~~vegetable oil production;~~
- ~~wastewater treatment plants; or~~
- ~~wood treatment.)~~

(d) An exemption from new source review under Article 6 of this regulation shall not be construed as an exemption from registration under this article. In addition, an exemption from registration under this article shall not be construed as an exemption from any other provision of Regulation I, II, or III.

AMENDATORY SECTION

REGULATION I SECTION 5.05 (~~GENERAL REPORTING REQUIREMENTS FOR~~) REGISTRATION REQUIREMENTS

~~(a) (General.)~~ The owner or operator of ~~((an air contaminant))~~ a source ~~((for which))~~ requiring registration ~~((is required by))~~ under Section 5.03 of this regulation~~((;))~~ shall make reports containing information as required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

~~((b) Registration Form.~~ Registration information shall be provided on forms supplied by the Agency and shall be completed and returned within the time specified on the form.

~~(e) Reporting Responsibility.~~ The owner, operator, or a designated representative shall sign Agency registration and reporting forms for each source~~((;))~~. The owner or operator ~~((of the source))~~ shall be responsible for obtaining the proper forms from the Agency, notifying the Agency of ((the)) its existence ((of the source)) (including changes in its ownership or name), and for the accuracy, completeness, and timely submittal of all registration reports((ing information and any accompanying)) and fees.

~~((d) Emission Reporting.~~ An emission report shall be required from the owner or operator of a source requiring registration, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions	25.0
facility combined total of all hazardous air pollutant (HAP) emissions	6.0
any single hazardous air pollutant (HAP) emission	2.0
nitrogen oxide (NO _x) emissions	25.0
particulate matter (PM ₁₀) emissions	25.0
particulate matter (PM _{2.5}) emissions	25.0
sulfur oxide (SO _x) emissions	25.0
volatile organic compounds (VOC) emissions	25.0

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above.)

(b) The owner or operator of a source requiring registration under Section 5.03 of this regulation shall submit a report by June 30th of each year, listing the emissions of those air contaminants emitted during the previous calendar year that equaled or exceeded:

(1) 2.50 tons of any single hazardous air pollutant (HAP);

(2) 6.25 tons of total hazardous air pollutants (HAP); or

(3) 25.0 tons of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM_{2.5} or PM₁₀), sulfur oxides (SO_x), or volatile organic compounds (VOC).

~~((e) Operation and Maintenance Plan.—Owners or operators of air contaminant sources subject to Section 5.03 above))~~ The owner or operator of a registered source shall develop and implement an operation and maintenance plan to ~~((assure))~~ ensure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

(1) Periodic inspection of all equipment and control equipment;

(2) Monitoring and recording of equipment and control equipment performance;

(3) Prompt repair of any defective equipment or control equipment;

(4) Procedures for start up, shut down, and normal operation;

(5) The control measures to be employed to ~~((assure))~~ ensure compliance with Section 9.15 of ~~((Regulation I))~~ this regulation; and

(6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

~~((f) Removal from Registration Program.—Continued payment of the annual registration fee to the Agency maintains the registration of the source with the Agency, as well as the status of the source as an operating facility. The Agency shall remove a source from the registration program if a registration fee has not been paid within 90 days of the date of the original fee invoice, or upon written request from the owner or operator of the source. It shall be unlawful for any person to operate a source that has been removed from the registration program, unless the owner or operator has submitted and received an approval for a "Notice of Construction and Application for Approval", in compliance with Article 6.~~

~~(g) Report of Change of Ownership and Fee.~~

~~(1) A new owner of a registered source shall report in writing any change of ownership to the Agency within 45 days of such a change, and~~

~~(2) Pay a fee of \$100.)~~

AMENDATORY SECTION

REGULATION I SECTION 5.07 ANNUAL REGISTRATION FEES

(a) The Agency shall assess annual fees as set forth in Section 5.07(c) ~~((below))~~ of this regulation for services pro-

vided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program, which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program. Payment of these fees by the owner or operator of a source shall maintain its active registration status (even if it is not actively operating). (Registration fees do not apply to sources subject to Article 7 of Regulation I.)

(b) Upon assessment by the Agency, registration fees are due and payable within 45 days of the date of the invoice. They shall be deemed delinquent if not fully paid within 45 days of the date of the invoice and shall be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$1,000. Persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70.94 RCW). ~~((In accordance with Section 5.05(f), sources that have not paid their fee within 90 days of the date of the invoice shall be removed from the registration program.~~

~~(e) Annual registration fees are assessed either by the emission reporting thresholds or, if below emission thresholds, by the primary North American Industry Classification System (NAICS) codes (North American Industry Classification System Manual, U.S. Executive Office of the President, Office of Management and Budget, 1997):~~

~~(1) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in that paragraph shall be charged an annual registration fee of \$1,802.50 plus an additional emission rate fee of:~~

~~\$23 for each ton of CO reported in the previous calendar year, and~~

~~\$46 for each ton of NO_x reported in the previous calendar year, and~~

~~\$46 for each ton of PM₁₀ reported in the previous calendar year, and~~

~~\$46 for each ton of SO_x reported in the previous calendar year, and~~

~~\$46 for each ton of VOC reported in the previous calendar year, and~~

~~\$46 for each ton of HAP reported in the previous calendar year.~~

~~(2) Emission reporting sources under Section 5.05(d) that equal or exceed twice any of the emission thresholds in that paragraph shall be charged the annual registration fee of \$3,605 plus an additional emission rate fee of:~~

PROPOSED

\$23 for each ton of CO reported in the previous calendar year, and
 \$46 for each ton of NOx reported in the previous calendar year, and
 \$46 for each ton of PM10 reported in the previous calendar year, and
 \$46 for each ton of SOx reported in the previous calendar year, and
 \$46 for each ton of VOC reported in the previous calendar year, and
 \$46 for each ton of HAP reported in the previous calendar year.

(3) Automobile body repair and painting (NAICS = 811121).....\$309
 facilities that qualified for the EnviroStar rebate in 2002.....\$51.50

(4) Perchloroethylene dry cleaning plants, except rug cleaning (NAICS = 812322) vented.....\$515
 unvented.....\$51.50

(5) Gasoline service stations with gasoline annual throughput during the last calendar year (as certified at the time of annual fee payment) of:

(i) more than 6,000,000 gallons..... subject to Section 5.07(e)(1) above

(ii) 3,600,001 to 6,000,000 gallons.....\$1,030

(iii) 1,200,001 to 3,600,000 gallons.....\$618

(iv) 840,001 to 1,200,000 gallons.....\$309

(v) 200,000 to 840,000 gallons.....\$206

(vi) less than 200,000 gallons.....\$103

(6) Except as provided in Section 5.07 (e)(8), sources requiring registration under Section 5.03 in the following NAICS codes, or as subsequently assigned to Section 5.07 (e)(6) by the Control Officer, shall be charged an annual registration fee of \$1,648:

NAICS	NAICS Description
212312	Crushed and Broken Limestone Mining and Quarrying
212319	Other Crushed and Broken Stone Mining and Quarrying
212321	Construction Sand and Gravel Mining
212322	Industrial Sand Mining
221122	Electric Power Distribution
221320	Sewage Treatment Facilities
234110	Highway and Street Construction
311111	Dog and Cat Food Manufacturing
311119	Other Animal Food Manufacturing
311612	Meat Processed from Carcasses
311613	Rendering and Meat Byproduct Processing
311999	All Other Miscellaneous Food Manufacturing
321114	Wood Preservation
324121	Asphalt Paving Mixture and Block Manufacturing
324122	Asphalt Shingle and Coating Materials Manufacturing
325311	Nitrogenous Fertilizer Manufacturing
325314	Fertilizer (Mixing Only) Manufacturing
325412	Pharmaceutical Preparation Manufacturing
325612	Polish and Other Sanitation Good Manufacturing
325910	Printing Ink Manufacturing

326199 All Other Plastics Product Manufacturing
 326291 Rubber Product Manufacturing for Mechanical Use

327211 Flat Glass Manufacturing
 327310 Cement Manufacturing
 327320 Ready Mix Concrete Manufacturing
 327390 Other Concrete Product Manufacturing
 327420 Gypsum Product Manufacturing
 327910 Abrasive Product Manufacturing
 327992 Ground or Treated Mineral and Earth Manufacturing
 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

331111 Iron and Steel Mills
 331222 Steel Wire Drawing
 331312 Primary Aluminum Production
 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)
 331511 Iron Foundries
 331512 Steel Investment Foundries
 331513 Steel Foundries (except Investment)
 331524 Aluminum Foundries (except Die Casting)
 331525 Copper Foundries (except Die Casting)
 331528 Other Nonferrous Foundries (except Die Casting)

332811 Metal Heat Treating
 332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
 332813 Electroplating, Plating, Polishing, Anodizing, and Coloring
 333414 Heating Equipment (except Warm Air Furnaces) Manufacturing
 333999 All Other Miscellaneous General Purpose Machinery Manufacturing
 334412 Bare Printed Circuit Board Manufacturing
 334413 Semiconductor and Related Device Manufacturing
 334418 Printed Circuit Assembly (Electronic Assembly) Manufacturing

335129 Other Lighting Equipment Manufacturing
 335312 Motor and Generator Manufacturing
 335911 Storage Battery Manufacturing
 336411 Aircraft Manufacturing
 336413 Other Aircraft Parts and Auxiliary Equipment Manufacturing

336611 Ship Building and Repairing
 422510 Grain and Field Bean Wholesalers
 422710 Petroleum Bulk Stations and Terminals
 422720 Petroleum and Petroleum Products Wholesalers (except Bulk Stations and Terminals)
 481111 Scheduled Passenger Air Transportation
 486910 Pipeline Transportation of Refined Petroleum Products

488190 Other Support Activities for Air Transportation
 488210 Support Activities for Rail Transportation
 488490 Other Support Activities for Road Transportation

562111 Solid Waste Collection
 622110 General Medical and Surgical Hospitals
 622210 Psychiatric and Substance Abuse Hospitals

- ~~622310 Specialty (except Psychiatric and Substance Abuse) Hospitals~~
- ~~812210 Funeral Homes and Funeral Services~~
- ~~812220 Cemeteries and Crematories~~
- ~~813910 Business Associations~~
- ~~922140 Correctional Institutions~~

~~(7) Except as provided in Section 5.07 (e)(8), all other sources requiring registration under Section 5.03 and not listed in Sections 5.07 (e)(1) through 5.07 (e)(6) shall be charged an annual registration fee of \$824.~~

~~(8) All sources required to be registered by Sections 5.07 (e)(6) and 5.07 (e)(7), except sources with equipment subject to Section 6.11 of Regulation I or Section 2.02 of Regulation III, that certify (using the procedures in WAC 296-27-00103: Partial Exemption for Employers With 10 or Fewer Employees) they did not employ more than 10 persons at any time during the previous calendar year, shall be charged an annual registration fee of \$412.)~~

(c) Except as specified in Section 5.07 (d) and (e) of this regulation, registered sources shall be assessed a fee of \$850, plus the following surcharges:

(1) Sources subject to a federal emission standard as specified in Section 5.03 (a)(1) of this regulation shall be assessed \$1,750 per subpart of 40 CFR Parts 60-63;

(2) Sources subject to a federally enforceable emission limitation as specified in Section 5.03 (a)(2) or meeting the emission thresholds specified in Section 5.03 (a)(3) of this regulation shall be assessed \$2,000; and

(3) Sources subject to the emission reporting requirements under Section 5.05(b) of this regulation shall be assessed \$23 for each ton of CO and \$46 for each ton of NO_x, PM₁₀, SO_x, HAP, and VOC, based on the emissions reported during the previous calendar year.

(d) Gasoline dispensing facilities shall be assessed the following fees based on their gasoline throughput during the previous calendar year (as certified at the time of payment):

- (1) More than 6,000,000 gallons \$2,000;
- (2) 3,600,001 to 6,000,000 gallons \$1,000;
- (3) 1,200,001 to 3,600,000 gallons \$750;
- (4) 840,001 to 1,200,000 gallons \$500;
- (5) 200,001 to 840,000 gallons \$250.

(e) The following registered sources shall be assessed an annual registration fee of \$100, provided that they meet no other criteria listed in Section 5.03(a) of this regulation:

(1) Sources with spray-coating operations subject to Section 9.16 of this regulation that use no more than 4,000 gallons per year of total coatings and solvents;

(2) Gasoline dispensing facilities subject to Section 2.07 of Regulation II with gasoline annual throughput during the previous calendar year (as certified at the time of payment) of no more than 200,000 gallons;

(3) Motor vehicle and mobile equipment coating operations subject to Section 3.04 of Regulation II; and

(4) Unvented dry cleaners subject to Section 3.03 of Regulation III.



WSR 04-11-020
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed May 10, 2004, 3:46 p.m.]

Title of Rule: Exemptions for ~~adjustments~~ wholesale sales of new motor vehicles ~~inventory~~ between new car dealers and for accommodation sales.

Purpose: To explain the application of the B&O tax exemptions for wholesale sales of new motor vehicles between new car dealers selling motor vehicles of the same make and accommodation sales.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.04.422, chapter 81, Laws of 2004, and RCW 82.04.425.

Summary: The proposed rule incorporates chapter 81, Laws of 2004, which eliminates the statutory requirements that the amount paid by the purchasing dealer not exceed the amount paid by the selling dealer in the acquisition of the vehicle and that the sale be for the purpose of adjusting inventory.

Reasons Supporting Proposal: To incorporate chapter 81, Laws of 2004.

Name of Agency Personnel Responsible for Drafting: JoAnne Gordon, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6121; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule 208 discusses the application of the B&O tax exemption provided by RCW 82.04.422 which exempts wholesale sales of new motor vehicles between new car dealers selling the same make of vehicle. The rule also discusses the B&O tax exemption for accommodation sales provided by RCW 82.04.425 and clarifies the applicability of the exemption to exchanges of fungible products.

With respect to wholesale sales of new motor vehicles between new car dealers, the proposed rule eliminates discussion concerning the requirements that the sale be made for inventory adjustment purposes and that the amount paid by the purchasing dealer not exceed the amount paid by the selling dealer in the acquisition of the motor vehicle. Chapter 81, Laws of 2004 eliminated these requirements effective March 22, 2004.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-208 as explained above.

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 JoAnne Gordon, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail joaneg@dor.wa.gov, AND RECEIVED BY July 19, 2004.

May 10, 2004

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 03-07-066, filed 3/17/03, effective 4/17/03)

WAC 458-20-208 Exemptions for ((adjustments)) wholesale sales of new motor vehicles ((inventory)) between new car dealers and for accommodation sales. (1) Introduction. This rule discusses the business and occupation (B&O) tax exemptions for certain wholesale sales of new motor vehicles between new car dealers ((and)). The rule also discusses the B&O tax exemption for accommodation sales((-The rule also)) and clarifies the applicability of the accommodation sale exemption to exchanges of fungible products, such as gasoline and oil.

(2) ((Inventory adjustments)) Wholesale sales of new motor vehicles by new car dealers. Effective July 1, 2001, RCW 82.04.422 provides a B&O tax exemption for wholesale sales of new motor vehicles by new car dealers to other new car dealers ((for purposes of adjusting inventory levels)). This exemption does not apply to amounts derived by a manufacturer, distributor, or factory branch as defined in chapter 46.70 RCW.

New car dealers will in most cases find the statutory requirements of this exemption to be less restrictive than those of the accommodation sales exemption discussed in subsection (3) of this rule. Unlike the exemption for accommodations sales, there is no restriction on the amount that the selling dealer can charge the buying dealer, nor is there any requirement that the sale be made to fill an existing order from a customer. While these circumstances may be present in a particular transaction, there is no need to use or rely upon the B&O tax exemption for accommodation sales when the requirements for the exemption for wholesale sales between new car dealers are met. The exemption for wholesale sales of new motor vehicles between new car dealers provided by RCW 82.04.422 is subject to the following conditions ((must be satisfied for the exemption to apply)).

(a) New motor vehicle. The property sold must be a new motor vehicle. For the purposes of this rule, "new motor vehicle" means every motor vehicle that is self-propelled and is required to be registered and titled under Title 46 RCW, has not been previously titled to a retail purchaser, and is not a "used motor vehicle" as defined under RCW 46.04.660. RCW 46.70.011. Examples of motor vehicles include passenger cars, trucks, motorcycles, and motor homes.

(b) Wholesale sale between new car dealers selling the same make of new motor vehicles. The sale must be a wholesale sale and must occur between new car dealers selling the same make of vehicle. For purposes of determining

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whether the exemption applies to transactions involving trades, the trade of each new motor vehicle is considered a separate sale.

(i) **Example 1.** A new car dealer sells a new light pick-up truck, Make A, to another new car dealer. The purchasing dealer also sells new Make A passenger vehicles. This sale qualifies for the exemption.

(ii) **Example 2.** New Car Dealer ABC and New Car Dealer XYZ both sell new motor vehicles by Make A and Make X. New Car Dealer ABC sells Make A passenger vehicle to Dealer XYZ. Dealer XYZ sells Make X passenger vehicle to Dealer ABC. Both dealers regularly engage in the business of selling both new motor vehicle makes. Both sales qualify for the exemption.

(iii) **Example ((2)) 3.** A new car dealer sells a new passenger vehicle, Make X, to another new car dealer. The purchasing dealer is not regularly engaged in the business of selling new Make X vehicles. This sale does not qualify for the exemption.

~~((e) Amount paid by the purchasing dealer may not exceed amount paid by selling dealer. The amount paid by the purchasing dealer cannot exceed the amount the selling dealer paid in the acquisition of the new motor vehicle, although the selling dealer may add reasonable expenses for preparing the vehicle for sale or transfer. Actual freight or delivery costs incurred by the seller and billed as such to the buyer may also be added.~~

~~(i) What are reasonable expenses for preparation? Reasonable expenses for preparing the vehicle for sale or transfer include, but are not limited to, the actual cost of additional accessories installed by the selling dealer, such as wheel/tire upgrades, and pin striping.~~

~~Questions concerning whether the exemption is available when other costs are included should be submitted to the department for determination at:~~

~~Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478~~

~~(ii) What is the effect of holdbacks or discounts on amount paid? The amount paid by the selling dealer may not be reduced by the amount of any manufacturer's holdbacks or discounts received after an article has been sold to adjust inventory levels even though the seller may retain such holdbacks or discounts.~~

~~For the following examples, presume a new car dealer receives two new motor vehicles from the manufacturer on June 1st. The manufacturer's sales invoice indicates an invoice price of \$16,600 and a holdback of \$500 for each vehicle. The dealer is entitled to receive the holdback on July 1st, thirty days after being billed for the vehicle by the manufacturer.~~

~~(A) Example 1. The new car dealer sells one of the vehicles to another new car dealer on June 10th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,600.~~

~~(B) Example 2. The new car dealer sells the other vehicle to another new car dealer on July 18th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,100.))~~

(iv) Example 4. New Car Dealer DEF sells new motor vehicles by Make A and Make X. New Car Dealer LMN sells new motor vehicles by Make A and Make Y. New Car Dealer DEF sells Make A passenger truck to New Car Dealer LMN. New Car Dealer LMN sells Make Y passenger truck to New Car Dealer DEF. Both dealers regularly engage in the business of selling Make A new motor vehicles while only New Car Dealer DEF engages in the business of selling Make Y. The sale of new motor vehicle Make A by Dealer DEF qualifies for the exemption while the sale of Make Y by Dealer LMN does not.

(c) Documentation. A person claiming the B&O tax exemption under RCW 82.04.422 for a wholesale sale of a new motor vehicle must maintain sufficient documentation to verify the exemption. The documentation should identify:

(i) The buyer's name and address;

(ii) The seller's name and address;

(iii) The buyer's UBI/tax registration number;

(iv) The make, model, and serial number of the motor vehicle;

(v) The date of purchase;

(vi) That the buyer and seller both regularly engage in making sales of the same make of new motor vehicle; and

(vii) The buyer's signature and title.

(3) Accommodation sales. RCW 82.04.425 provides a B&O tax exemption for wholesale sales of tangible personal property by persons who regularly engage in making sales of the type of property so sold to other persons who similarly engage in the business of selling such property.

The following conditions must be satisfied for the exemption to apply.

(a) Amount paid by buyer may not exceed amount paid by seller. The amount the buyer pays to the seller may not exceed the amount the seller paid to the seller's vendor in the acquisition of the property. Thus, a seller who manufactured the property sold cannot claim the exemption because the property has not been acquired from a vendor.

((The instructions in subsection (2)(e) of this rule regarding additional expenses for preparation and the effect of holdbacks and discounts equally apply to the accommodation sale B&O tax exemption provided by RCW 82.04.425.))

(i) Expenses associated with preparing property for sale. A seller may add reasonable expenses for preparing the property for sale, such as actual freight or delivery costs incurred by the seller and billed as such to the buyer. Questions concerning whether the exemption is available when other costs are included should be submitted to the department for determination at:

Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

(ii) What is the effect of holdbacks or discounts on amount paid? The amount paid by the seller may not be reduced by the amount of any manufacturer's holdbacks or discounts received after an article has been sold to adjust inventory levels even though the seller may retain such holdbacks or discounts.

For the following examples, presume an equipment dealer receives two tractors from the manufacturer on June

1st. The manufacturer's sales invoice indicates an invoice price of \$16,600 and a holdback of \$500 for each tractor. The dealer is entitled to receive the holdback on July 1st, thirty days after being billed for the tractors by the manufacturer.

(A) Example 1. The equipment dealer sells one of the tractors to another equipment dealer on June 10th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,600.

(B) Example 2. The equipment dealer sells the other tractor to another equipment dealer on July 18th. The amount paid by the selling dealer in the acquisition of the vehicle is \$16,100.

(b) Sale is an accommodation to fill an existing order. The sale must occur as an accommodation to allow the buyer to fill a bona fide existing order of a customer or occur within fourteen days to reimburse in-kind a previous accommodation sale by the buyer to the seller. A bona fide existing order is present if there is a commitment by the buyer's customer to purchase the property. The buyer must retain records demonstrating the customer's commitment to purchase, such as a written agreement or deposit.

For example, Recreational Vehicle Dealer A purchases a fifth-wheel trailer from Recreational Vehicle Dealer B as an accommodation. Ten days later, Dealer A sells a travel trailer to Dealer B as reimbursement in-kind of the previous accommodation sale. For Dealer A to claim the B&O tax exemption for the sale of the travel trailer to Dealer B, Dealer A must keep sufficient records to document a bona fide existing customer order for the fifth-wheel trailer purchased from Dealer B.

(c) Documentation. A person claiming the exemption for an accommodation sale must maintain sufficient documentation to verify the exemption. In addition to the documentation noted above establishing, where pertinent, the existence of a bona fide existing customer order, this documentation must include:

- (i) The buyer's name and address;
- (ii) The seller's name and address;
- (iii) The buyer's UBI/tax registration number;
- (iv) Description of the property purchased, including make, model, and serial numbers as appropriate;
- (v) The date of purchase and the purchase price;
- (vi) A statement by the buyer as to whether the purchase is to fill a bona fide existing order or to reimburse a previous in-kind accommodation sale, including information identifying the previous accommodation sale; and
- (vii) The buyer's signature and title.

(4) Exchanges of fungible products. Persons engaged in the selling and distributing of fungible products often enter into exchange agreements. An exchange is a sale regardless of whether it results in a profit because a transfer of the ownership of, title to, or possession of property for valuable consideration occurs. RCW 82.04.040. Exchanges are subject to the B&O tax unless otherwise exempt by law.

(a) What is a fungible product? Fungible products are products that lose their physical identity to the point that they cannot be distinguished from like-kind items when commingled. Examples of fungible products include gasoline, bulk oil products, grains, logs, wood chips, fruits, and vegetables.

(b) What is an exchange? Under typical exchange agreements, a person is required to furnish products to another person selling and distributing the same products, sometimes receiving payment in-kind or with a substitute product at a later date. Exchange agreements may require the person to arrange for direct delivery from his or her vendor to the third party distributor. In some cases, actual title and/or possession of the product may pass directly from the vendor to the third-party distributor.

Persons exchanging fungible products often do so on a regular and continuing basis to cover shortages occurring because of a lack of storage or production facilities, and/or to effect savings in transportation costs. Exchanges may be carried as loans on the books of account (in which case the exchanges are often referred to as "intercompany loans"). Products acquired via an exchange may or may not be carried as regular inventory on the books of account.

(c) May an exchange of fungible products qualify as an accommodation sale? The fact that the product sold is a fungible product does not preclude a claim that the sale is exempt as an accommodation sale. However, such a claim will be recognized only if the statutory requirements of RCW 82.04.425 are met.

WSR 04-11-035
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed May 12, 2004, 1:13 p.m.]

Title of Rule: WAC 458-20-102 Resale certificates.

Purpose: This rule explains the conditions under which a buyer may furnish a resale certificate to a seller, and explains the information and language required on a resale certificate.

Statutory Authority for Adoption: RCW 82.32.300, 82.32.291, and 82.01.060(2).

Statute Being Implemented: RCW 82.04.470 and 82.32.291.

Summary: This rule clarifies the seller's responsibility to obtain a resale certificate from the buyer to substantiate wholesale sales. It reiterates the information required by statute to be on the paper or nonpaper resale certificate, and provides a sample certificate.

Reasons Supporting Proposal: To incorporate changes regarding the "good faith" and signature requirements per chapter 168, Laws of 2003.

Name of Agency Personnel Responsible for Drafting: Sue Goldstein, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6120; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the conditions under which a buyer may furnish a resale certificate to a seller, and explains

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the information and language required on both paper and nonpaper certificates. It also provides tax reporting information to persons who purchase articles or services for dual purposes, i.e., for both resale and consumption. This rule also explains the penalty for a buyer's misuse of the resale certificate privilege.

The proposed rule incorporates provisions of chapter 168, Laws of 2003, which enacted portions of the national streamlined sales and use tax agreement (SSTA). This proposal makes two changes to the existing rule: It eliminates the good faith requirement when a seller takes a resale certificate from a buyer; and it eliminates signature requirements for certificates provided in a format other than paper. These changes apply to resale certificates taken on and after July 1, 2004.

Proposal Changes the Following Existing Rules: This is an amendment to WAC 458-20-102, as described above.

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 Alan R. Lynn, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail alanl@dor.wa.gov, AND RECEIVED BY July 19, 2004.

May 12, 2004

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-13-031, filed 6/6/94, effective 7/7/94)

WAC 458-20-102 Resale certificates. (1) **Introduction.** This ~~((section))~~ rule explains the conditions under which a buyer may furnish a resale certificate to a seller, and explains the information and language required on the resale certificate. This ~~((section))~~ rule also provides tax reporting information to persons who purchase articles or services for dual purposes (i.e., for both resale and consumption). ~~((Sellers and buyers should note that amendments to RCW 82.04.470 required changes to the information and language contained on the resale certificate. These changes became effective on July 1, 1993. (See chapter 25, Laws of Washington 1993 sp.s.))~~ In 2003, the legislature enacted legislation conforming state law to portions of the national Streamlined Sales and Use Tax Agreement (chapter 168, Laws of 2003), which eliminates the good faith requirement when the seller takes from the buyer a resale certificate and also eliminates signature requirements for certificates provided in a format other than paper. These changes apply to resale certificates taken on and after July 1, 2004.

(2) **What is a resale certificate ((use))?** The resale certificate is a document or combination of documents ~~((which))~~ that substantiates the wholesale nature of a sale. The resale certificate cannot be used for purchases ~~((which))~~ that are not purchases at wholesale, or where a more specific certificate~~((s))~~, affidavit~~((s))~~, or other documentary evidence is required by statute or other section of chapter 458-20 WAC. While the resale certificate may come in different forms, all resale certificates must satisfy the language and information requirements of RCW 82.04.470.

(a) **What is the scope of a resale certificate?** Depending on the statements made on the resale certificate, the resale certificate may authorize the buyer to purchase at wholesale all products or services being purchased from a particular seller, or may authorize only selected products or services to be purchased at wholesale. The provisions of the resale certificate may be limited to a single sales transaction, or may apply to all sales transactions for a period not to exceed four years from the effective date. Whatever its form and/or purpose, the resale certificate must be completed in its entirety~~((;))~~ and signed by a person who is authorized to make such a representation on behalf of the buyer.

(b) **Who may issue and sign certificates?** The buyer may authorize any person in its employ to issue and sign resale certificates on the buyer's behalf. The buyer is, however, responsible for the information contained on the resale certificate. A resale certificate is not required to be completed by every person ordering or making the actual purchase of articles or services on behalf of the buyer. For example, a construction company ~~((which))~~ that authorizes only its bookkeeper to issue resale certificates on its behalf may authorize both the bookkeeper and a job foreman to purchase items under the provisions of the resale certificate. The construction company is not required to provide, nor is the seller required to obtain, a resale certificate signed by each person making purchases on behalf of the construction company.

~~((e))~~ The buyer is responsible for educating all persons authorized to issue and/or use the resale certificate on the proper use of the buyer's resale certificate privileges.

(3) **Resale certificate renewal.** Resale certificates must be renewed at least every four years. In addition, the buyer must renew its resale certificate whenever a change in the ownership of the buyer's business requires a new ~~((registrations and licenses document.))~~ tax registration. (See WAC 458-20-101 ~~((on))~~ Tax registration and tax reporting.) The buyer may not make purchases under the authority of a resale certificate bearing a tax registration number ~~((which))~~ that has been cancelled or revoked by the department of revenue (department).

~~((Sellers who have resale certificates on file without the additional language and information required by the July 1, 1993, amendment to RCW 82.04.470 are required to obtain revised resale certificates for sales made after June 30, 1993. However, the old resale certificates must be retained to substantiate the wholesale nature of sales made prior to July 1, 1993. These "old" certificates must be retained for at least five years from their last effective date. For example, a seller making its last wholesale sale to a particular buyer on April 1, 1991, must retain the "old" resale certificate until March 31,~~

1996, five years from the last sale subject to the provisions of that resale certificate. (See also WAC 458-20-254 on record-keeping requirements.)

(4) **Sales at wholesale.** All sales are treated as retail sales unless the seller takes from the buyer a properly executed resale certificate. Resale certificates may only be used for sales at wholesale and may not be used as proof of entitlement to ~~((either))~~ retail sales tax exemptions otherwise provided by law ~~((, such as certain sales to Indians (see WAC 458-20-192), interstate motor carriers (see WAC 458-20-174), artistic and cultural organizations (see WAC 458-20-249), etc))~~.

(a) When may a buyer issue a resale certificate? The buyer may ~~((only))~~ issue a resale certificate only when the property or services purchased are:

~~((a))~~ (i) For resale in the regular course of the buyer's business without intervening use by the buyer; ~~((or~~

~~((b))~~ (ii) To be used as an ingredient or component part of a new article of tangible personal property to be produced for sale; ~~((or~~

~~((c))~~ (iii) A chemical to be used in processing an article to be produced for sale (see WAC 458-20-113 on chemicals used in processing); ~~((or~~

~~((d))~~ (iv) To be used in processing ferrosilicon ~~((which))~~ that is subsequently used in producing magnesium for sale; ~~((or~~

~~((e))~~ (v) Provided to consumers as a part of competitive telephone service, as defined in RCW 82.04.065; ~~((or~~

~~((f))~~ (vi) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or

~~((g))~~ (vii) Feed, seed, seedlings, fertilizer, spray materials, or agents for enhanced pollination including insects such as bees for use by a farmer for producing for sale any agricultural product. (See ~~((also))~~ WAC ~~((458-20-122))~~ 458-20-210 on sales to and by farmers.)

(b) Required information. All resale certificates, whether paper or nonpaper format, must contain the following information:

(i) The name and address of the buyer;

(ii) The uniform business identifier or tax registration number of the buyer, if the buyer is required to be registered with the department;

(iii) The type of business;

(iv) The categories of items or services to be purchased at wholesale, unless the buyer is in a business classification that may present a blanket resale certificate as provided by the department by rule;

(v) The date on which the certificate was provided;

(vi) A statement that the items or services purchased either are purchased for resale in the regular course of business or are otherwise purchased at wholesale; and

(vii) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.

(c) Additional requirements for paper certificates. In addition to the requirements stated in subsection (4)(b) of this rule, paper certificates must contain the following:

(i) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(ii) The signature of the authorized individual; and

(iii) The name of the seller. RCW 82.04.470.

(5) Seller's responsibilities for acceptance of resale certificates. When a seller receives and accepts from the buyer a resale certificate at the time of the sale, or has a resale certificate on file at the time of the sale, or obtains a resale certificate from the buyer within a reasonable time after the sale, the seller is relieved of liability for retail sales tax with respect to the sale covered by the resale certificate. The seller may accept a legible fax ~~((or))~~, a duplicate copy of an original resale certificate, or a certificate in a format other than paper. ~~((In all cases, the resale certificate must be accepted in good faith by the seller.))~~ The resale certificate will be considered to be obtained within a reasonable time of the sale if it is received within one hundred twenty days of the sale or sales in question. However, refer to ~~((d))~~ (e) of this subsection in event of an audit situation.

(a) Timing requirements for single orders with multiple billings. If a single order or contract will result in multiple billings to the buyer, and the appropriate resale certificate was not obtained or on file at the time the order was placed or the contract entered, the resale certificate must be received by the seller within one hundred twenty days after the first billing to be considered obtained within a reasonable time of the sale. For example, a subcontractor entering into a construction contract for which it has not received a resale certificate must obtain the certificate within one hundred twenty days of the initial construction draw request to consider the resale certificate obtained in a reasonable time after the sale, even though the construction project may not be completed at that time and additional draw requests will follow.

(b) Requirements for resale certificates obtained after reasonable time has passed. If the resale certificate is obtained more than one hundred twenty days after the sale or sales in question, the resale certificate must be specific to the sale or sales. The certificate must specifically identify the sales in question on its face, or be accompanied by other documentation signed by the buyer specifically identifying the sales in question and stating that the provisions of the accompanying resale certificate apply. A nonspecific resale certificate ~~((which))~~ that is not obtained within a reasonable period of time is generally not, in and of itself, acceptable proof of the wholesale nature of the sales in question. The resale certificate and/or required documentation must be obtained within the statutory time limitations provided by RCW 82.32.050.

(c) Examples. The following examples explain the seller's documentary requirements in typical situations when obtaining a resale certificate more than one hundred twenty days after the sale. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Beginning in January of ~~((1994))~~ year 1, MN Company regularly makes sales to ABC Inc. In June of ~~((1994))~~

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the same year, MN discovers ABC has not provided a resale certificate. MN requests a resale certificate from ABC and, as the resale certificate will not be received within one hundred twenty days of many of the past sales transactions, requests that the resale certificate specifically identify those past sales subject to the provisions of the certificate. MN receives a legible fax copy of an original resale certificate from ABC on July 1(~~(-1994)~~)st of that year. Accompanying the resale certificate is a memo providing a list of the invoice numbers for all past sales transactions through May 15(~~(-1994)~~)th of that year. This memo also states that the provisions of the resale certificate apply to all past and future sales, including those listed. MN Company has satisfied the requirement that it obtain a resale certificate specific to the sales in question. As the provisions of this resale certificate apply to both past and future sales transactions, the certificate must be renewed no later than December 31(~~(-1997)~~)st four years from the date the resale certificate became effective.

(ii) XYZ Company makes three sales to MP Inc. in October of (~~(1993)~~) year 1 and does not charge retail sales tax. In the review of its resale certificate file in April of (~~(1994)~~) the following year, XYZ discovers it has not received a resale certificate from MP Inc. and immediately requests a certificate. As the resale certificate will not be received within one hundred twenty days of the sales in question, XYZ requests that MP provide a resale certificate identifying the sales in question. MP provides XYZ with a resale certificate (~~(which)~~) that does not identify the sales in question, but simply states "applies to all past purchases." XYZ Company has not satisfied its responsibility to obtain an appropriate resale certificate. As XYZ failed to secure a resale certificate within a reasonable period of time, XYZ must obtain a certificate specifically identifying the sales in question or prove through other facts and circumstances that these sales are wholesale sales. (Refer to (~~(e)~~) (d) of this subsection for information on how a seller can prove through other facts and circumstances that a sale is a wholesale sale.) It remains the seller's burden to prove the wholesale nature of the sales made to a buyer if the seller has not obtained a valid resale certificate within one hundred twenty days of the sale.

(~~(e)~~) (d) Seller's liability. If the seller has not obtained an appropriate resale certificate or other acceptable documentary evidence (see subsection (8) of this (~~(section)~~) rule), the seller is personally liable for the tax due unless it can sustain the burden of proving through facts and circumstances that the property was sold for one of the purposes set forth in subsection (4)(a) (~~(through (g))~~) of this (~~(section)~~) rule. The department (~~(of revenue)~~) will consider all evidence presented by the seller, including the circumstances of the sales transaction itself, when determining whether the seller has met its burden of proof. This evidence must be presented within the statutory time limitations provided by RCW 82.32.060. It is the seller's responsibility to provide the information necessary to evaluate the facts and circumstances of all sales transactions for which resale certificates are not obtained. Facts and circumstances (~~(which)~~) that should be considered include, but are not necessarily limited to, the following:

(i) The nature of the buyer's business. The items being purchased at wholesale must be consistent with the buyer's

business. For example, a buyer having a business name of "Ace Used Cars" would generally not be expected to be in the business of selling furniture(~~(-)~~);

(ii) The nature of the items sold. The items sold must be of a type (~~(which)~~) that would normally be purchased at wholesale by the buyer(~~(-)~~);

(iii) The quantity and frequency of items sold. The number of items sold and the frequency of sales must indicate that the buyer is purchasing such items at wholesale(~~(-)~~); and

(iv) Additional documentation. Other available documents, such as purchase orders and shipping instructions, should be considered in determining whether they support a finding that the sales are sales at wholesale.

(~~(e)~~) (e) Additional time to secure documentation after audit. If in event of an audit (~~(it is discovered)~~) the department discovers that the seller has not secured the necessary resale certificates and/or documentation, the seller will generally be allowed thirty days in which to obtain and present appropriate resale certificates and/or documentation, or prove by facts and circumstances the sales in question are wholesale sales. The time allotted to the seller shall commence from the date the auditor initially provides the seller with the results of the auditor's wholesale sales review. The processing of the audit report will not be delayed as a result of the seller's failure within the allotted time to secure and present appropriate documentation, or its inability to prove by facts and circumstances that the sales in question were wholesale sales. The audit report will also not be delayed because the time allotted to the seller expires prior to one hundred twenty days from the date of the sale or sales in question.

(~~(e)~~) (f) Seller's personal liability. If the seller is unable to provide proper documentation, or unable to prove by facts and circumstances that the sales in question are wholesale sales, the seller becomes personally liable for the taxes in question. If the seller is required to make payment to the department, and later is able to present the department with proper documentation or prove by facts and circumstances that the sales in question are wholesale sales, the seller may in writing request a refund of the taxes paid along with the applicable interest. Both the request and the documentation or proof that the sales in question are wholesale sales must be submitted to the department within the statutory time limitations provided by RCW 82.32.060. (See (~~(also)~~) WAC 458-20-229.)

(6) Penalty for improper use. Any buyer who uses a resale certificate to purchase items or services without payment of sales tax and who is not entitled to use the certificate for the purchase (~~(shall)~~) will be assessed a penalty of fifty percent of the tax due on the improperly purchased item or service(~~(-)~~). This penalty is in addition to all other taxes, penalties, and interest due, and can be imposed even if there was no intent to evade the payment of retail sales tax. The penalty (~~(shall)~~) will be assessed by the department (~~(of revenue)~~) and (~~(will apply)~~) applies only to the buyer. (~~(The penalty applies to purchases made after June 30, 1993, and can apply even if there was no intent to evade the payment of the tax.)~~) However, see subsection (12) of this (~~(section)~~) rule for situations in which the department may waive the penalty.

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Persons who purchase articles or services for dual purposes (i.e., some for their own consumption and some for resale) should refer to subsection (11) of this ~~(section)~~ rule to determine whether they may give a resale certificate to the seller.

(7) ~~Resale certificate - ((required information)) suggested form.~~ While there may be different forms of the resale certificate, all resale certificates must satisfy the language and information requirements provided by RCW 82.04.470. The resale certificate may be in the suggested form shown below, which is available on the department's home page at <http://dor.wa.gov>, or may be in any other form ~~((which substantially)) that~~ contains substantially the following information and language, except that certificates provided in a format other than paper are not required to include the printed name of the person authorized to sign the certificate, the signature of the authorized individual, or the name of the seller:

The undersigned buyer hereby certifies that the tangible personal property or services specified below will be purchased ~~for:~~ (a) ~~((for))~~ Resale in the regular course of business without intervening use by the buyer, ~~((or))~~ (b) ~~((for))~~ use as an ingredient or component part of a new article of tangible personal property to be produced for sale, ~~((or))~~ (c) ~~((is))~~ use as a chemical to be used in processing a new article of tangible personal property to be produced for sale, or (d) ~~((for))~~ use as feed, seed, fertilizer, or spray materials in its capacity as a farmer as defined in chapter 82.04 RCW. This certificate shall be considered a part of each order ~~((which)) that~~ I may ~~((hereafter))~~ give to you on or after the effective date of this certificate, unless otherwise specified, and ~~((shall be))~~ is valid until revoked by me in writing. This certificate is given with full knowledge that the buyer is solely responsible for purchasing within the categories specified on the certificate, and that misuse of the resale privilege claimed on the certificate is subject to the legally prescribed penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law.

Name of Seller. Effective Date.
Name of Buyer
Address.
UBI/~~(Revenue)~~ Tax Registration #
Type of Business
Items or item categories purchased at wholesale.
.
Authorized agent for buyer (printed).
Authorized Signature.
Title.

(a) ~~((The 1993 legislative changes to))~~ Buyer's responsibility to specify products or services purchased at wholesale. RCW 82.04.470 requires the buyer making purchases at wholesale to specify the kinds of products or services subject to the provisions of the resale certificate. A

buyer who will purchase some of the items at wholesale, and consume and pay tax on some other items being purchased from the same seller, must use terms specific enough to clearly indicate to the seller what kinds of products or services the buyer is authorized to purchase at wholesale.

(i) The buyer may list the particular products or services to be purchased at wholesale, or provide general category descriptions of these products or services. The terms used to describe these categories must be descriptive enough to restrict the application of the resale certificate provisions to those products or services ~~((which)) that~~ the buyer is authorized to purchase at wholesale. The following are examples of terms used to describe categories of products purchased at wholesale, and businesses ~~((which)) that~~ may be eligible to use such terms on their resale certificates:

(A) "Hardware" for use by a general merchandise or building material supply store, "computer hardware" for use by a computer retailer(-);

(B) "Paint" or "painting supplies" for use by a general merchandise or paint retailer, "automotive paint" for use by an automotive repair shop(-); and

(C) "Building materials" or "subcontract work" for use by prime contractors performing residential home construction, "wiring" or "lighting fixtures" for use by an electrical contractor.

(ii) The buyer must remit retail sales tax on any taxable product or service not listed on the resale certificate provided to the seller. If the buyer gave a resale certificate to the seller and later used an item listed on the certificate, or if the seller failed to collect the sales tax on items not listed on the certificate, the buyer must remit the deferred sales or use tax due directly to the department.

(iii) RCW 82.08.050 provides that each seller shall collect from the buyer the full amount of retail sales tax due on each retail sale. If the department finds that the seller has engaged in a consistent pattern of failing to properly charge sales tax on items not purchased at wholesale (i.e., not listed on the resale certificate), it may hold the seller liable for ~~((such)) the~~ uncollected sales tax. ~~((However, a seller accepting a resale certificate in good faith is not required to verify that the buyer has properly listed only those items the buyer is authorized to purchase at wholesale.))~~

(iv) Persons having specific questions regarding the use of terms to describe products or services purchased at wholesale may submit ~~((such)) their~~ questions to the department ~~((of revenue))~~ for ruling. The department may be contacted on the internet at <http://dor.wa.gov> or by writing:

Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

(b) Blanket resale certificates. A buyer who will purchase at wholesale all of the products or services being purchased from a particular seller will not be required to specifically describe the items or item categories on the resale certificate. If the certificate form provides for a description of the products or services being purchased at wholesale (as does the suggested form provided ~~((above))~~ in this rule), the buyer may specify "all products and/or services" (or make a

similar designation). A resale certificate completed in this manner is often described as a blanket resale certificate.

The resale certificate used by the buyer must, in all cases, be completed in its entirety. A resale certificate in which the section for the description of the items being purchased at wholesale is left blank by the buyer will not be considered a properly executed resale certificate.

(c) **Resale certificates for single transactions.** If the resale certificate is used for a single transaction, the language and information required of a resale certificate may be written or stamped upon a purchase order or invoice. The language contained in a "single use" resale certificate should be modified to delete any reference to subsequent orders or purchases.

(d) **Examples.** The following examples explain the proper use of types of resale certificates in typical situations. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC is an automobile repair shop purchasing automobile parts for resale and tools for its own use from DE Supply. ABC must provide DE Supply with a resale certificate limiting the certificate's application to automobile part purchases. However, should ABC withdraw parts from inventory to install in its own tow truck, deferred retail sales tax or use tax must be remitted directly to the department (~~(of revenue)~~). The buyer has the responsibility to report deferred retail sales tax or use tax upon any item put to its own use, including items for which it gave a resale certificate and later used for its own use.

(ii) X Company is a retailer selling lumber, hardware, tools, automotive parts, and household appliances. X Company regularly purchases lumber, hardware, and tools from Z Distributing. While these products are generally purchased for resale, X Company (~~(may)~~) occasionally withdraws some of these products from inventory for its own use. X Company may provide Z Distributing with a resale certificate specifying "all products purchased" are purchased at wholesale. However, whenever X Company removes any product from inventory to put to its own use, deferred retail sales tax or use tax must be remitted to the department (~~(of revenue)~~).

(iii) TM Company is a manufacturer of electric motors. When making purchases from its suppliers, TM issues a paper purchase order. This purchase order contains (~~(substantially all the language and)~~) the information required of a resale certificate and a signature of the person ordering the items on behalf of TM. This purchase order includes a box (~~(which)~~) that, if marked, indicates to the supplier that all or certain designated items purchased are being purchased at wholesale.

When the box indicating the purchases are being made at wholesale is marked, the purchase order can be accepted as a resale certificate. (~~(A resale certificate is not required to be in any particular form, it must simply contain substantially all the required information and language contained in the suggested resale certificate form described above.)~~) As TM Company's purchase orders are being accepted as resale certificates, they must be retained by the seller for at least five years. (See (~~(also)~~) WAC 458-20-254 (~~(on)~~) Recordkeeping (requirements)).

(8) **Other documentary evidence.** Other documentary evidence may be used by the seller and buyer in lieu of the resale certificate form described (~~(above)~~) in this rule. However, this documentary evidence must collectively contain the information and language generally required of a resale certificate. The conditions and restrictions applicable to the use of resale certificates apply equally to other documentary evidence used in lieu of the (~~(above-mentioned)~~) resale certificate form in this rule. The following are examples of documentary evidence (~~(which)~~) that will be accepted to show that sales were at wholesale:

(a) **Combination of documentary evidence.** A combination of documentation kept on file, such as a membership card or application, and a sales invoice or "certificate" taken at the point of sale with the purchases listed, provided:

(i) The documentation kept on file contains all information (~~(generally)~~) required on a resale certificate, including, for paper certificates, the names and signatures of all persons authorized to make purchases at wholesale; and

(ii) The sales invoice or "certificate" taken at the point of sale must contain the following:

(A) Language certifying the purchase is made at wholesale, with acknowledgement of the penalties for the misuse of resale certificate privileges, as generally required of a resale certificate; and

(B) The name and registration number of the buyer/business, and, if a paper certificate, an authorized signature.

(b) **Contracts of sale.** A contract of sale (~~(which)~~) that within the body of the contract provides the language and information generally required of a resale certificate. The contract of sale must specify the products or services subject to the resale certificate privileges.

(c) **Other preapproved documentary evidence.** Any other documentary evidence (~~(which)~~) that has been approved in advance and in writing by the department (~~(of revenue)~~).

(9) **Sales to nonresident buyers.** If the buyer is a nonresident who is not engaged in business in this state, but buys articles here for the purpose of resale in the regular course of business outside this state, the seller must take from (~~(such a)~~) the buyer a resale certificate as described (~~(above)~~) in this rule. The seller may accept a resale certificate from (~~(a)~~) an unregistered nonresident buyer with the registration number information omitted, provided the balance of the resale certificate is completed in its entirety. The resale certificate should contain a statement that the items are being purchased for resale outside Washington.

(10) **Sales to farmers.** Farmers selling agricultural products only at wholesale are not required to register with the department (~~(of revenue)~~). (See (~~(also)~~) WAC 458-20-101 (~~(on)~~) Tax registration and tax reporting.) When making wholesale sales to farmers (including farmers operating in other states), the seller must take from the farmer a resale certificate as described (~~(above)~~) in this rule. Farmers not required to be registered with the department (~~(of revenue)~~) may provide, and the seller may accept, resale certificates with the registration number information omitted, provided the balance of the certificates are completed in full. Persons making sales to farmers should also refer to WAC (~~(458-20-~~

~~422)~~ 458-20-210 (Sales of tangible personal property for farming—Sales of agricultural products by farmers).

(11) **Purchases for dual purposes.** A buyer normally engaged in both consuming and reselling certain types of tangible personal property, and not able to determine at the time of purchase whether the particular property purchased will be consumed or resold, must purchase according to the general nature of his or her business. RCW 82.08.130. If the buyer principally consumes the articles in question, the buyer should not give a resale certificate for any part of the purchase. If the buyer principally resells the articles, the buyer may issue a resale certificate for the entire purchase. For the purposes of this subsection, the term "principally" means greater than fifty percent.

(a) **Deferred sales tax liability.** If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, the buyer must set up in his or her books of account the value of the article used and remit to the department ~~((of revenue))~~ the applicable deferred sales tax. The deferred sales tax liability should be reported under the use tax classification on the buyer's excise tax return.

(i) Buyers making purchases for dual purposes under the provisions of a resale certificate must remit deferred sales tax on all products or services they consume. If the buyer fails to make a good faith effort to remit this tax liability, the penalty for the misuse of resale certificate privileges may be assessed. This penalty will apply to the unremitted portion of the deferred sales tax liability.

A buyer will generally be considered to be making a good faith effort to report its deferred sales tax liability if the buyer discovers a minimum of eighty percent of the tax liability within one hundred twenty days of purchase, and remits the full amount of the discovered tax liability upon the next excise tax return. However, if the buyer does not satisfy this eighty percent threshold and can show by other facts and circumstances that it made a good faith effort to report the tax liability, the penalty will not be assessed. Likewise, if the department can show by other facts and circumstances that the buyer did not make a good faith effort in remitting its tax liability the penalty will be assessed, even if the eighty percent threshold is satisfied.

(ii) ~~((Example:))~~ The following example illustrates the use of a resale certificate for dual-use purchases. This example should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances. BC Contracting operates both as a prime contractor and speculative builder of residential homes. BC Contracting purchases building materials from Seller D ~~((which))~~ that are principally incorporated into projects upon which BC acts as a prime contractor. BC provides Seller D with a resale certificate and purchases all building materials at wholesale. BC must remit deferred sales tax upon all building materials incorporated into the speculative projects to be considered to be properly using its resale certificate privileges. The failure to make a good faith effort to identify and remit this tax liability may result in the assessment of the fifty percent penalty for the misuse of resale certificate privileges.

(b) **Tax paid at source deduction.** If the buyer has not given a resale certificate, but has paid retail sales tax on all

~~((purchases of such))~~ articles of tangible personal property and subsequently resells a portion ((thereof)) of the articles, the buyer must collect the retail sales tax from its retail customers as provided by law. When reporting these sales on the excise tax return, the buyer may then claim a deduction in the amount the buyer paid for the property ~~((thus))~~ resold.

(i) This deduction may be claimed under the retail sales tax classification only. It must be identified as a "taxable amount for tax paid at source" deduction on the deduction detail worksheet, which must be filed with the excise tax return. Failure to properly identify the deduction may result in the disallowance of the deduction. When completing the local sales tax portion of the tax return, the deduction must be computed at the local sales tax rate paid to the seller, and credited to the seller's tax location code.

(ii) ~~((Example:))~~ The following example illustrates the tax paid at source deduction. This example should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances. Seller A is located in Spokane, Washington and purchases equipment parts for dual purposes from a supplier located in Seattle, Washington. Seller A does not issue a resale certificate for the purchase, and remits retail sales tax to the supplier at the Seattle tax rate. A portion of these parts are sold to Customer B, with retail sales tax collected at the Spokane tax rate. Seller A must report the amount of the sale to Customer B on its excise tax return, compute the local sales tax liability at the Spokane rate, and code this liability to the location code for Spokane (3210). Seller A would claim the tax paid at source deduction for the cost of the parts resold to Customer B, compute the local sales tax credit at the Seattle rate, and code this deduction amount to the location code for Seattle (1726).

(iii) Claim for deduction will be allowed only if the taxpayer keeps and preserves records in support ~~((thereof which))~~ of the deduction that show the names of the persons from whom such articles were purchased, the date of the purchase, the type of articles, the amount of the purchase and the amount of tax ~~((which))~~ that was paid.

(iv) Should the buyer resell the articles at wholesale, or under other situations where retail sales tax is not to be collected, the claim for the tax paid at source deduction on a particular excise tax return may result in a credit. In such cases, the department will issue a credit notice ~~((which))~~ that may be used against future tax liabilities. However, a taxpayer may request in writing a refund ((will be issued upon written request)) from the department.

(12) **Waiver of penalty for resale certificate misuse.** The department may waive the penalty imposed for resale certificate misuse upon finding that the use of the certificate to purchase items or services by a person not entitled to use the certificate for that purpose was due to circumstances beyond the control of the buyer. However, the use of a resale certificate to purchase items or services for personal use outside of the business ~~((shall))~~ does not qualify for the waiver or cancellation of the penalty. The penalty will not be waived merely because the buyer was not aware of either the proper use of the resale certificate or the penalty. In all cases the burden of proving the facts is upon the buyer.

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(a) **Considerations for waiver.** Situations under which a waiver of the penalty will be considered by the department include, but are not necessarily limited to, the following:

(i) The resale certificate was properly used to purchase products or services for dual purposes; or the buyer was eligible to issue the resale certificate; and the buyer made a good faith effort to discover all of its deferred sales tax liability within one hundred twenty days of purchase; and the buyer remitted the discovered tax liability upon the next excise tax return. (Refer to subsection (11)(a)(i) of this ~~(section)~~ rule for an explanation of what constitutes "good faith effort.")

(ii) The certificate was issued and/or purchases were made without the knowledge of the buyer, and had no connection with the buyer's business activities. However, the penalty for the misuse of resale certificate privileges may be applied to the person actually issuing and/or using the resale certificate without knowledge of the buyer.

(b) **One-time waiver of penalty for inadvertent or unintentional resale certificate misuse.** The penalty prescribed for the misuse of the resale certificate may be waived or cancelled on a one time only basis if such misuse was inadvertent or unintentional, and the item was purchased for use within the business. If the department ~~((of revenue))~~ does grant a one time waiver of the penalty, the buyer ~~((shall))~~ will be provided written notification at that time.

(c) **Examples.** The following are examples of typical situations where the fifty percent penalty for the misuse of resale privileges will or will not be assessed. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(i) ABC Manufacturing purchases electrical wiring and tools from X Supply. The electrical wiring is purchased for dual purposes, i.e., for resale and for consumption, with more than fifty percent of the wiring purchases becoming a component of items ~~((which))~~ that ABC manufactures for sale. ABC Manufacturing issues a resale certificate to X Supply specifying "electrical wiring" as the category of items purchased for resale. ABC regularly reviews its purchases and remits deferred sales tax upon the ~~((consumed))~~ wiring it uses as a consumer.

ABC is subsequently audited by the department ~~((of revenue))~~ and it is discovered that ABC Manufacturing failed to remit deferred sales tax upon three purchases of wiring for consumption. The unreported tax liability attributable to these three purchases is less than five percent of the total deferred sales tax liability for wiring purchases made from X Supply. It is also determined that the failure to remit deferred sales tax upon these purchases was merely an oversight. The fifty percent penalty for the misuse of resale certificate privileges does not apply, even though ABC failed to remit deferred sales tax on these purchases. The resale certificate was properly issued, and ABC remitted to the department more than eighty percent of the deferred sales tax liability for wiring purchases from X Supply.

(ii) During a routine audit examination of a jewelry store, the department ~~((of revenue))~~ discovers that a dentist has provided a resale certificate for the purchase of a necklace. This resale certificate indicates that in addition to operating a dentistry practice, the dentist also sells jewelry. ~~((There is no~~

~~indication that the jewelry store did not accept the resale certificate in good faith.))~~ The resale certificate contains the information required under RCW 82.04.470.

Upon further investigation, the department ~~((of revenue))~~ finds that the dentist is not engaged in selling jewelry. ~~((As the jewelry store accepted the resale certificate in good faith,))~~ The department will look to the dentist for payment of the applicable retail sales tax. In addition, the dentist will be assessed the fifty percent penalty for the misuse of resale certificate privileges. The penalty will not be waived or cancelled as the dentist misused the resale certificate privileges to purchase a necklace for personal use.

(iii) During a routine audit examination of a computer dealer, it is discovered that a resale certificate was obtained from a bookkeeping service. The resale certificate was completed in its entirety and accepted ~~((in good faith))~~ by the dealer. Upon further investigation it is discovered that the bookkeeping service had no knowledge of the resale certificate, and had made no payment to the computer dealer. The employee who signed the resale certificate had purchased the computer for personal use, and had personally made payment to the computer dealer.

The fifty percent penalty for the misuse of the resale certificate privileges will be waived for the bookkeeping service. The bookkeeping service had no knowledge of the purchase or unauthorized use of the resale certificate. However, the department ~~((of revenue))~~ will look to the employee for payment of the taxes and the fifty percent penalty for the misuse of resale certificate privileges.

(iv) During an audit examination it is discovered that XYZ Corporation, a duplicating company, purchased copying equipment for its own use. XYZ Corporation issued a resale certificate to the seller despite the fact that XYZ does not sell copying equipment. XYZ also failed to remit either the deferred sales or use tax to the department ~~((of revenue))~~. As a result of a previous investigation by the department ~~((of revenue))~~, XYZ had been informed in writing that retail sales and/or use tax applied to all such purchases. The fifty percent penalty for the misuse of resale certificate privileges will be assessed. XYZ was not eligible to provide a resale certificate for the purchase of copying equipment, and had previously been so informed. The penalty will apply to the unremitted deferred sales tax liability.

(v) AZ Construction issued a resale certificate to a building material supplier for the purchase of "pins" and "loads." The "pins" are fasteners ~~((which))~~ that become a component part of the finished structure. The "load" is a powder charge ~~((which))~~ that is used to drive the "pin" into the materials being fastened together. AZ Construction is informed during the course of an audit examination that ~~((AZ Construction))~~ it is considered the consumer of the "loads" and may not issue a resale certificate for ~~((the))~~ its purchase thereof. AZ Construction indicates that it was unaware that a resale certificate could not be issued for the purchase of "loads," and there is no indication that AZ Construction had previously been so informed.

The failure to be aware of the proper use of the resale certificate is not generally grounds for waiving the fifty percent penalty for the misuse of resale certificate privileges. However, AZ Construction does qualify for the "one time

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only" waiver of the penalty as the misuse of the resale certificate privilege was unintentional and the "loads" were purchased for use within the business.

WSR 04-11-039
EXPEDITED RULES
HEALTH CARE AUTHORITY
 (Basic Health)

[Order 04-05—Filed May 12, 2004, 4:45 p.m.]

Title of Rule: Basic Health enrollment and recertification.

Purpose: Revising to correct cross-reference that was inadvertently missed during previous rule revisions.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: RCW 70.47.060(9).

Summary: Corrects WAC 182-25-040(14) so it will refer to WAC 182-25-090 (2)(e).

Reasons Supporting Proposal: The current cross-reference inappropriately refers to disenrollment for abuse and intentional misconduct. It should refer to disenrollment for failure to provide required documentation.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; **Implementation and Enforcement:** Kathy Eberle, Lacey, Washington, (360) 412-4307.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Corrects inappropriate cross-reference only. This change is not expected to have any effect on enrollees.

Proposal Changes the Following Existing Rules: Corrects cross-reference in WAC 182-25-040(14).

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 Rosanne Reynolds, Health Care Authority, Basic Health, P.O. Box 42686, Olympia, WA 98504-2686, AND RECEIVED BY July 19, 2004.

May 12, 2004
 Melodie Bankers
 Rules Coordinator

AMENDATORY SECTION (Amending Order 01-07, filed 9/12/02, effective 10/13/02)

WAC 182-25-040 Enrollment in the plan. (1) Any individual applying for enrollment in BHP must submit a

signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation, showing the amount and sources of the applicant's gross family income is required. Documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. Applicants who were not required to file a federal income tax return may be required to provide verification of nonfiling status. An average of documented income received over a period of several months may be required for purposes of eligibility determination.

(b) Documentation of Washington state residence, displaying the applicant's name and address is required, for example, a copy of a current utility bill or rent receipt. Other documentation may be accepted if the applicant does not have a physical residence, for example, a signed statement from a person or other entity who is providing temporary shelter.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or MHCS selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information will result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a MHCS from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must receive covered services from the same MHCS (with the exception of cases in which a subscriber who is paying for BHP coverage for his/her dependent who lives in a different service area). No applicant will be enrolled for whom designation of a MHCS has not been made as part of the application for enrollment. Procedures for the selection of MHCS are set forth in the BHP member handbook. Generally, enrollees may change from one MHCS to another only during open enrollment or if they are able to show good cause for the transfer, for example, when enrollees move to an area served by a different MHCS or where they would be billed a higher premium for their current MHCS.

(4) When a MHCS assists BHP applicants in the enrollment process, it must provide them with the toll-free number

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for BHP and information on all MHCS available within the applicant's county of residence and the estimated premiums for each available MHCS.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has not been a BHP member within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all MHCSs available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(6), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7)(a) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that:

(i) At least one MHCS is accepting new enrollment in the program for which the applicant is applying and from the geographic area where the applicant lives; and

(ii) The applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP.

(b) In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(6).

(8) An open enrollment period of at least twenty consecutive days will be held annually. During this open enrollment period, enrollees may apply to enroll additional family members or to transfer their enrollment to a different MHCS, provided the MHCS selected is accepting new enrollment for the enrollee's program in the geographic area where the enrollee lives.

(9) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as

a family member until the next open enrollment period, unless the subscriber has experienced a "qualifying change in family status." "Qualifying changes in family status" include:

(a) The loss of other health care coverage, for a family member who has previously waived coverage, provided BHP receives the family member's application within thirty days of the loss of other coverage, along with proof of the family member's continuous medical coverage from the date the subscriber enrolled in BHP;

(b) Marriage or assuming custody or dependency of a child or adult dependent (other than newborn or newly adopted children), provided BHP receives the new family member's application within thirty days of the change in family status; or

(c) Addition of an eligible newborn child or a child newly placed for adoption provided BHP receives the child's application for enrollment within sixty days of the date of birth or placement for adoption. These children may be enrolled effective from the date of birth or placement for adoption.

(10) Subscribers must notify BHP of any changes that could affect their eligibility or subsidy or their dependents' eligibility or subsidy:

(a) Within thirty days of the end of the first month of receiving an increased income; or

(b) Within thirty days of a change other than an income change (for example, a change in family size or address).

(11) BHP will verify the continuing eligibility of enrollees through the recertification process at least once every twelve months. Upon request of BHP, enrollees must submit evidence satisfactory to BHP, proving their continued eligibility for enrollment and for the premium subsidy they are receiving.

(a) BHP will verify income through comparison with other state and federal agency records or other third-party sources.

(b) If the enrollee's income on record with other agencies or third-party source differs from the income the enrollee has reported to BHP, or if questions arise concerning the documentation submitted, BHP will require updated documentation from the enrollee to prove continued eligibility for the subsidy they are receiving. At that time, BHP may also require updated documentation of residence to complete the recertification process.

(c) Enrollees who have been enrolled in BHP six months or more and have not provided updated income documentation for at least six months will be required to submit new income documentation if their wage or salary income cannot be compared to an independent source for verification.

(12) In addition to verification of income, enrollees must annually submit documentation satisfactory to BHP of the following:

(a) Washington state residence;

(b) Full-time student status for dependent students age nineteen through twenty-two; and

(c) Medicare ineligibility for enrollees age sixty-five or over.

(13) For good cause such as, but not limited to, when information received indicates a change in income or a source

of income the enrollee has not reported, BHP may require enrollees to provide verification required in subsections (11) and (12) of this section more frequently, regardless of the length of time since their last recertification.

(14) Enrollees who fail to comply with a recertification request will be disenrolled, according to the provisions of WAC 182-25-090 (2)((f))(e).

(15) If, as a result of recertification, BHP determines that an enrollee has not reported income or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.

WSR 04-11-041
EXPEDITED RULES
DEPARTMENT OF REVENUE
[Filed May 13, 2004, 11:40 a.m.]

Title of Rule: WAC 458-20-150 Optometrists, ophthalmologists, and opticians.

Purpose: To provide information about the taxability of optometrists, ophthalmologists, and opticians.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.04.290 as it relates to optometrists and ophthalmologists; RCW 82.08.-0281 as it applies to the sale of prescription lenses prior to July 1, 2004; and RCW 82.08.0283 as it applies to the sale of prescription lenses, including prescription lenses sold with frames, on or after July 1, 2004.

Summary: This rule explains the application of Washington's business and occupation (B&O), retail sales, and use taxes to the business activities of optometrists, ophthalmologists, and opticians.

Reasons Supporting Proposal: This rule needs to be updated to reflect legislation implementing provisions of the national streamlined sales and use tax agreement.

Name of Agency Personnel Responsible for Drafting: Mark Mullin, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6112; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-20-150 explains the taxability of optometrists, ophthalmologists, and opticians. The proposed rule incorporates recent legislation (chapter 168, Laws of 2003, and chapter 153, Laws of 2004) implementing provisions of the national streamlined sales and use tax agreement. Under the legislation, sales of prescription eyeglasses, including frames, are exempt from sales tax under RCW 82.08.0283 as a prosthetic device effective July 1, 2004. Prior to July 1, 2004, prescription lenses, but not frames, are exempt from sales tax under RCW 82.08.0281.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-150 as explained above.

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 Mark Mullin, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail MarkM@dor.wa.gov, AND RECEIVED BY July 19, 2004.

To obtain a copy of this form and rule in an alternative format contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-4799.

May 13, 2004

Alan R. Lynn

Rules Manager

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 93-19-020, filed 9/2/93, effective 10/3/93)

WAC 458-20-150 Optometrists, ophthalmologists, and opticians. (1) **Introduction.** ~~((This section explains Washington's B&O and retail sales tax applications to sales and services provided by optometrists, ophthalmologists, and opticians. It explains the tax liability resulting from the rendering of professional services and the sale of prescription lenses, frames, and other optical merchandise. It also discusses the retail sales tax exemption provided by RCW 82.08.0281 to the sale of prescription lenses.~~

~~(2) Definitions. The following definitions apply to this section:~~

~~(a) The term "professional services" is defined as the examination of the human eye, the examination and identification of any defects of the human vision system and the analysis of the process of vision. It includes the use of any diagnostic instruments or devices for the measurement of the powers or range of vision, or the determination of the refractive powers of the eye or its functions. It does not include the preparation or dispensing of lenses or eye glasses.~~

~~(b) "Prescription lens" means any lens, including contact lenses, with power or prism correction for human vision, which has been prescribed in writing by a physician or optometrist. The term "prescription lens" includes all ingredients and component parts of the lens itself, including color, scratch resistant or ultra violet coating, and fashion tints. It does not include miscellaneous service or repair charges other than the replacement or repair of the prescription lens itself.~~

~~(c) The term "optical merchandise" includes frames, springs, bows, cases, and sundry items or accessories to be worn or used with lenses. It also includes nonprescription lenses or eyeglasses. "Optical merchandise" does not include prescription lens as defined above.~~

~~(3) Business and occupation tax. Persons providing or selling any combination of professional services, prescription~~

lenses, and/or optical merchandise are required to segregate and separately account for the income derived from each source. For example, persons performing eye examinations and selling prescription eyeglasses must segregate and separately account for the income attributable to eye examinations, sales of prescription lenses, and sales of frames.

(a) ~~Service and other business activities.~~ The service B&O tax applies to the gross proceeds received for providing professional services.

(b) ~~Retailing.~~ Sales of prescription lenses and optical merchandise are subject to the retailing tax, when made to consumers.

(4) ~~Retail sales tax.~~ Sales to consumers of optical merchandise, as that term is herein defined, are subject to the retail sales tax. The retail sales tax does not, however, apply to income received for providing professional services.

A retail sales tax exemption for the sale of prescription lenses is available under RCW 82.08.0281, provided the lenses are dispensed by an optician licensed under the provisions of chapter 18.34 RCW or by a physician or optometrist pursuant to a prescription written by a physician or optometrist. To claim a retail sales tax exemption under RCW 82.08.0281, persons providing or selling any combination of professional services, prescription lenses, and/or optical merchandise must segregate and separately account for the income derived from each source. (Also see WAC 458-20-18801.)

(5) ~~Deferred sales or use tax.~~ If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) ~~The purchase of eyeglasses, lenses, frames, springs, bows, and other articles which are resold to customers or patients are purchases for resale and not subject to the retail sales tax.~~

(b) ~~The retail sales or use tax applies to the purchase of office supplies and equipment. This includes subscriptions to magazines and technical publications.~~

(c) ~~Purchases of supplies which are consumed in rendering a professional service are subject to the retail sales tax.~~

(d) ~~Prescription drugs may be purchased without payment of retail sales or use tax by optometrists, ophthalmologists, and opticians when those drugs will be used for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. Refer to WAC 458-20-18801.~~

(e) ~~Optometrists, ophthalmologists, and opticians are required to pay use tax on any samples, with the exception of prescription drug samples, which they acquire or give away unless retail sales or use tax has been previously paid on these samples. However, these taxpayers are not required to pay retail sales or use tax on items which will be given to customers as part of a sale of eyeglasses or contact lenses, such as cleaning supplies, carrying cases, etc. These items are considered to be sold along with the eyeglasses or contact lenses.~~

(6) ~~Examples.~~ The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(a) ~~DM is an optometrist who performs eye examinations and sells prescription eyeglasses and contact lenses. All sales of prescription lenses are made pursuant to written prescription. DM segregates the income attributable to the eye examinations, the sale of prescription lenses, and the sale of optical merchandise in its books of account. Retail sales tax is collected on the sale of the optical merchandise.~~

The income derived from the eye examinations is subject to the service B&O tax. Retailing B&O tax is due on the gross proceeds of sales of the prescription lenses and the optical merchandise. When reporting the retail sales tax liability, DM may claim a deduction for the sales of prescription lenses, but must remit the retail sales tax collected on the sales of optical merchandise.

(b) ~~DM purchases nonprescription saline and cleaning solutions for contact lenses, and carrying cases for eyeglasses and contact lenses. The saline and cleaning solutions are consumed when DM performs eye examinations. The eyeglass and contact lens carrying cases are provided to customers at the time they purchase a pair of eyeglasses or contact lenses.~~

DM incurs no retail sales or use tax liability on the purchase of the eyeglass and contact lens carrying cases. These cases are considered to be purchased for resale, and sold to the customer along with the eyeglasses or contact lenses. The purchase of the saline and cleaning solutions is, however, subject to the retail sales tax. These solutions are consumed while providing professional services, and cannot be considered to be purchased for resale. They also do not qualify for sales tax exemption as prescription drugs. If DM has not paid retail sales tax at the time of purchase, it must remit use tax directly to the department.

(c) ~~AB Inc. is a retail drugstore which includes preassembled "off the shelf" reading glasses in its sales inventory. These eyeglasses have lenses with power or prism correction. These glasses are sold without a written prescription.~~

Sales of such "off the shelf" reading glasses are subject to the retail sales tax, measured by the gross proceeds of sale. Even had AB segregated the charge between the frame and lenses, the gross proceeds of sales would be subject to the retail sales tax. The conditions and requirements necessary to qualify for exemption under RCW 82.08.0281 have not been satisfied.) This rule explains the application of Washington's business and occupation (B&O), retail sales, and use taxes to the business activities of optometrists, ophthalmologists, and opticians. It explains the tax liability resulting from the rendering of professional services and the sale of prescription lenses, frames, and other optical merchandise. It also discusses the retail sales tax exemption for the sale of prescription lenses. The department of revenue (department) has adopted other rules dealing with the taxability of various activities relating to the provision of health care. Readers may want to refer to the following rules for additional information.

(a) WAC 458-20-151 (Dentists and other health care providers, dental laboratories, and dental technicians);

(b) WAC 458-20-168 (Hospitals, medical care facilities, and adult family homes);

(c) WAC 458-20-18801 (Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen); and

(d) WAC 458-20-233 (Tax liability of medical and hospital service bureaus and associations and similar health care organizations).

(2) **Taxability of professional services.** Optometrists and ophthalmologists are subject to the service and other activities B&O tax on their gross income from providing professional services. For the purposes of this rule, "professional services" means the examination of the human eye, the examination and identification of any defects of the human vision system, and the analysis of the process of vision. It includes the use of any diagnostic instruments or devices for the measurement of the powers or range of vision, or the determination of the refractive powers of the eye or its functions. It does not include the preparation or dispensing of lenses or eyeglasses.

(3) **Purchases and sales of optical merchandise by optometrists, ophthalmologists, and opticians.** Sales of optical merchandise to consumers are subject to retailing B&O tax. In addition, the seller must collect retail sales tax unless the sale is specifically exempt by law. For the purposes of this rule, "optical merchandise" includes prescription lenses, frames, springs, bows, cases, and other items or accessories to be worn or used with lenses. It also includes nonprescription lenses or eyeglasses. For purposes of this rule, "prescription lens" means any lens, including contact lens, with power or prism correction for human vision, which has been prescribed in writing by a physician or optometrist. The term "prescription lens" includes all ingredients and component parts of the lens itself, including color, scratch resistant or ultraviolet coating, and fashion tints. It also includes repair parts and replacement parts.

Purchases of optical merchandise by optometrists, ophthalmologists, and opticians for resale without intervening use as a consumer are not subject to the retail sales tax. Thus, optometrists, ophthalmologists, and opticians are not required to pay retail sales or use tax on items which will be given to customers as part of a sale of eyeglasses or contact lenses, such as cleaning supplies, carrying cases, and the like. The department considers these items to be sold along with the eyeglasses or contact lenses. An optometrist, ophthalmologist, or optician purchasing tangible personal property for resale must furnish a properly completed resale certificate to the seller to document the wholesale nature of the sale. Resale certificates can be obtained from the department's website at <http://dor.wa.gov>, or by calling the department's telephone information center at 1-800-647-7706. For additional information regarding resale certificates, refer to WAC 458-20-102 (Resale certificates).

(a) **Are sales of prescription lenses and frames exempt from retail sales tax?** As a result of legislation to implement the national Streamlined Sales and Use Tax Agreement, effective July 1, 2004, sales of prescription lenses and frames for prescription lenses are exempt from retail sales tax as a prosthetic device under RCW 82.08.0283.

Before July 1, 2004, sales of prescription lenses were exempt from retail sales tax under RCW 82.08.0281, if the lenses were dispensed by an optician licensed under chapter 18.34 RCW or by a physician or optometrist under a prescription written by a physician or optometrist. Sales of frames for prescription lenses did not qualify for a sales tax exemption.

Thus, before July 1, 2004, when prescription lenses were sold with frames, only the prescription lenses were exempt from sales tax.

(b) **Are repairs of prescription lenses and frames subject to retail sales tax?** Beginning July 1, 2004, charges for the repair of prescription lenses or to prescription eyeglass frames, whether the frames are the original frames or replacement frames, are exempt from retail sales tax under RCW 82.08.0283. Before July 1, 2004, charges for the repair of prescription lenses were exempt from retail sales tax. Charges for the repair of frames, however, were subject to retail sales tax.

(c) **Segregation of income from different sources.** To claim a retail sales tax exemption under RCW 82.08.0281 or 82.08.0283, persons providing or selling any combination of professional services, prescription lenses, or other optical merchandise must segregate and separately account for the income derived from each source.

(d) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) Taxpayer is an optometrist who performs eye examinations and sells prescription eyeglasses, contact lenses, and other optical merchandise. All sales of prescription lenses are made under written prescription. Income attributable to the eye examinations, the sale of prescription lenses, and the sale of other optical merchandise is segregated in Taxpayer's books of account.

The income derived from the eye examinations is subject to service and other activities B&O tax. The gross proceeds of sales of the prescription lenses and other optical merchandise are subject to retailing B&O tax. The sales of prescription lenses, including contact lenses, are exempt from retail sales tax. Beginning July 1, 2004, sales of eyeglass frames with prescription lenses are exempt from retail sales tax. Taxpayer, however, must collect retail sales tax on sales of other optical merchandise, including eyeglass frames sold with prescription lenses before July 1, 2004, and remit the tax to the department.

(ii) Taxpayer is a retail drugstore that sells preassembled "off-the-shelf" reading glasses. These eyeglasses have lenses with power or prism correction and are sold without a prescription. In addition, Taxpayer sells magnifiers, binoculars, monoculars, and sunglasses. These items are also sold without a prescription.

The gross proceeds of sales of these items are subject to retailing B&O tax. In addition, Taxpayer must collect retail sales tax on sales of these items and remit the tax to the department. Because these items are not sold under a prescription, nor are they prescribed, fitted, or furnished for the buyer by a person licensed under the laws of this state to prescribe, fit, or furnish prosthetic devices, they are not exempt from retail sales tax under either RCW 82.08.0281 or 82.08.0283.

(4) **Equipment and supplies used by optometrists, ophthalmologists, and opticians.** Purchases of equipment and supplies used by optometrists, ophthalmologists, and opticians are purchases at retail and are subject to retail sales

tax unless specifically exempt by law. If the seller does not collect retail sales tax, the optometrist, ophthalmologist, or optician must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department unless specifically exempt by law. Deferred sales or use tax should be reported on the buyer's excise tax return. The excise tax return does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's excise tax return. For detailed information about use tax, refer to WAC 458-20-178 (Use tax).

(a) Prescription drugs. "Prescription drugs," as defined in RCW 82.08.0281, may be purchased without payment of retail sales or use tax by optometrists and ophthalmologists if all requirements for the exemption are met. For additional information regarding prescription drugs, refer to WAC 458-20-18801.

(b) Samples. Optometrists, ophthalmologists, and opticians are required to pay use tax on any samples, with the exception of prescription drug samples that they acquire unless retail sales or use tax has been previously paid on these samples.

(c) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) Taxpayer is an ophthalmologist who performs eye examinations, laser surgery, and cataract surgery. Taxpayer purchases equipment and supplies that are used in performing these services such as surgical instruments, eye shields, cotton swabs, sterile dressings, bandages and gauze. Taxpayer also purchased a computer, technical publications, and magazines by mail order and over the internet.

Taxpayer is subject to retail sales tax on these purchases. If the seller does not collect sales tax, Taxpayer is liable for deferred sales tax or use tax and must remit the tax directly to the department.

(ii) Taxpayer is an optometrist who performs eye examinations and sells prescription eyeglasses, contact lenses, and other optical merchandise. Taxpayer purchases nonprescription saline and cleaning solutions for contact lenses and carrying cases for eyeglasses and contact lenses. The saline and cleaning solutions are consumed when Taxpayer performs eye examinations. The eyeglass and contact lens carrying cases are provided to customers at the time they purchase eyeglasses or contact lenses.

The purchases of the eyeglass and contact lens carrying cases are purchases for resale and are, therefore, not subject to sales tax if Taxpayer provides the seller with a properly completed resale certificate. The purchases of the saline and cleaning solutions are, however, subject to the retail sales tax. These solutions are consumed while providing professional services and cannot be considered to be purchased for resale. They also do not qualify for a sales tax exemption under RCW 82.08.0281 as prescription drugs. If retail sales tax was not paid on the saline and cleaning solutions at the time of purchase, Taxpayer must remit deferred sales tax or use tax directly to the department.

WSR 04-11-042

EXPEDITED RULES

DEPARTMENT OF REVENUE

[Filed May 13, 2004, 11:41 a.m.]

Title of Rule: WAC 458-20-151 Dentists and other health care providers, dental laboratories, and dental technicians.

Purpose: To provide information about the taxability of dentists and other health care providers, dental laboratories, and dental technicians.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.04.290 as it relates to dentists and other health care providers, dental laboratories, and dental technicians; RCW 82.04.120 and 82.04.240 as they apply to dental laboratories and dental technicians; and RCW 82.08.0283 and 82.12.0277 as they apply to the sale or use of dental prostheses.

Summary: This rule explains the application of Washington's business and occupation (B&O), retail sales, and use taxes to the business activities of dentists and other health care providers, dental laboratories, and dental technicians.

Reasons Supporting Proposal: This rule needs to be updated to reflect legislation implementing provisions of the national streamlined sales and use tax agreement.

Name of Agency Personnel Responsible for Drafting: Mark Mullin, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6112; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-20-151 explains the taxability of dentists and other health care providers, dental laboratories, and dental technicians. The proposed rule incorporates changes to RCW 82.08.0283 and 82.12.0277 dealing with the sales and use tax exemption for prosthetic devices under legislation implementing provisions of the national streamlined sales and use tax agreement (chapter 168, Laws of 2003, and chapter 153, Laws of 2004). Effective July 1, 2004, RCW 82.08.0283 and 82.12.0277 will no longer provide an explicit exemption for the sale or use of "dental appliances, devices, restorations, and substitutes, and the components thereof, including but not limited to full and partial dentures, crowns, inlays, fillings, braces, and retainers." Instead, the sale or use of dental prostheses, to the extent they meet the statute's definition of "prosthetic device," are exempt from sales tax.

The proposed rule also deletes outdated information on the taxability of dental laboratories and dental technicians on income earned prior to October 1, 1998.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-151 as explained above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

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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 Mark Mullin, Department of Revenue, P.O. Box 47467, Olympia, WA, 98504-7467, fax (360) 664-0693, e-mail MarkM@dor.wa.gov, AND RECEIVED BY July 19, 2004.

To obtain a copy of this form and rule in an alternative format: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

May 13, 2004

Alan R. Lynn

Rules Manager

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 02-21-080, filed 10/17/02, effective 11/17/02)

WAC 458-20-151 Dentists and other health care providers, dental laboratories, and dental technicians. (1) **Introduction.** This rule explains the application of business and occupation (B&O), retail sales, and use taxes to the business activities of dentists and other health care providers, dental laboratories, and dental technicians. For purposes of this rule, a "health care provider" is a person who is licensed under the provisions of Title 18 RCW to provide health care services to humans in the ordinary course of business or practice of a profession. The department of revenue (department) has adopted other rules dealing with the taxability of various activities relating to the provision of health care. Readers may want to refer to the following rules for additional information:

- (a) WAC 458-20-150 (Optometrists, ophthalmologists, and opticians);
- (b) WAC 458-20-168 (Hospitals, medical care facilities, and adult family homes);
- (c) WAC 458-20-18801 (Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen); and
- (d) WAC 458-20-233 (Tax liability of medical and hospital service bureaus and associations and similar health care organizations).

(2) **Tax-reporting information for dentists and other health care providers.** This subsection provides specific tax-reporting information for dentists and more generalized tax-reporting information for other health care providers. Dentists who employ dental technicians to produce or fabricate dental appliances, devices, restorations, substitutes, or other dental laboratory products should refer to subsection (3)(b) and ~~((e))~~ **(d)** of this rule for additional information. Dental appliances, devices, restorations, substitutes, or other dental laboratory products are also referred to as "dental prostheses" throughout this rule.

(a) **Taxability of dental and other health care services.** Dentists and other health care providers are subject to the service and other activities B&O tax on their gross

income from performing dental and other health care services. The term "gross income" includes any separate charge for drugs, medicines, and other substances administered or provided to a patient as part of the dental or other health care services delivered to the patient. "Gross income" also includes any separate charges for ~~((orthotic devices;))~~ prosthetic devices, ~~((and dental appliances, devices, restorations, substitutes, or other dental laboratory products))~~ including dental prostheses, that are provided as part of the dental or other health care services delivered to patients.

For purposes of this rule, "prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for a prosthetic device, worn on or in the body to artificially replace a missing portion of the body, prevent or correct a physical deformity or malfunction, or support a weak or deformed portion of the body.

(b) **Sales of tangible personal property apart from dental and other health care services.** A dentist or other health care provider may make sales of tangible personal property such as drugs, medicines, and bandages as a convenience to a buyer apart from any health care services provided to the buyer. These are sales of tangible personal property only when the dentist or other health care provider does not supply or administer the drug, medicine, or other item in the course of delivering ~~((health health))~~ health care services to the buyer. The gross proceeds of these retail sales of tangible personal property are subject to the retailing B&O tax. In addition, the dentist or other health care provider must collect and remit retail sales tax, unless the sale is specifically exempt by law. See WAC 458-20-18801 for detailed information regarding retail sales tax exemptions available for sales of items commonly associated with health care services. Adequate records must be kept by the dentist or other health care provider to distinguish items of tangible personal property that are supplied or administered to patients as part of health care services from those that are sold apart from health care services delivered to the buyer.

Purchases of tangible personal property for resale without intervening use are not subject to the retail sales tax. A dentist or other health care provider purchasing tangible personal property for resale must furnish a resale certificate in the usual form to the seller to document the wholesale nature of the sale. Resale certificates can be obtained from the department's website at <http://dor.wa.gov>, or by calling the department's telephone information center at 1-800-647-7706. For additional information regarding resale certificates, refer to WAC 458-20-102 (Resale certificates).

(c) **Equipment and supplies used by dentists and other health care providers.** Purchases of equipment and supplies used by dentists and other health care providers in performing dental or other health care services are purchases at retail and subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the dentist or other health care provider must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department unless specifically exempt by law. Deferred sales or use tax should be reported on the buyer's excise tax return. However, the excise tax return does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on

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the use tax line of the buyer's excise tax return. For detailed information regarding the use tax, refer to WAC 458-20-178 (Use tax).

Dental (~~(appliances, devices, restorations, and substitutes, or the components of these items;))~~ prostheses are exempt from retail sales and use taxes if the dental prosthesis meets the definition of "prosthetic device" in subsection (2)(a) of this rule. RCW 82.08.0283 and 82.12.0277. Exempt items include, but are not limited to, full and partial dentures, crowns, inlays, fillings, braces, and retainers (~~(, collars, wire, screws, bands, splints, night guards, gold, silver, alloys, acrylic materials, filling material, reline material, cement, cavity liner, pins, and endo post)).~~

(d) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Dr. A is a physician who specializes in the treatment of allergies. Dr. A treats many (~~(of her))~~ patients with injections of allergy extracts (antigens). Dr. A separately itemizes the charges for the antigen, the administration of the injection, and the office call in (~~(her))~~ patients' billings. Dr. A is subject to service and other activities B&O tax on the entire charge for the antigen, administration of the injection, and office call. Even though Dr. A separately itemizes the charges for antigens, these are not retail sales because Dr. A administers the antigens to (~~(her))~~ the patients.

(ii) Dr. B made mail-order purchases of a computer, books, and magazines for use in (~~(her))~~ Dr. B's dental practice. Dr. B did not pay retail sales tax to the sellers on these purchases. Therefore, Dr. B (~~(is liable for))~~ must remit to the department deferred retail sales or use tax on the computer, books, and magazines (~~(, and must remit the tax directly to the department)).~~

(3) **Tax-reporting information for dental laboratories and dental technicians.** This subsection provides tax-reporting information for dental laboratories and dental technicians.

(a) **Producing or fabricating dental (~~(laboratory products))~~ prostheses for sale.** The production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by dental laboratories and dental technicians is a manufacturing activity. RCW 82.04.120 (~~(and chapter 168, Laws of 1998)~~). Thus, dental laboratories and dental technicians are subject to manufacturing B&O tax on the value of the dental (~~(laboratory products))~~ prostheses they manufacture. The value of products manufactured is generally the gross proceeds of sales of such manufactured products. For additional information about the manufacturing B&O tax, refer to WAC 458-20-136 (Manufacturing, processing for hire, fabricating).

(i) **Sales of dental (~~(laboratory products))~~ prostheses manufactured by dental laboratories and dental technicians.** Dental laboratories and dental technicians who make sales within this state of dental (~~(laboratory products))~~ prostheses they have manufactured are subject to either the retailing or wholesaling B&O tax, as the case may be. In such cases, the dental laboratory or dental technician must report under the manufacturing B&O tax classification as well as

the wholesaling and/or retailing B&O tax classifications. However, a multiple activities tax credit (MATC) may be claimed. For detailed information about the MATC, refer to WAC 458-20-19301 (Multiple activities tax credits). Dental laboratories or dental technicians making wholesale sales must obtain a resale certificate from the buyer to document the wholesale nature of the sale. For additional information regarding resale certificates, refer to WAC 458-20-102.

As noted above in subsection (2)(c) of this rule, sales of dental (~~(appliances, devices, restorations, and substitutes, and their components;))~~ prostheses including, but not limited to, full and partial dentures, crowns, inlays, fillings, braces, and retainers are exempt from retail sales tax if the dental prosthesis meets the definition of "prosthetic device" in subsection (2)(a) of this rule. RCW 82.08.0283.

(ii) (~~(Taxability of income earned by dental laboratories and dental technicians prior to October 1, 1998. Gross income earned by dental laboratories and dental technicians prior to October 1, 1998, is subject to service and other activities B&O tax. Prior to October 1, 1998, dental laboratories and dental technicians were considered to be providing professional services rather than engaging in manufacturing activities. The products produced by a dental laboratory or dental technician were considered the tangible representation of those professional services.))~~ Dental casts, models, and other articles of tangible personal property manufactured by dental laboratories and dental technicians for commercial or industrial use. Dental laboratories and dental technicians may manufacture dental casts, models, or other articles of tangible personal property that they use in producing or fabricating dental prostheses. In such cases, the dental laboratory or dental technician is manufacturing a product for commercial or industrial use and is subject to the manufacturing B&O tax on the value of the dental cast, model, or other article of tangible personal property. (See WAC 458-20-112 (Value of products) for information regarding the value of products.) As the consumer of the dental cast, model, or other article of tangible personal property manufactured for commercial or industrial use, the dental laboratory or dental technician is also liable for use tax on the value of the dental cast, model, or other article of tangible personal property, unless the use is specifically exempt by law.

(b) **In-house manufacturing of dental (~~(laboratory products))~~ prostheses by dentists.** As noted (~~(above))~~ in this rule, the production or fabrication of dental (~~(appliances, devices, restorations, substitutes, or other dental laboratory products))~~ prostheses by dental laboratories and dental technicians is a manufacturing activity. However, the production or fabrication of dental (~~(laboratory products))~~ prostheses by dentists in the course of providing dental care services to their patients is not a manufacturing activity under the law and, therefore, manufacturing B&O tax does not apply to this activity. A dentist may personally produce or fabricate dental (~~(appliances, devices, restorations, substitutes, or other dental laboratory products))~~ prostheses, or the dentist may have an employee who is a dental technician produce or fabricate the dental (~~(laboratory products))~~ prostheses. These dental (~~(laboratory products))~~ prostheses are considered a tangible representation of professional services (~~(that the dentist provides~~

to his or her)) provided to the dentist's patients. Dentists who manufacture impressions, dental casts, models, or other articles of tangible personal property that they use in producing or fabricating dental ((appliances, devices, restorations, substitutes, or other dental laboratory products)) prostheses should refer to subsection (3)((d))(a)(ii) of this rule for tax reporting instructions applicable to this activity.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) **Example.** Jane Doe, an employee of Dentist A, fabricates dental ((~~appliances, devices, restorations, and substitutes~~)) prostheses. Dentist A provides these products to patients in the course of rendering dental care services. Dentist A is subject to service and other activities B&O tax on the gross income ((~~she receives~~)) received for providing dental care services, including any charge for the dental ((~~appliances, devices, restorations, and substitutes~~)) prostheses even if Dentist A separately charges ((her)) patients for the dental ((~~laboratory products~~)) prostheses. (See subsection (2)(a) of this rule.)

(ii) **Example.** The facts are the same as in the previous example except that Dentist A also sells to Dentist B dental ((~~appliances, devices, restorations, and substitutes~~)) prostheses produced by Jane Doe in the course of ((~~her~~)) Jane's employment with Dentist A. For these sales of dental ((~~laboratory products~~)) prostheses to Dentist B, Dentist A is acting as a dental laboratory and, therefore, is liable for both manufacturing B&O tax and retailing B&O tax with respect to the manufacture and sale of dental ((~~appliances, devices, restorations, and substitutes~~)) prostheses to Dentist B. Dentist A may also claim a MATC (see subsection (3)(a) and (a)(i) of this rule.) The sales to Dentist B are exempt from retail sales tax under RCW 82.08.0283 if the items qualify as a prosthetic device as defined above in subsection (2)(a) of this rule.

(c) **Equipment and supplies used by dental laboratories and dental technicians.** Purchases of equipment and supplies by dental laboratories and dental technicians for use in manufacturing dental ((~~appliances, devices, restorations, substitutes, or other dental laboratory products~~)) prostheses are generally purchases at retail and subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the dental laboratory or dental technician must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department((;)) unless specifically exempt by law. Deferred sales or use tax should be reported on the buyer's excise tax return. However, the excise tax return does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's excise tax return. For detailed information regarding use tax, refer to WAC 458-20-178.

(i) **Components of dental prostheses produced for sale.** Purchases of supplies that become components of dental ((~~appliances, devices, restorations, and substitutes~~)) prostheses that are produced for sale are ((~~exempt from retail sales and use taxes. RCW 82.08.0283 and 82.12.0277. For detailed information regarding the use tax, refer to WAC~~

458-20-178)) purchases at wholesale and are not subject to retail sales tax if the buyer provides the seller with a properly completed resale certificate to document the wholesale nature of the transaction. WAC 458-20-102.

((For example,)) (ii) **Example.** The following example identifies a number of facts and then states a conclusion. This example should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances. A dental lab purchases equipment and supplies including gold, silver, alloys, artificial teeth, cement, and tools. The purchases of gold, silver, alloys, artificial teeth, and cement that become components of dental ((~~laboratory products~~)) prostheses are ((~~exempt from retail sales and use taxes~~)) wholesale purchases and are not subject to retail sales tax if the buyer provides the seller with a properly completed resale certificate. The tools are subject to retail sales or use tax unless they qualify for the manufacturing machinery and equipment sales and use tax exemption. Additional information about this exemption is provided below in subsection (3)((e))(d) of this rule.

(d) ((~~Dental casts, models, and other articles of tangible personal property manufactured by dental laboratories and dental technicians for commercial or industrial use. Dental laboratories and dental technicians may manufacture dental casts, models, or other articles of tangible personal property that they use in producing or fabricating dental appliances, devices, restorations, substitutes, or other dental laboratory products. In such cases, the dental laboratory or dental technician is manufacturing a product for commercial or industrial use and is subject to the manufacturing B&O tax on the value of the dental cast, model, or other article of tangible personal property. (See WAC 458-20-112 for information regarding the value of products.) As the consumer of the dental cast, model, or other article of tangible personal property manufactured for commercial or industrial use, the dental laboratory or dental technician is also liable for use tax on the value of the dental cast, model, or other article of tangible personal property, unless the use is specifically exempt by law.~~

(e)) **Sales and use tax exemptions for manufacturing machinery and equipment.** A retail sales and use tax exemption is provided by RCW 82.08.02565 and 82.12.-02565 for sales to or use by manufacturers of certain machinery and equipment used directly in a manufacturing operation. This exemption is limited to machinery and equipment used to manufacture products for sale as tangible personal property. Thus, dental laboratories and dental technicians manufacturing dental ((~~appliances, devices, restorations, substitutes, or other dental laboratory products~~)) prostheses for sale may be eligible for this exemption. The exemption is not available if these products are produced or fabricated by a dentist or an employee of a dentist and are provided to patients in the course of delivering dental care services to the patients (as is the case in the example provided in subsection (3)(b)(i) of this rule). Refer to WAC 458-20-13601 (Manufacturers and processors for hire—Sales and use tax exemption for machinery and equipment) for detailed information regarding this exemption.

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WSR 04-11-064
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 18, 2004, 10:26 a.m.]

Title of Rule: Chapter 296-841 WAC, Respiratory hazards.

Purpose: This rule making is to correct errors located in the permissible exposure limit table.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The primary reason for this rule making is to correct errors located in the permissible exposure limit table. We made additional changes to clarify the language, correct the explanation of the mixtures formula, and fix some formatting errors. No new requirements were added.

Reasons Supporting Proposal: Correcting errors within the permissible exposure limit table.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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 primary reason for this rule making is to correct errors located in the permissible exposure limit table. We made additional changes to clarify the language, correct the explanation of the mixtures formula, and fix some formatting errors. No new requirements were added. There are no anticipated effects.

Proposal Changes the Following Existing Rules:

WAC 296-841-100 Scope.

- Deleted the work "important."
- Clarified the language and corrected formatting errors.
- Clarified the definition of "exposed or exposure."
- Added additional references.
- No new requirements have been added.

WAC 296-841-20005 Identify and evaluate respiratory hazards.

- Clarified language.
- Corrected errors in the explanation of the mixture formula.
- No new requirements have been added.

WAC 296-841-20010 Control employee exposures.

- Clarified language.
- Added a note referencing the table.
- No new requirements have been added.

WAC 296-841-20020 Notify employees.

- Clarified language.
- Moved Table 3, Permissible exposure limits for air contaminants, into a new section, WAC 296-841-20025.

- No new requirements have been added.

WAC 296-841-20025 Permissible exposure limits for air contaminants.

- Created this section and incorporated Table 3 from WAC 296-841-20020 for clarity.
- Corrected errors within Table 3.
- No new requirements have been added.

WAC 296-841-300 Definitions.

- Added a definition for "breathing zone."
- Clarified the definition of "exposed or exposure."

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 Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY July 19, 2004.

May 18, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-100 Scope.

~~((IMPORTANT))~~

This chapter applies **only** if your employees:

- Are exposed to a respiratory hazard

OR

- Could be exposed to one of the specific hazards listed below.

This chapter applies to any workplace with potential or actual employee exposure to respiratory hazards. It requires you to protect employees from respiratory hazards by applying this protection strategy:

- Evaluate employee exposures to determine if controls are needed

• Use feasible controls. For example, enclose or confine the operation, use ventilation systems, or substitute with less toxic material

- Use respirators if controls are not feasible or if they cannot completely ~~((control))~~ remove the hazard.

Definition:

Exposed or exposure:

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

- Note:**
- Examples of substances that may be respiratory hazards when airborne include:
 - ((+)) = Chemicals listed in Table 3
 - ((*) = Any substance
 - ((-)) = Listed in the latest edition of the NIOSH Registry of Toxic Effects of Chemical Substances
 - ((-)) = For which positive evidence of an acute or chronic health hazard exists through tests conducted by, or known to, the employer
 - ((-)) = That may pose a hazard to human health as stated on a material safety data sheet kept by, or known to, the employer
 - ((*) = Atmospheres considered oxygen deficient
 - ((*) = Biological agents such as harmful bacteria, viruses or fungi
 - Examples include airborne TB aerosols and anthrax
 - Pesticides with a label requirement for respirator(s) use
 - Chemicals used as crowd control agents such as pepper spray
 - Chemicals present at clandestine drug labs.
 - These substances can be airborne as dusts, fibers, fogs, fumes, mists, gases, smoke, sprays, vapors, or aerosols.
- Reference:**
- Substances in Table 3 that are marked with an X in the "skin" column may require personal protective equipment (PPE). See WAC 296-800-160, Personal protective equipment, for additional information and requirements.
 - If any of the following hazards are present in your workplace, you will need both this chapter and any of the following specific rules that apply:

Hazard	Rule that applies
Acrylonitrile	WAC 296-62-07336
Arsenic (inorganic)	WAC 296-62-07347
Asbestos	WAC 296-62-077
Benzene	WAC 296-62-07523
Butadiene	WAC 296-62-07460
Cadmium	WAC 296-62-074 through 296-62-07449 or 296-155-174
Carcinogens	Chapter 296-62 WAC, Part F
Coke ovens	Chapter 296-62 WAC, Part O
Cotton dust	Chapter 296-62 WAC, Part N
1, 2-Dibromo-3-chloropropane	WAC 296-62-07342
Ethylene oxide	WAC 296-62-07355
Formaldehyde	WAC 296-62-07540
Lead	WAC 296-62-07521 or 296-155-176
Methylene chloride	WAC 296-62-07470
Methylenedianiline	WAC 296-62-076 or 296-155-173
Thiram	WAC 296-62-07519
Vinyl chloride	WAC 296-62-07329

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-20005 Identify and evaluate respiratory hazards.

You must:

- Make sure employees are protected from potentially hazardous exposure while you perform your evaluation

- Perform your evaluation without considering the protection provided to employees by a respirator
- Determine the form of the hazard, such as dust, mist, gas, oxygen deficiency, or biological agent.
- Make sure you ((include)) consider:
 - Potential emergency and rescue situations that may occur, such as equipment or power failures, uncontrolled chemical reactions, fire, explosion, or human error
 - Workplace conditions such as work processes, types of material, control methods, work practices and environmental conditions.
- Determine or reasonably estimate whether any employee is or could be exposed to any of the following:
 - Any airborne substance above a permissible exposure limit (PEL) listed in Table 3
 - A substance at or above the action level (AL) specified in the rule for that substance
 - Any other respiratory hazard.
- Use **any** of the following to determine employee exposure:
 - Information that would allow an estimate of the level of employee exposure, such as MSDSs or pesticide labels, observations, measurements or calculations
 - Data demonstrating that a particular product, material or activity cannot result in employee exposure at or above the ((action-level-))AL((?)) or PEL
 - Personal air samples that represent an employee's usual or worst case exposure for the entire shift.

- Note:**
- Rules for specific substances may contain additional requirements for determining employee exposure.
 - Use methods of sampling and analysis that have been validated by the laboratory performing the analysis.
 - Samples from a representative group of employees may be used for other employees performing the same work activities when the duration and level of exposure are similar.

You must:

- Consider the atmosphere to be immediately dangerous to life or health (IDLH) when you cannot determine or reasonably estimate employee exposure
- Make sure employee exposure, to two or more substances with additive health effects, is evaluated using this formula:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \dots + \frac{C_n}{L_n}$$

The symbol	Is the . . .
E	Equivalent exposure for the mixture. ((The PEL is exceeded when the value of E is greater than 1.)) <u>When the value of E is greater than 1, a respiratory hazard is present.</u>
C	Concentration of a ((particular contaminant)) <u>substance.</u>
L	((PEL for that contaminant, from Table 3.)) <u>TWA, STEL, or ceiling for that substance, from Table 3.</u>

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AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-20010 Control employee exposures.

You must:

- Use feasible controls to protect employees from exposure to respiratory hazards by:
 - Reducing employee exposure to a level that removes the respiratory hazard, such as to a level below the permissible exposure limits (PEL) in Table 3;

OR

- Reducing the ((hazard)) exposure to the lowest achievable level, when the respiratory hazard cannot be removed.

IMPORTANT:

Using respirators and other PPE is not a substitute for the feasible controls required by this section.

Note: The following table gives you examples of control methods.

Table 1
Examples of Possible Controls

Control:	For example:
Using a different chemical (substitution)	<ul style="list-style-type: none"> • Choose a chemical with a lower evaporation rate or vapor pressure • Choose a chemical without hazardous ingredients
Changing a process to lessen emissions	<ul style="list-style-type: none"> • Use hand rolling or paint dipping instead of paint spraying • Bolt items instead of welding them
Separating employees from emissions areas and sources	<ul style="list-style-type: none"> • Use control rooms • Build an enclosure around process machinery or other emissions sources • Automate a process
Removing emissions at or near the source (local exhaust ventilation)	<ul style="list-style-type: none"> • Install exhaust hoods or slots to capture emissions • Use an exhausted enclosure (like a blasting cabinet or laboratory hood)
Diluting and removing emissions in the work area (general exhaust ventilation)	<ul style="list-style-type: none"> • Allow natural air movement to create an adequate airflow through an area • Use mechanical fans
Modify work practices	<ul style="list-style-type: none"> • Change the position of the worker relative to the work so fumes, vapors, or smoke do not go into their face

Control:	For example:
Rotate employees – Some specific rules prohibit the use of this control method	<ul style="list-style-type: none"> • Move employees to another job that is without exposure, on a schedule to keep their total exposure below the ((PEL)) <u>permissible exposure limit</u>

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-20020 Notify employees.

You must:

- Notify employees who are or may be exposed to respiratory hazards, as specified in Table 2.

Note: • The notification may be provided either individually, to a group, or by posting of results in an appropriate location that is accessible to affected employees.

Table 2
Notification Requirements

Notify employees of:	As follows:
Any exposure result above ((the)) <u>a permissible exposure limit (PEL)</u>	Within five business days, after the employee's exposure result is known to the employer
The corrective action being taken to reduce employee exposure to or below the PEL AND The schedule for completion of the corrective action and any reasons why exposures cannot be lowered to below the PEL	Within fifteen business days, after the employee's exposure result is known to the employer
An exposure to these substances: <ul style="list-style-type: none"> • Acrylonitrile • Arsenic (inorganic) • Asbestos • Benzene • Butadiene • Cadmium • Coke oven emissions • Cotton dust • 1,2-Dibromo-3-chloropropane • Ethylene oxide • Formaldehyde • Lead • Methylene chloride 	In writing, as specified in the rule specific to the substance

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Notify employees of:	As follows:
<ul style="list-style-type: none"> • Methylenedianiline • Vinyl chloride 	

((Table 3 "Exposure Limits for Air Contaminants")

IMPORTANT:

The following information applies to Table 3, Exposure Limits for Air Contaminants.

• Exposure needs to be determined from personal air samples taken in the breathing zone or from monitoring representative of the employee's breathing zone.

• Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

• Mg/m3 refers to milligrams of substance per cubic meter of air.

• For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the web-site: <http://www.cas.org>.

• Time weighted averages (TWAs) represent the maximum allowed average exposure for any 8 hour time period. For work periods longer than 8 hours the TWAs needs to be determined using the 8 continuous hours with the highest average concentration.

• Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen minute period, unless another time period is noted in Table 3.

• The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.

• An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

• Additional requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-800-160.

• The respirable fraction of particulate is measured by sampling with a size selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

Substance	CAS	TWAs	STEL	Ceiling	Skin
Abate (Femephos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Respirable fraction	—	5 mg/m3	10 mg/m3	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m3	10 mg/m3	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—
Acrylamide	79-06-1	0.03 mg/m3	0.09 mg/m3	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X
Acrylonitrile (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m3	0.75 mg/m3	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Respirable fraction	—	5.0 mg/m3	10 mg/m3	—	—

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Substance	CAS	TWAs	STEL	Coiling	Skin
Aluminum (as-Al)	7429-90-5	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
Pyro-powders	—	5.0 mg/m ³	10 mg/m ³	—	—
Welding-fumes	—	5 mg/m ³	10 mg/m ³	—	—
Soluble-salts	—	2.0 mg/m ³	4 mg/m ³	—	—
Alkyls (NOC)	—	2.0 mg/m ³	4 mg/m ³	—	—
Aluminum-oxide (Alundum, Corundum)	7429-90-5	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—
2-Aminoethanol (Ethanolamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m ³	0.6 mg/m ³	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium-chloride, fume	12125-02-9	10 mg/m ³	20 mg/m ³	—	—
Ammonium-sulfamate (Ammate)	7773-06-0	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Antimony and compounds (as-Sb)	7440-36-0	0.5 mg/m ³	1.5 mg/m ³	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m ³	0.9 mg/m ³	—	—
Argon	7440-37-1	Simple asphyxiant	Simple asphyxiant	—	—
Arsenic, organic compounds (as-As)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsenic, inorganic compounds (as-As) (when use is covered by WAC- 296-62-07347)	7440-38-2	0.01 mg/m ³	0.03 mg/m ³	—	—
Arsenic, inorganic compounds (as-As) (when use is not covered by WAC 296-62-07347)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos (see WAC 296-62-077)	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m ³	10 mg/m ³	—	—
Atrazine	1912-24-9	5 mg/m ³	10 mg/m ³	—	—
Azinphos-methyl (Guthion)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Barium, soluble compounds (as-Ba)	7440-39-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benomyl	17804-35-2	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benzene (see WAC 296-62-07523)	71-43-2	1 ppm	5 ppm	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—

Substance	CAS	TWA8	STEL	Ceiling	Skin
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a)pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m3	0.6 mg/m3	—	—
Benzoyl peroxide	94-36-0	5 mg/m3	10 mg/m3	—	—
Benzyl chloride	100-44-7	1 ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002 mg/m3	0.005 mg/m3 (30 min.)	0.025 mg/m3	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Respirable fraction	—	5 mg/m3	10 mg/m3	—	—
Bismuth telluride, Se-doped	—	5 mg/m3	10 mg/m3	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m3	3 mg/m3	—	—
Decahydrate	1303-96-4	5 mg/m3	10 mg/m3	—	—
Pentahydrate	12179-04-3	1 mg/m3	3 mg/m3	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Boron tribromide	10294-33-4	—	—	1.0 ppm	—
Boron trifluoride	6737-07-2	—	—	1.0 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromo chloromethane (Chlorobromomethane)	74-97-5	200 ppm	250 ppm	—	—
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3-butadiene)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—
Butanethiol (see Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X
tert-Butyl chromate (Chromic acid)	1189-85-1	—	—	0.1 mg/m3	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-73-5	5 ppm	10 ppm	—	X
p-tert-Butyl toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074)	1306-19-0	0.005 mg/m3	0.015 mg/m3	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	—	—	—	—
Total particulate	—	0.01 mg/m3	0.03 mg/m3	—	—
Respirable fraction	—	0.002 mg/m3	0.006 mg/m3	—	—

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Substance	CAS	TWA ⁸	STEL	Ceiling	Skin
Calcium-arsenate (see WAC 296-62-07347)	—	0.01 mg/m ³	0.03 mg/m ³	—	—
Calcium-carbonate	1317-65-3	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium-cyanamide	156-62-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Calcium-hydroxide	1305-62-0	5 mg/m ³	10 mg/m ³	—	—
Calcium-oxide	1305-78-8	2 mg/m ³	4 mg/m ³	—	—
Calcium-silicate	1344-95-2	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium-sulfate	7778-18-9	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5 mg/m ³	10 mg/m ³	—	—
Campher (synthetic)	76-22-2	2 mg/m ³	4 mg/m ³	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m ³	3 mg/m ³	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captafol (Difolatan)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Captan	133-06-2	5 mg/m ³	10 mg/m ³	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Carbon-black	1333-86-4	3.5 mg/m ³	7 mg/m ³	—	—
Carbon-dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon-disulfide	75-15-0	4 ppm	12 ppm	—	X
Carbon-monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon-tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon-tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl-chloride (Phosgene)	7803-51-2	0.3 ppm	1 ppm	—	—
Carbonyl-fluoride	353-50-4	2 ppm	5 ppm	—	—
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellulose (paper-fiber)	9004-34-6	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable-fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cesium-hydroxide	21351-79-1	2 mg/m ³	4 mg/m ³	—	—
Chlordane	57-74-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Chlorinated-camphene (Toxaphen)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Chlorinated-diphenyl-oxide	55720-99-5	0.5 mg/m ³	1.5 mg/m ³	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine-dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine-trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
o-Chloroacetophenone (Phenacyl-chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl-chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—
2-Chloro-1,3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—

Substance	CAS	TWAs	STEL	Ceiling	Skin
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
1-Chloro-2,3-epoxypropane (Epichlorohydrin)	106-89-8	2 ppm	4 ppm	—	X
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—
Chloromethyl methyl ether (Methyl chloromethyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1, 3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
Chlorpyrifos	2921-88-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Chromic acid and chromates (as CrO ₃)	Varies with compound	—	—	0.1 mg/m ³	—
Chromium, sol, chromic chromous salts (as Cr)	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromium (VI) compounds (as Cr)	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Chromium metal and insoluble salts	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromyl chloride	14977-61-8	0.025 ppm	0.075 ppm	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Coal dust (less than 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	2 mg/m ³	4 mg/m ³	—	—
Coal dust (greater than or equal to 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—	—	—	—	—
(Benzo(a) pyrene), (Particulate polycyclic aromatic hydrocarbons)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—

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Substance	CAS	TWA8	STEL	Ceiling	Skin
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m3	0.15 mg/m3	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m3	0.3 mg/m3	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m3	0.3 mg/m3	—	—
Coke oven emissions (see WAC 296-62-200)	—	0.15 mg/m3	0.45 mg/m3	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m3	0.3 mg/m3	—	—
Dusts and mists	—	1 mg/m3	3 mg/m3	—	—
Cotton dust (raw) (see WAC 296-62-14533)	—	1 mg/m3	3 mg/m3	—	—
Corundum (Aluminum oxide)	7429-90-5	10 mg/m3	20 mg/m3	—	—
Crag herbicide (Sesone, Sodium 2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	10 mg/m3	20 mg/m3	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Respirable fraction	—	5 mg/m3	10 mg/m3	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X
Crotonaldehyde	123-73-9, 4170-30-3	2 ppm	4 ppm	—	—
Cruformate	299-86-5	5 mg/m3	10 mg/m3	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m3	4 mg/m3	—	—
Cyanide (as CN)	Varies with compound	5 mg/m3	10 mg/m3	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m3	3.0 mg/m3	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m3	10 mg/m3	—	—
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	10 mg/m3	20 mg/m3	—	—
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	1 mg/m3	3 mg/m3	—	X
DDVP, Dichlorvos	62-73-7	0.1 ppm	0.3 ppm	—	X
Decaborane	17702-41-0	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl- 2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1,2-Diaminoethane (Ethylenediamine)	107-15-3	10 ppm	20 ppm	—	—
Diazinon	333-41-5	0.1 mg/m3	0.3 mg/m3	—	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m3	6 mg/m3	—	X
1,2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—

Substance	CAS	FWA#	STEL	Ceiling	Skin
Dibutyl phthalate	84-74-2	5 mg/m ³	10 mg/m ³	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3,3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—
Dichlorodiphenyltri- chloroethane (DDT)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—
1,3-Dichloro-5,5-dimethyl hydantoin	118-52-5	0.2 mg/m ³	0.4 mg/m ³	—	—
1,1-Dichloroethane	75-34-3	100 ppm	150 ppm	—	—
1,2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1,2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
1,1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride)	75-09-2	25 ppm	125 ppm	—	—
1,1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
1,2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X
2,2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dicrotophos	141-66-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron Total particulate	102-54-5	—	—	—	—
Respirable fraction	—	10 mg/m ³	20 mg/m ³	—	—
	—	5 mg/m ³	10 mg/m ³	—	—
Dieldrin	60-57-1	0.25 mg/m ³	0.75 mg/m ³	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m ³	10 mg/m ³	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
Diisobutyl ketone (2,6- Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo-benzene (see WAC 296-62-073)	60-11-7	—	—	—	—
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X

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Substance	CAS	TWAs	STEL	Ceiling	Skin
Dimethylbenzene (Xylene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethyl 1, 2-dibromo 2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl-phthalate	131-11-3	5 mg/m ³	10 mg/m ³	—	—
Dimethyl-sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrobenzene (all isomers—alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	534-52-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Dinitrotoluene	25321-14-6	1.5 mg/m ³	3 mg/m ³	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X
Dioxathion	78-34-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m ³	20 mg/m ³	—	—
Diphenylmethane diisocyanate (Methylene-bisphenyl-isocyanate- (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Di-sec-Octyl-phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m ³	10 mg/m ³	—	—
Disulfam	97-77-8	2 mg/m ³	4 mg/m ³	—	—
Disulfoton	298-04-4	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m ³	20 mg/m ³	—	—
Diuron	330-54-1	10 mg/m ³	20 mg/m ³	—	—
Divinyl benzene	1321-74-0	10 ppm	20 ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Endosulfan (Thiodan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Endrin	72-20-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Epichlorohydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	2 ppm	4 ppm	—	X
EPN	2104-64-5	0.5 mg/m ³	1.5 mg/m ³	—	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	—	—
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	—	—
Ethane	—	Simple asphyxiant	—	—	—
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	—	—
Ethion	563-12-2	0.4 mg/m ³	1.2 mg/m ³	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	—	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	—	—
Ethyl acrylate	140-88-5	5 ppm	25 ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	—	—

Substance	CAS	TWAs	STEL	Ceiling	Skin
Ethylamine	75-04-07	10 ppm	20 ppm	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl benzene	100-41-4	100 ppm	125 ppm	—	—
Ethyl bromide	74-96-4	200 ppm	250 ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	—	—
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1.0 ppm	X
Ethylenediamine (1,2-Diaminoethane)	107-15-3	10 ppm	20 ppm	—	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylene glycol	107-21-1	—	—	50 ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1 mg/m ³	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5 ppm	10 ppm	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	X
Ethylene oxide (see WAC 296-62-07359)	75-21-8	1 ppm	3 ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Ethyl formate	109-94-4	100 ppm	125 ppm	—	—
Ethylidene chloride (1,1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m ³	0.3 mg/m ³	—	X
Fenulfothion (Dasanit)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Fenthion	55-38-9	0.2 mg/m ³	0.6 mg/m ³	—	X
Ferbam	—	—	—	—	—
Total particulate	14484-64-1	10 mg/m ³	20 mg/m ³	—	—
Ferrovandium dust	12604-58-9	1 mg/m ³	3 mg/m ³	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m ³	5 mg/m ³	—	—
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro-methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m ³	0.3 mg/m ³	—	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75 ppm	2.0 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—
Formic acid	64-18-6	5 ppm	10 ppm	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m ³	20 mg/m ³	—	—
Gluteraldehyde	111-30-8	—	—	0.2 ppm	—

EXPEDITED

Substance	CAS	TWAs	STEL	Ceiling	Skin
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
Glycide!					
(2,3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—
Glycol monoethyl ether					
(2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m ³	20 mg/m ³	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m ³	5 mg/m ³	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Guthion					
(Azinphosmethyl)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Hafnium	7440-58-6	0.5 mg/m ³	1.5 mg/m ³	—	—
Helium	—	Simple asphyxiant	—	—	—
Heptachlor	76-44-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone					
(Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone					
(Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—
2-Hexanone					
(Methyl n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone					
(Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	—	4.7 ppm	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone					
(Dihydroxybenzene)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
4-Hydroxy-4-methyl-2-pentanone					
(Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—
Indium and compounds (as In)	7440-74-6	0.1 mg/m ³	0.3 mg/m ³	—	—

Substance	CAS	TWAs	STEL	Ceiling	Skin
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron-oxide dust and fume (as Fe)	1309-37-1	—	—	—	—
Total-particulate	—	5 mg/m ³	10 mg/m ³	—	—
Iron-pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron-salts, soluble (as Fe)	Varies with compound	1 mg/m ³	3 mg/m ³	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin	—	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Ketene	463-51-4	0.5 mg/m ³	1.5 mg/m ³	—	—
Lead inorganic (as Pb) (see WAC 296-62-07521 and 296-155-176)	7439-92-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Lead-arsenate (see WAC 296-62-07347)	3687-31-8	0.05 mg/m ³	0.15 mg/m ³	—	—
Lead-chromate	7758-97-6	0.05 mg/m ³	0.15 mg/m ³	—	—
Limestone	1317-65-3	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Lindane	58-89-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Lithium hydride	7580-67-8	0.025 mg/m ³	0.075 mg/m ³	—	—
L.P.G. (liquefied petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite	546-93-0	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Magnesium-oxide fume	1309-48-4	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Malathion	121-75-5	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compound (as Mn)	7439-96-5	—	—	5 mg/m ³	—
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m ³	3 mg/m ³	—	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Manganese tetroxide (as Mn)	1317-35-7	1 mg/m ³	3 mg/m ³	—	—
Marble	1317-65-3	—	—	—	—
Total-particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—

EXPEDITED

Substance	CAS	FWAs	STEL	Coiling	Skin
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	—	—	0.1 mg/m ³	X
Organo-alkyl compounds	—	0.01 mg/m ³	0.03 mg/m ³	—	X
Vapor	—	0.05 mg/m ³	0.15 mg/m ³	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol					
(Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methomyl (lannate)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
2-Methoxyethanol					
(Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m ³	10 mg/m ³	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene propadiene mixture (MAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl-amyI alcohol					
(Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X
Methyl n-amyI ketone					
(2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—
N-Methyl aniline					
(Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl n-butyl ketone					
(2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—
Methyl cellosolve					
(2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate					
(2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform					
(1,1,1-trichloroethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether					
(chloromethyl-methyl ether)					
(see WAC 296-62-073)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylecyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylecyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylecyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methyleclopentadienyl					
manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl demeton	8022-00-2	0.5 mg/m ³	1.5 mg/m ³	—	X
Methylene-bisphenyl isocyanate					
(MDI)					
(Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
4,4'-Methylene bis					
(2-chloro aniline) (MBOCA)					
(see WAC 296-62-073)	101-14-4	0.02 ppm	0.06 ppm	—	X
Methylene bis					
(4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—

Substance	CAS	TWAs	STEL	Coiling	Skin
Methylene chloride (Dichloromethane) (see WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	—	—
4, 4 Methylene dianiline	101-77-9	0.1 ppm	0.3 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Metribuzin	21087-64-9	5 mg/m ³	10 mg/m ³	—	—
Mica (Silicates)	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Insoluble compounds (Total particulates)	—	—	—	—	—
(Total particulates)	—	10 mg/m ³	20 mg/m ³	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—
Metal and insoluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Soluble compounds	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Nicotine	54-11-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Nitrapyrin (2-Chloro-6-trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—

EXPEDITED

Substance	CAS	TWAs	STEL	Coiling	Skin
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m ³	6 mg/m ³	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m ³	1.5 mg/m ³	—	X
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m ³	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—
Nitrotoluene	—	—	—	—	—
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane (Chloropierin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—
Octachloronaphthalene	2234-13-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil-mist-mineral (particulate)	8012-95-1	5 mg/m ³	10 mg/m ³	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m ³	2 mg/m ³	—	—
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paraffin-wax fume	8002-74-2	2 mg/m ³	4 mg/m ³	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7 1910-42-5 2074-50-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Parathion	56-38-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Particulate-polyeyelic aromatic hydrocarbons (coal-tar-pitch-volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentaachloronaphthalene	1321-64-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentaachlorophenol	87-86-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—
2-Pentanone (methyl-propyl ketone)	107-87-9	200 ppm	250 ppm	—	—

Substance	CAS	TWA8	STEL	Ceiling	Skin
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
Petroleum distillates (Naphtha, rubber solvent)	—	100 ppm	150.0 ppm	—	—
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m ³	10 mg/m ³	—	X
p-Phenyleno-diamine	106-50-3	0.1 mg/m ³	0.3 mg/m ³	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenyldiazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m ³	0.2 mg/m ³	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.03 ppm	—	—
Phosphine	7803-51-2	0.30 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m ³	3 mg/m ³	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—
Phosphorus pentasulfide	1314-80-3	1 mg/m ³	3 mg/m ³	—	—
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m ³	10 mg/m ³	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Picric acid (2, 4, 6- Trinitrophenol)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Pindone- (2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Piperazine dihydrochloride	142-64-3	5 mg/m ³	10 mg/m ³	—	—
Pival (Pindone)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m ³	3 mg/m ³	—	—
Soluble salts	—	0.002 mg/m ³	0.006 mg/m ³	—	—
Polychlorobiphenyls (Chlorodiphenyls)	—	1 mg/m ³	3 mg/m ³	—	X
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m ³	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X

Substance	CAS	TWAs	STEL	Ceiling	Skin
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride (1,2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2- Epoxypropane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m ³	10 mg/m ³	—	—
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m ³	3.0 mg/m ³	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh) Insoluble compounds,	7440-16-6	—	—	—	—
Metal fumes and dusts	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Soluble compounds, salts	—	0.001 mg/m ³	0.003 mg/m ³	—	—
Ronnel	299-84-3	10 mg/m ³	20 mg/m ³	—	—
Rosin-core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Rotenone	83-79-4	5 mg/m ³	10 mg/m ³	—	—
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	10 mg/m ³	20 mg/m ³	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m ³	12 mg/m ³	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m ³	0.3 mg/m ³	—	—

Substance	CAS	TWAS	STEL	Ceiling	Skin
Silicates (less than 1% crystalline silica) —	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m ³	0.03 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Sodium azide (as HN ₃ or NaN ₃)	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m ³	10 mg/m ³	—	—
Sodium-2, 4-dichloro-phenoxyethyl sulfate (Crag herbicide)	136-78-7	10 mg/m ³	20 mg/m ³	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m ³	0.15 mg/m ³	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m ³	—
Sodium metabisulfite	7681-57-4	5 mg/m ³	10 mg/m ³	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m ³	0.45 mg/m ³	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—
Subtilisin	9014-01-1	—	0.00006 mg/m ³ (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sulfotep (TEDP)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m ³	3 mg/m ³	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2609-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m ³	3 mg/m ³	—	—
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	—	X

EXPEDITED

Substance	CAS	FWAs	STEL	Coiling	Skin
2, 4, 5-T	93-76-5	10 mg/m ³	20 mg/m ³	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos) Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m ³	10 mg/m ³	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temphos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m ³	4 mg/m ³	—	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m ³	10 mg/m ³	—	—
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m ³	0.3 mg/m ³	—	X
4, 4-Thiobis (6-tert butyl m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram (see WAC 296-62-07519)	137-26-8	5 mg/m ³	10 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds (except oxides)	7440-31-5	2 mg/m ³	4 mg/m ³	—	—
Tin (as Sn) Organic compounds	7440-31-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Tin oxide (as Sn)	21651-19-4	2 mg/m ³	4 mg/m ³	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Toluene	108-88-3	100 ppm	150 ppm	—	—
Toluene 2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X

EXPEDITED

Substance	CAS	TWA ⁸	STEL	Coiling	Skin
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Tributyl-phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—
1,2,4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1,1,1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1,1,2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane	75-69-4	—	—	1,000 ppm	—
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m ³	10 mg/m ³	—	X
1,2,3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1,1,2-Trichloro-1,2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Tricyclohexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2,4,6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
2,4,6-Trinitrophenyl- methylnitramine (Tetryl)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
2,4,6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Triorthoacetyl phosphate	78-30-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Triphenyl amine	603-34-9	5 mg/m ³	10 mg/m ³	—	—
Triphenyl phosphate	115-86-6	3 mg/m ³	6 mg/m ³	—	—
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Insoluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Insoluble compounds	—	0.2 mg/m ³	0.6 mg/m ³	—	—
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V ₂ O ₅)	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene) (see WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile) (see WAC 296-62-07336)	107-13-1	2 ppm	4 ppm	10 ppm	—
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1,1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Warfarin	81-81-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Welding fumes (total particulate)	—	5 mg/m ³	10 mg/m ³	—	—
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenic)	—	5 mg/m ³	10 mg/m ³	—	—
Allergenic (e.g. cedar, mahogany and teak)	—	2.5 mg/m ³	5 mg/m ³	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha diamine	1477-55-0	—	—	0.1 mg/m ³	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m ³	3 mg/m ³	—	—
Zinc chloride fume	7646-85-7	1 mg/m ³	2 mg/m ³	—	—
Zinc chromate (as CrO ₃)	Varies with com- pound	0.05 mg/m ³	—	0.1 mg/m ³	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zinc oxide fume	1314-13-2	5 mg/m ³	10 mg/m ³	—	—
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m ³	10 mg/m ³	—	—))

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NEW SECTION

WAC 296-841-20025 Permissible exposure limits of air contaminants.

IMPORTANT:

The following information applies to Table 3, Permissible Exposure Limits for Air Contaminants.

- Exposure needs to be determined from personal air samples taken in the breathing zone OR from monitoring representative of the employee's breathing zone.

- Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

- Mg/m³ refers to milligrams of substance per cubic meter of air.

- For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the website: <http://www.cas.org>.

- Time weighted averages (TWA₈) represent the maximum allowed average exposure for any 8-hour time period. For work periods longer than 8-hours the TWA₈ needs to be determined using the 8 continuous hours with the highest average concentration.

- Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen-minute period, unless another time period is noted in Table 3.

- The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.

- An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

- Requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-800-160.

- The respirable fraction of particulate is measured by sampling with a size-selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Abate (Temephos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m ³	10 mg/m ³	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—
Acrylamide	79-06-1	0.03 mg/m ³	0.09 mg/m ³	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X
Acrylonitrile (Vinyl cyanide) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Aluminum (as Al)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pyro powders	—	5 mg/m ³	10 mg/m ³	—	—
Welding fumes	—	5 mg/m ³	10 mg/m ³	—	—
Soluble salts	—	2 mg/m ³	4 mg/m ³	—	—
Alkyls (NOC)	—	2 mg/m ³	4 mg/m ³	—	—
Aluminum oxide (Alundum, Corundum)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—
2-Aminoethanol (Ethanolamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m ³	0.6 mg/m ³	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium chloride, fume	12125-02-9	10 mg/m ³	20 mg/m ³	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10 mg/m ³	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m ³	1.5 mg/m ³	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m ³	0.9 mg/m ³	—	—
Argon	7440-37-1	Simple asphyxiant	—	—	—
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsenic, inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	0.01 mg/m ³	—	—	—
Arsenic, inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos (see WAC 296-62-077)	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m ³	10 mg/m ³	—	—
Atrazine	1912-24-9	5 mg/m ³	10 mg/m ³	—	—
Azinphos methyl (Guthion)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Azodrin (Monocrotophos)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Baygon (Propoxur)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
Benomyl	17804-35-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benzene (see WAC 296-62-07523)	71-43-2	1 ppm	5 ppm	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a) pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Benzoyl peroxide	94-36-0	5 mg/m ³	10 mg/m ³	—	—
Benzyl chloride	100-44-7	1ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002 mg/m ³	0.005 mg/m ³ (30 min.)	0.025 mg/m ³	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Bismuth telluride, Se-doped	—	5 mg/m ³	10 mg/m ³	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m ³	3 mg/m ³	—	—
Decahydrate	1303-96-4	5 mg/m ³	10 mg/m ³	—	—
Pentahydrate	12179-04-3	1 mg/m ³	3 mg/m ³	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Boron tribromide	10294-33-4	—	—	1 ppm	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Boron trifluoride	6737-07-2	—	—	1 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromochloromethane (Chlorobromomthane)	74-97-5	200 ppm	250 ppm	—	—
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3-butadiene)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—
Butanethiol (Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X
Butyl cellosolve (2-Butoxy ethanol)	111-76-2	25 ppm	38 ppm	—	—
tert-Butyl chromate (as CrOs)	1189-85-1	—	—	0.1 mg/m ³	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	—	X
p-tert-Butyl-toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074)	1306-19-0	0.005 mg/m ³	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	0.005 mg/m ³	—	—	—
Calcium arsenate (see WAC 296-62-07347)	—	0.01 mg/m ³	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium cyanamide	156-62-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Calcium hydroxide	1305-62-0	5 mg/m ³	10 mg/m ³	—	—
Calcium oxide	1305-78-8	2 mg/m ³	4 mg/m ³	—	—
Calcium silicate	1344-95-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium sulfate	7778-18-9	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Camphor (synthetic)	76-22-2	2 mg/m ³	4 mg/m ³	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m ³	3 mg/m ³	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captafol (Difolatan)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Captan	133-06-2	5 mg/m ³	10 mg/m ³	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Carbon black	1333-86-4	3.5 mg/m ³	7 mg/m ³	—	—
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon disulfide	75-15-0	4 ppm	12 ppm	—	X
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl chloride (Phosgene)	7803-51-2	0.1 ppm	0.3 ppm	—	—
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	—	—
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellosolve acetate (2-Ethoxyethylacetate)	111-15-9	5 ppm	10 ppm	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cesium hydroxide	21351-79-1	2 mg/m ³	4 mg/m ³	—	—
Chlordane	57-74-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Chlorinated camphene (Toxaphen)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m ³	1.5 mg/m ³	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
α-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—
2-Chloro-1, 3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
1-Chloro-2, 3-epoxypropane (Epichlorhydrin)	106-89-8	2 ppm	4 ppm	—	X
2-Chloroethanol (Ethylene chlorhydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride) (See WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Chloromethyl methyl ether (Methyl chloromethyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1,3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Chlorpyrifos	2921-88-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Chromic acid and chromates (as CrO ₃)	Varies with compound	0.1 mg/m ³	0.3 mg/m ³	—	—
Chromium, soluble, chromic and chromous salts (as Cr)	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromium (VI) compounds (as Cr)	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Chromium metal and insoluble salts	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromyl chloride	14977-61-8	0.025 ppm	0.075 ppm	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Coal dust (less than 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	2 mg/m ³	4 mg/m ³	—	—
Coal dust (greater than or equal to 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Coal tar pitch volatiles (benzene soluble fraction) (Particulate polycyclic aromatic hydrocarbons)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m ³	0.15 mg/m ³	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m ³	0.3 mg/m ³	—	—
Coke oven emissions (see WAC 296-62-200)	—	0.15 mg/m ³	—	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Dusts and mists	—	1 mg/m ³	3 mg/m ³	—	—
Cotton dust (raw) (waste sorting, blending, cleaning, willowing and garetting) (see WAC 296-62-14533)	—	1 mg/m ³	—	—	—
Corundum (Aluminum oxide)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Crag herbicide (Sesone, Sodium-2,4-dichloro-phenoxyethyl sulfate)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	—	—
Crufomate	299-86-5	5 mg/m ³	10 mg/m ³	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m ³	4 mg/m ³	—	—
Cyanide (as CN)	Varies with compound	5 mg/m ³	10 mg/m ³	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m ³	3.0 mg/m ³	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
DBCP (1,2-Dibromo-3- chloropropane) (See WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
DDVP, (Dichlorvos)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dasanit (Fensulfothion)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl- 2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1, 2-Diaminoethane (Ethylendiamine)	107-15-3	10 ppm	20 ppm	—	—
Diazinon	333-41-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—
Dibutyl phthalate	84-74-2	5 mg/m ³	10 mg/m ³	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—
Dichlorodiphenyltri- chloroethane (DDT)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	0.2 mg/m ³	0.4 mg/m ³	—	—
1, 1-Dichloroethane (Ethylidene chloride)	75-34-3	100 ppm	150 ppm	—	—
1, 2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1, 1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
1, 2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride) (See WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
Dichlorophenoxyacetic acid (2, 4-D)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
1, 2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X
2, 2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dicrotophos	141-66-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Dieldrin	60-57-1	0.25 mg/m ³	0.75 mg/m ³	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m ³	10 mg/m ³	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Difolatan (Captafol)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
Diisobutyl ketone (2, 6-Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo benzene (see WAC 296-62-073)	60-11-7	—	—	—	—
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X
Dimethylbenzene (Xylene)	1300-73-8	100 ppm	150 ppm	—	—

EXPEDITED

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl phthalate	131-11-3	5 mg/m ³	10 mg/m ³	—	—
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrobenzene (all isomers - alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	534-52-1	0.2 mg/m ³	0.6 mg/m ³	—	X
3, 5-Dinitro-o-toluamide (Dinitolmide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrotoluene	25321-14-6	1.5 mg/m ³	3 mg/m ³	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X
Dioxathion	78-34-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m ³	20 mg/m ³	—	—
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m ³	10 mg/m ³	—	—
Disulfram	97-77-8	2 mg/m ³	4 mg/m ³	—	—
Disulfoton	298-04-4	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m ³	20 mg/m ³	—	—
Diuron	330-54-1	10 mg/m ³	20 mg/m ³	—	—
Divinyl benzene	1321-74-0	10 ppm	20 ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Endosulfan (Thiodan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Endrin	72-20-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Epichlorhydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	2 ppm	4 ppm	—	X
EPN	2104-64-5	0.5 mg/m ³	1.5 mg/m ³	—	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	—	—
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	—	—
Ethane	—	Simple asphyxiant	—	—	—
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	—	—
Ethanol (Ethyl alcohol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	—	—
Ethion	563-12-2	0.4 mg/m ³	1.2 mg/m ³	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	—	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	—	—
Ethyl acrylate	140-88-5	5 ppm	25 ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethylamine	75-04-07	10 ppm	20 ppm	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl benzene	100-41-4	100 ppm	125 ppm	—	—
Ethyl bromide	74-96-4	200 ppm	250 ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	—	—
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1 ppm	X
Ethylenediamine (1,2-Diaminoethane)	107-15-3	10 ppm	20 ppm	—	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylene glycol	107-21-1	—	—	50 ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1 mg/m ³	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5 ppm	10 ppm	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	X
Ethylene oxide (see WAC 296-62-07359)	75-21-8	1 ppm	5 ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Ethyl formate	109-94-4	100 ppm	125 ppm	—	—
Ethylidene chloride (1, 1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m ³	0.3 mg/m ³	—	X
Fensulfthion (Dasanit)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Fenthion	55-38-9	0.2 mg/m ³	0.6 mg/m ³	—	X
Ferbam	—	—	—	—	—
Total particulate	14484-64-1	10 mg/m ³	20 mg/m ³	—	—
Ferrovandium dust	12604-58-9	1 mg/m ³	3 mg/m ³	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m ³	5 mg/m ³	—	—
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m ³	0.3 mg/m ³	—	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75 ppm	2 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—
Formic acid	64-18-6	5 ppm	10 ppm	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Furadon (carbofuran)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m ³	20 mg/m ³	—	—
Gluteraldehyde	111-30-8	—	—	0.2 ppm	—
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m ³	20 mg/m ³	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m ³	5 mg/m ³	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Hafnium	7440-58-6	0.5 mg/m ³	1.5 mg/m ³	—	—
Helium	—	Simple asphyxiant	—	—	—
Heptachlor	76-44-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	4.7 ppm	—	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone (Dihydroxybenzene)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—
Indium and compounds (as In)	7440-74-6	0.1 mg/m ³	0.3 mg/m ³	—	—
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron oxide dust and fume (as Fe) Total particulate	1309-37-1 —	— 5 mg/m ³	— 10 mg/m ³	— —	— —
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m ³	3 mg/m ³	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin Total particulate Respirable fraction	— — —	— 10 mg/m ³ 5 mg/m ³	— 20 mg/m ³ 10 mg/m ³	— — —	— — —
Ketene	463-51-4	0.5 mg/m ³	1.5 mg/m ³	—	—
Lannate (Methomyl)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Lead, inorganic (as Pb) (see WAC 296-62-07521 and 296-155-176)	7439-92-1	0.05 mg/m ³	—	—	—
Lead arsenate (as Pb) (see WAC 296-62-07347)	3687-31-8	0.05 mg/m ³	—	—	—
Lead chromate (as Pb)	7758-97-6	0.05 mg/m ³	—	—	—
Limestone Total particulate Respirable fraction	1317-65-3 — —	— 10 mg/m ³ 5 mg/m ³	— 20 mg/m ³ 10 mg/m ³	— — —	— — —
Lindane	58-89-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Lithium hydride	7580-67-8	0.025 mg/m ³	0.075 mg/m ³	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite Total particulate Respirable fraction	546-93-0 — —	— 10 mg/m ³ 5 mg/m ³	— 20 mg/m ³ 10 mg/m ³	— — —	— — —
Magnesium oxide fume Total particulate	1309-48-4 —	— 10 mg/m ³	— 20 mg/m ³	— —	— —

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Malathion	121-75-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compounds (as Mn)	7439-96-5	—	—	5 mg/m ³	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m ³	3 mg/m ³	—	—
Marble	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
MBOCA (4, 4'-Methylene bis (2-chloro-aniline)) (see WAC 296-62-073)	101-14-4	—	—	—	X
MDA (4, 4-Methylene dianiline) (see WAC 296-62-076)	101-77-9	0.01 ppm	0.1 ppm	—	X
MDI (Methylene bisphenyl isocyanate) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
MEK (Methyl ethyl ketone) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
MEKP (Methyl ethyl ketone peroxide)	1338-23-4	—	—	0.2 ppm	—
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	0.1 mg/m ³	0.3 mg/m ³	—	X
Organo-alkyl compounds	—	0.01 mg/m ³	0.03 mg/m ³	—	X
Vapor	—	0.05 mg/m ³	0.15 mg/m ³	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methanol (Methyl alcohol)	67-56-1	200 ppm	250 ppm	—	X
Methomyl (Iannate)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X
2-Methoxyethyl acetate (Methyl cellosolve acetate)	110-49-6	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m ³	10 mg/m ³	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Methyl n-aryl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform (1, 1, 1-trichloroethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether (chloromethyl methyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylcyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylcyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylcyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl demeton	8022-00-2	0.5 mg/m ³	1.5 mg/m ³	—	X
Methylene bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
4, 4'-Methylene bis (2-chloro-aniline) (MBOCA) (see WAC 296-62-073)	101-14-4	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—
Methylene chloride (Dichloromethane) (see WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	—	—
4, 4-Methylene dianiline (MDA) (see WAC 296-62-076)	101-77-9	0.01 ppm	0.1 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m ³	0.6 mg/m ³	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Metribuzin	21087-64-9	5 mg/m ³	10 mg/m ³	—	—
Mica (Silicates)					
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Insoluble compounds	—	10 mg/m ³	20 mg/m ³	—	—
Monochlorobenzene (Chlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—
Metal and insoluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Soluble compounds	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Nicotine	54-11-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Nitrapyrin (2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m ³	6 mg/m ³	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m ³	1.5 mg/m ³	—	X
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen oxide (Nitrous oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m ³	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—
Nitrotoluene	—	—	—	—	—
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane (Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—
Octachloronaphthalene	2234-13-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil mist mineral (particulate)	8012-95-1	5 mg/m ³	10 mg/m ³	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m ³	2 mg/m ³	—	—
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paper fiber (Cellulose)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Paraffin wax fume	8002-74-2	2 mg/m ³	4 mg/m ³	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7	0.1 mg/m ³	0.3 mg/m ³	—	X
	1910-42-5	—	—	—	—
	2074-50-2	—	—	—	—
Parathion	56-38-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Particulate polycyclic aromatic hydrocarbons (benzene soluble fraction) (coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentachloronaphthalene	1321-64-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentachlorophenol	87-86-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Petroleum distillates (Naphtha, rubber solvent)	—	100 ppm	150 ppm	—	—
Phenacyl chloride (a-Chloroacetophenone)	532-21-4	0.05 ppm	0.15 ppm	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m ³	10 mg/m ³	—	X
p-Phenylene diamine	106-50-3	0.1 mg/m ³	0.3 mg/m ³	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenylhydrazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m ³	0.2 mg/m ³	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.3 ppm	—	—
Phosphine	7803-51-2	0.3 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m ³	3 mg/m ³	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—
Phosphorus pentasulfide	1314-80-3	1 mg/m ³	3 mg/m ³	—	—
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m ³	10 mg/m ³	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Picric acid (2, 4, 6-Trinitrophenol)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Pindone					
(2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Piperazine dihydrochloride	142-64-3	5 mg/m ³	10 mg/m ³	—	—
Pival (Pindone)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m ³	3 mg/m ³	—	—
Soluble salts	—	0.002 mg/m ³	0.006 mg/m ³	—	—
Polychlorobiphenyls					
(Chlorodiphenyls)	—	—	—	—	—
42% Chlorine (PCB)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
54% Chlorine (PCB)	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m ³	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X
beta-Propiolactone					
(see WAC 296-62-073)	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2- Epoxyp propane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m ³	10 mg/m ³	—	—
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Pyrocatachol (Catechol)	120-80-9	5 ppm	10 ppm	—	X
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m ³	3 mg/m ³	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—
Insoluble compounds, metal fumes and dusts	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Soluble compounds, salts	—	0.001 mg/m ³	0.003 mg/m ³	—	—
Ronnel	299-84-3	10 mg/m ³	20 mg/m ³	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Rotenone	83-79-4	5 mg/m ³	10 mg/m ³	—	—
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sevin (Carbaryl)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m ³	12 mg/m ³	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m ³	0.3 mg/m ³	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Silicates (less than 1% crystalline silica)	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m ³	0.03 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Sodium azide (as HN ₃ or NaN ₃)	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m ³	10 mg/m ³	—	—
Sodium-2, 4-dichloro- phenoxyethyl sulfate (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m ³	0.15 mg/m ³	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m ³	—
Sodium metabisulfite	7681-57-4	5 mg/m ³	10 mg/m ³	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m ³	0.45 mg/m ³	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—
Subtilisins	9014-01-1	—	0.00006 mg/m ³ (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sulfotep (TEDP)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m ³	3 mg/m ³	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m ³	3 mg/m ³	—	—
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	—	X
2, 4, 5-T	93-76-5	10 mg/m ³	20 mg/m ³	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m ³	10 mg/m ³	—	—
TDI (Toluene-2, 4-diisocyanate)	584-84-9	0.005 ppm	0.02 ppm	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temphos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m ³	4 mg/m ³	—	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m ³	10 mg/m ³	—	—
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m ³	0.3 mg/m ³	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Thiodan (Endosulfan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram (see WAC 296-62-07519)	137-26-8	5 mg/m ³	10 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds	7440-31-5	2 mg/m ³	4 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Organic compounds	7440-31-5	0.1 mg/m ³	0.3 mg/m ³	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Tin oxide (as Sn)	21651-19-4	2 mg/m ³	4 mg/m ³	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
TNT					
(2, 4, 6-Trinitrotoluene)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Toluene	108-88-3	100 ppm	150 ppm	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene					
(Chlorinated camphene)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1, 1, 1-Trichloroethane					
(Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1, 1, 2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane					
(Fluorotrichloromethane)	75-69-4	—	—	1,000 ppm	—
Trichloromethane					
(Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m ³	10 mg/m ³	—	X
1, 2, 3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Tricyclohexyltin hydroxide					
(Cyhexatin)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2, 4, 6-Trinitrophenol					
(Picric acid)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 4, 6-Trinitrophenyl-methylnitramine					
(Tetryl)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Triorthocresyl phosphate	78-30-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Triphenyl amine	603-34-9	5 mg/m ³	10 mg/m ³	—	—
Triphenyl phosphate	115-86-6	3 mg/m ³	6 mg/m ³	—	—
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Insoluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Insoluble compounds	—	0.2 mg/m ³	0.6 mg/m ³	—	—
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V2O5)	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m ³	0.15 mg/m ³	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene) (see WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—
Warfarin	81-81-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Welding fumes (total particulate)	—	5 mg/m ³	10 mg/m ³	—	—
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenic)	—	5 mg/m ³	10 mg/m ³	—	—
Allergenic (e.g. cedar, mahogany and teak)	—	2.5 mg/m ³	5 mg/m ³	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	0.1 mg/m ³	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m ³	3 mg/m ³	—	—
Zinc chloride fume	7646-85-7	1 mg/m ³	2 mg/m ³	—	—
Zinc chromate (as CrO ₃)	Varies with com- pound	0.05 mg/m ³	—	0.1 mg/m ³	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zinc oxide fume	1314-13-2	5 mg/m ³	10 mg/m ³	—	—
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m ³	10 mg/m ³	—	—

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-300 Definitions.

Breathing zone

The space around and in front of an employee's nose and mouth, forming a hemisphere with a six to nine inch radius.

Ceiling

An exposure limit, measured over the shortest time period feasible, that must not be exceeded during any part of the employee's workday.

Dust

Solid particles suspended in air. Dusts are generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.

Exposed or exposure

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

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Fume

Solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc.

Gas

A normally formless fluid which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Mist

Liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming, spraying or atomizing.

Oxygen deficient

An atmosphere with an oxygen content below 19.5% by volume.

Permissible exposure limits (PEL)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful agents that must not be exceeded. PELs are specified in applicable WISHA rules.

Short-term exposure limit (STEL)

An exposure limit averaged over a short time period (usually measured for fifteen minutes) that must not be exceeded during any part of an employee's workday.

Time weighted average (TWA₈)

An exposure limit averaged over eight hours that must not be exceeded during an employee's workday.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

- Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS)
- Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer.
- The subject of a material safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

ide level to 10 parts per million, to be consistent with the American National Standards Institute's Compressed Gas Association, Inc. (ANSI CGA).

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: On February 17, 2004, in Federal Register Volume 69, Number 31, the Occupational Safety and Health Administration (OSHA) made several small changes to their commercial diving operations rules. The changes will allow employers of recreational diving instructors and diving guides to use alternative methods for decompression chambers. We are therefore updating our rules to be at-least-as-effective-as OSHA. We are also updating the carbon monoxide level to 10 parts per million, to be consistent with the Compressed Gas Association, which is a nationally recognized consensus standard.

Reasons Supporting Proposal: The department must be at-least-as-effective-as the OSHA rules.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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

Rule is necessary because of federal law, 29 C.F.R. Part 1910.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 296-37 WAC, Safety standards for commercial diving, outline the requirements relating to diving and support operations conducted in the state of Washington. There are no anticipated effects.

Proposal Changes the Following Existing Rules: The following WAC sections are affected by this rule making:

AMENDED SECTIONS**WAC 296-37-510 Scope and application.**

- The proposal adds requirements for recreational diving instructors and diving guides when using alternative methods for decompression chambers.

WAC 296-37-515 Definitions.

- The proposal adds definitions for diving-guiding operations and recreational diving instruction.

WAC 296-37-570 Equipment.

- The proposal changes the carbon monoxide level to 10 parts per million, to be consistent with the Compressed Gas Association, which is a nationally recognized consensus standard.

NEW SECTION

WAC 296-37-595 Appendix C to chapter 296-37 WAC—Alternative conditions under WAC 296-37-510(7) for recreational diving instructors and diving guides (mandatory).

- The proposal adds a mandatory appendix for recreational diving instructors and diving guides. When using alternative methods for decompression chambers you must follow the mandatory appendix.

WSR 04-11-065
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 18, 2004, 10:27 a.m.]

Title of Rule: Chapter 296-37 WAC, Safety standards for diving operations.

Purpose: On February 17, 2004, in Federal Register Volume 69, Number 31, the Occupational Safety and Health Administration (OSHA) made several small changes to their commercial diving operations rules. The changes will allow employers of recreational diving instructors and diving guides to use alternative methods for decompression chambers. We are therefore updating our rules to be at-least-as-effective-as OSHA. We are also updating the carbon monox-

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 Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY July 19, 2004.

May 18, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-37-510 Scope and application. (1) The requirements included in this vertical chapter shall apply throughout the state wherever diving takes place within the jurisdiction of the department of labor and industries. These requirements shall also be applicable to those diving related and supportive work activities not at the diving site but which have a direct effect on the safety of the diving operations. Examples may include but are not limited to: The supply of breathing air or gas; the supply of materials, equipment or supplies required by this chapter; the maintenance of diving equipment.

(2) This standard applies to diving and related support operations conducted in connection with all types of work and employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring. However, this standard does not apply to any diving operation:

(a) Performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits;

(b) Performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; or

(c) Governed by 45 CFR Part 46 (Protection of Human Subjects, United States Department of Health and Human Services) or equivalent rules or regulations established by another federal agency, which regulate research, development, or related purposes involving human subjects.

(d) Defined as scientific diving and which is under the direction and control of a diving program containing at least the following elements:

(i) Diving safety manual which includes at a minimum: Procedures covering all diving operations specific to the program; procedures for emergency care, including recompression and evacuation; and criteria for diver training and certification.

(ii) Diving control (safety) board, with the majority of its members being active divers, which shall at a minimum have the authority to: Approve and monitor diving projects; review and revise the diving safety manual; assure compli-

ance with the manual; certify the depths to which a diver has been trained; take disciplinary action for unsafe practices; and, assure adherence to the buddy system (a diver is accompanied by and is in continuous contact with another diver in the water) for SCUBA diving.

(3) This chapter shall augment the requirements of the general safety and health standard, chapter 296-24 WAC, the general occupational health standard, chapter 296-62 WAC, and safety and health core rules, chapter 296-800 WAC. In instances where this chapter is in direct conflict with the requirements of any general horizontal standard, the requirements of this chapter shall apply.

(4) Hoisting gear used in diving operations shall be inspected and certified as required by chapter 296-56 WAC, safety standards for longshore, stevedore and related waterfront operations.

(5) Application in emergencies. An employer may deviate from the requirements of this standard to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer:

(a) Notifies the assistant director of the department of labor and industries in Olympia or the regional administrator for the region within 48 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from the prescribed regulations; and

(b) Upon request from the authority notified, submits such information in writing.

(6) Employer obligation. The employer shall be responsible for compliance with:

(a) All provisions of this standard of general applicability; and

(b) All requirements pertaining to specific diving modes to the extent diving operations in such modes are conducted.

(7) Alternative requirements for recreational diving instructors and diving guides. Employers of recreational diving instructors and diving guides are not required to comply with the decompression-chamber requirements specified by WAC 296-37-545 (2)(b) and (3)(c)(iii), and WAC 296-37-560 (2)(a) when they meet all of the following conditions:

(a) The instructor or guide is engaging solely in recreational diving instruction or dive-guiding operations;

(b) The instructor or guide is diving within the no-decompression limits in these operations;

(c) The instructor or guide is using a nitrox breathing-gas mixture consisting of a high percentage of oxygen (more than 22% by volume) mixed with nitrogen;

(d) The instructor or guide is using an open-circuit, semi-closed-circuit, or closed-circuit self-contained underwater breathing apparatus (SCUBA); and

(e) The employer of the instructor or guide is complying with all requirements of Appendix C of this subpart.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-37-515 Definitions. As used in this standard, the listed terms are defined as follows:

(1) "Acfm": Actual cubic feet per minute.

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(2) "ASME Code or equivalent": ASME (American Society of Mechanical Engineers) Boiler and Pressure Vessel Code, Section VIII, or an equivalent code which the employer can demonstrate to be equally effective.

(3) "ATA": Atmosphere absolute.

(4) "Bell": An enclosed compartment, pressurized (closed bell) or unpressurized (open bell), which allows the diver to be transported to and from the underwater work area and which may be used as a temporary refuge during diving operations.

(5) "Bottom time": The total elapsed time measured in minutes from the time when the diver leaves the surface in descent to the time that the diver begins ascent.

(6) "Bursting pressure": The pressure at which a pressure containment device would fail structurally.

(7) "Cylinder": A pressure vessel for the storage of gases.

(8) "Recompression/decompression chamber": A pressure vessel for human occupancy such as a surface decompression chamber, closed bell, or deep diving system used to decompress divers and to treat decompression sickness.

(9) "Decompression sickness": A condition with a variety of symptoms which may result from gas or bubbles in the tissues of divers after pressure reduction.

(10) "Recompression/decompression table": A profile or set of profiles of depth-time relationships for ascent rates and breathing mixtures to be followed after a specific depth-time exposure or exposures.

(11) "Dive-guiding operations": The leading of groups of trained sports divers, who use open-circuit, semiclosed-circuit, or closed-circuit SCUBA, to local undersea diving locations for recreational purposes.

(12) "Dive location": A surface or vessel from which a diving operation is conducted.

((12)) (13) "Dive-location reserve breathing gas": A supply system of air or mixed-gas (as appropriate) at the dive location which is independent of the primary supply system and sufficient to support divers during the planned decompression.

((13)) (14) "Dive team": Divers and support employees involved in a diving operation, including the designated person-in-charge.

((14)) (15) "Diver": An employee working in water using underwater apparatus which supplies compressed breathing gas at the ambient pressure.

((15)) (16) "Diver-carried reserve breathing gas": A diver-carried supply of air or mixed gas (as appropriate) sufficient under standard operating conditions to allow the diver to reach the surface, or another source of breathing gas, or to be reached by a standby diver.

((16)) (17) "Diving mode": A type of diving requiring specific equipment, procedures and techniques (SCUBA, surface-supplied air, or mixed gas).

((17)) (18) "Fsw": Feet of seawater (or equivalent static pressure head).

((18)) (19) "Heavy gear": Diver-worn deep-sea dress including helmet, breastplate, dry suit, weighted shoes.

((19)) (20) "Hyperbaric conditions": Pressure conditions in excess of surface pressure.

((20)) (21) "Inwater stage": A suspended underwater platform which supports a diver in the water.

((21)) (22) "Liveboating": The practice of supporting a surfaced-supplied air or mixed gas diver from a vessel which is underway.

((22)) (23) "Mixed-gas diving": A diving mode in which the diver is supplied in the water with a breathing gas other than air.

((23)) (24) "No-decompression limits": The depth-time limits of the "no-decompression limits and repetitive dive group designation table for no-decompression air dives," U.S. Navy Diving Manual or equivalent limits which the employer can demonstrate to be equally effective.

((24)) (25) "Psi(g)": Pounds per square inch (gauge).

((25)) (26) "Recreational diving instruction": The training of diving students in the use of recreational diving procedures and the safe operation of diving equipment, including open-circuit, semiclosed-circuit, or closed-circuit SCUBA during dives.

(27) "Scientific diving" means diving performed solely as a necessary part of a scientific, research, or educational activity by employees whose sole purpose for diving is to perform scientific research tasks. Scientific diving does not include performing any tasks usually associated with commercial diving such as: Placing or removing heavy objects underwater; inspection of pipelines and similar objects; construction; demolition; cutting or welding; or the use of explosives.

((26)) (28) "SCUBA diving": A diving mode independent of surface supply in which the diver uses open circuit self-contained underwater breathing apparatus.

((27)) (29) "Standby diver": A diver at the dive location properly equipped and available to assist a diver in the water.

((28)) (30) "Surface-supplied air diving": A diving mode in which the diver in the water is supplied from the dive location with compressed air for breathing.

((29)) (31) "Treatment table": A depth-time and breathing gas profile designed to treat decompression sickness.

((30)) (32) "Umbilical": The composite hose bundle between a dive location and a diver or bell, or between a diver and a bell, which supplies the diver or bell with breathing gas, communications, power, or heat as appropriate to the diving mode or conditions, and includes a safety line between the diver and the dive location.

((31)) (33) "Volume tank": A pressure vessel connected to the outlet of a compressor and used as an air reservoir.

((32)) (34) "Working pressure": The maximum pressure to which a pressure containment device may be exposed under standard operating conditions.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-37-570 Equipment. (1) General.

(a) All employers shall comply with the following requirements, unless otherwise specified.

(b) Each equipment modification, repair, test, calibration or maintenance service shall be recorded by means of a tagging or logging system, and include the date and nature of work performed, and the name or initials of the person performing the work.

(2) Air compressor system.

(a) Compressors used to supply air to the diver shall be equipped with a volume tank with a check valve on the inlet side, a pressure gauge, a relief valve, and a drain valve.

(b) A compressor shall be constructed and situated so as to avoid entry of contaminated air into the air-supply system and shall be equipped with a suitable in-line particulate filter followed by a bed of activated charcoal and, if necessary, a moisture absorber to further assure breathing air quality. These filters should be placed before any receiver and after the discharge in the compressor. If an oil-lubricated compressor is used, it shall be equipped with a carbon monoxide alarm or an equally as effective alternative if approved by the department.

(i) If a carbon monoxide alarm is used, it shall be calibrated to activate at or below ((20)) 10 parts per million carbon monoxide at least once per month. A calibration and maintenance log shall be kept and shall be available for review and copying by the director or his or her designee. The log shall identify the test method, date, time of test, results, and the name of the person performing the test. The log shall be retained for at least one year from the date of the test.

(ii) If the use of an alarm at the compressor will not effectively provide warning to the diver or tender of a carbon monoxide problem, a remote alarm or other means of warning the wearer shall be used.

(iii) Breathing air couplings shall be incompatible with outlets for nonrespirable plant air or other gas systems to prevent inadvertent servicing of air-line breathing apparatus with nonrespirable gases.

(c) Respirable air supplied to a diver shall not contain:

(i) A level of carbon monoxide (CO) greater than ((20)) 10 ppm;

(ii) A level of carbon dioxide (CO₂) greater than 1,000 ppm;

(iii) A level of oil mist greater than 5 milligrams per cubic meter; or

(iv) A noxious or pronounced odor.

(d) Compressor systems providing surface air to divers must have a low pressure warning device installed at the air purification system inlet to alert dive tenders of low air pressure.

The minimum alarm setting shall be 45 psi plus an additional 15 psi for each working atmosphere.

1 ATM = 33 fsw or 15 psi

2 ATM = 66 fsw or 30 psi

3 ATM = 99 fsw or 45 psi

4 ATM = 132 fsw or 60 psi

5 ATM = 165 fsw or 75 psi

6 ATM = 198 fsw or 90 psi

(e) The output of air compressor systems shall be tested for air purity every six months by means of samples taken at the connection to the distribution system, except that nonoil lubricated compressors need not be tested for oil mist.

(3) Breathing gas supply hoses.

(a) Breathing gas supply hoses shall:

(i) Have a working pressure at least equal to the working pressure of the total breathing gas system;

(ii) Have a rated bursting pressure at least equal to four times the working pressure;

(iii) Be tested at least annually to 1.5 times their working pressure; and

(iv) Have their open ends taped, capped or plugged when not in use.

(b) Breathing gas supply hose connectors shall:

(i) Be made of corrosion-resistant materials;

(ii) Have a working pressure at least equal to the working pressure of the hose to which they are attached; and

(iii) Be resistant to accidental disengagement.

(c) Umbilicals shall:

(i) Include a safety line which shall be attached in a manner to remove strain from the air supply hose;

(ii) Be marked in 10-foot increments to 100 feet beginning at the diver's end, and in 50 foot increments thereafter;

(iii) Be made of kink-resistant materials; and

(iv) Have a working pressure greater than the pressure equivalent to the maximum depth of the dive (relative to the supply source) plus 100 psi.

(4) Buoyancy control.

(a) Helmets or masks connected directly to the dry suit or other buoyancy-changing equipment shall be equipped with an exhaust valve.

(b) A dry suit or other buoyancy-changing equipment not directly connected to the helmet or mask shall be equipped with an exhaust valve.

(c) When used for SCUBA diving, a buoyancy compensator shall have an inflation source separate from the breathing gas supply.

(d) An inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an exhaust valve shall be used for SCUBA diving.

(5) Compressed gas cylinders. Compressed gas cylinders shall:

(a) Be designed, constructed and maintained in accordance with the applicable provisions of WAC 296-24-295 and 296-24-940 of the General safety and health standards.

(b) Be stored in a ventilated area and protected from excessive heat;

(c) Be secured from falling; and

(d) Have shut-off valves recessed into the cylinder or protected by a cap, except when in use or manifolded, or when used for SCUBA diving.

(6) Recompression/decompression chambers.

(a) Each recompression/decompression chamber manufactured after the effective date of this standard, shall be built and maintained in accordance with the ASME Code or equivalent.

(b) Each recompression/decompression chamber manufactured prior to the effective date of this standard shall be maintained in conformity with the code requirements to which it was built, or equivalent.

(c) Each recompression/decompression chamber shall be equipped with:

(i) Means to maintain the atmosphere below a level of 25% oxygen by volume;

(ii) Mufflers on intake and exhaust lines, which shall be regularly inspected and maintained;

(iii) Suction guards on exhaust line openings; and

(iv) A means for extinguishing fire, and shall be maintained to minimize sources of ignition and combustible material.

(7) Gauges and timekeeping devices.

(a) Gauges indicating diver depth which can be read at the dive location shall be used for all dives except SCUBA.

(b) Each depth gauge shall be deadweight tested or calibrated against a master reference gauge every six months, and when there is a discrepancy greater than two percent of full scale between any two equivalent gauges.

(c) A cylinder pressure gauge capable of being monitored by the diver during the dive shall be worn by each SCUBA diver.

(d) A timekeeping device shall be available at each dive location.

(8) Masks and helmets.

(a) Surface-supplied air and mixed-gas masks and helmets shall have:

(i) A nonreturn valve at the attachment point between helmet or mask and hose which shall close readily and positively; and

(ii) An exhaust valve.

(b) Surface-supplied air masks and helmets shall have a minimum ventilation rate capability of 4.5 acfm at any depth at which they are operated or the capability of maintaining the diver's inspired carbon dioxide partial pressure below 0.02 ATA when the diver is producing carbon dioxide at the rate of 1.6 standard liters per minute.

(9) Oxygen safety.

(a) Equipment used with oxygen or mixtures containing over forty percent by volume oxygen shall be designed for oxygen service.

(b) Components (except umbilicals) exposed to oxygen or mixtures containing over forty percent by volume oxygen shall be cleaned of flammable materials before use.

(c) Oxygen systems over 125 psig and compressed air systems over 500 psig shall have slow-opening shut-off valves.

(10) Weights and harnesses.

(a) Except when heavy gear is worn, divers shall be equipped with a weight belt or assembly capable of quick release.

(b) Except when heavy gear is worn or in SCUBA diving, each diver shall wear a safety harness with:

(i) A positive buckling device;

(ii) An attachment point for the umbilical to prevent strain on the mask or helmet; and

(iii) A lifting point to distribute the pull force of the line over the diver's body.

NEW SECTION

WAC 296-37-595 Appendix C to chapter 296-37 WAC—Alternative conditions under WAC 296-37-510(7) for recreational diving instructors and diving guides.

(Mandatory)

WAC 296-37-510(7) specifies that an employer of recreational diving instructors and diving guides (hereafter, "divers" or "employees") who complies with all of the conditions of this appendix need not provide a decompression chamber for these divers as required under WAC 296-37-545 (2)(b) and (3)(c) or WAC 296-37-560 (2)(a).

(1) Equipment requirements for rebreathers.

(a) The employer must ensure that each employee operates the rebreather (i.e., semiclosed-circuit and closed-circuit self-contained underwater breathing apparatuses (hereafter, "SCUBAs")) according to the rebreather manufacturer's instructions.

(b) The employer must ensure that each rebreather has a counterlung that supplies a sufficient volume of breathing gas to their divers to sustain the divers' respiration rates, and contains a baffle system and/or other moisture separating system that keeps moisture from entering the scrubber.

(c) The employer must place a moisture trap in the breathing loop of the rebreather, and ensure that:

(i) The rebreather manufacturer approves both the moisture trap and its location in the breathing loop; and

(ii) Each employee uses the moisture trap according to the rebreather manufacturer's instructions.

(d) The employer must ensure that each rebreather has a continuously functioning moisture sensor, and that:

(i) The moisture sensor connects to a visual (e.g., digital, graphic, analog) or auditory (e.g., voice, pure tone) alarm that is readily detectable by the diver under the diving conditions in which the diver operates, and warns the diver of moisture in the breathing loop in sufficient time to terminate the dive and return safely to the surface; and

(ii) Each diver uses the moisture sensor according to the rebreather manufacturer's instructions.

(e) The employer must ensure that each rebreather contains a continuously functioning CO₂ sensor in the breathing loop, and that:

(i) The rebreather manufacturer approves the location of the CO₂ sensor in the breathing loop;

(ii) The CO₂ sensor is integrated with an alarm that operates in a visual (e.g., digital, graphic, analog) or auditory (e.g., voice, pure tone) mode that is readily detectable by each diver under the diving conditions in which the diver operates; and

(iii) The CO₂ alarm remains continuously activated when the inhaled CO₂ level reaches and exceeds 0.005 atmospheres absolute (ATA).

(f) Before each day's diving operations, and more often when necessary, the employer must calibrate the CO₂ sensor according to the sensor manufacturer's instructions, and ensure that:

(i) The equipment and procedures used to perform this calibration are accurate to within 10% of a CO₂ concentration of 0.005 ATA or less;

(ii) The equipment and procedures maintain this accuracy as required by the sensor manufacturer's instructions; and

(iii) The calibration of the CO₂ sensor is accurate to within 10% of a CO₂ concentration of 0.005 ATA or less.

(g) The employer must replace the CO₂ sensor when it fails to meet the accuracy requirements specified in (f)(iii) of this subsection, and ensure that the replacement CO₂ sensor meets the accuracy requirements specified in (f)(iii) of this subsection before placing the rebreather in operation.

(h) As an alternative to using a continuously functioning CO₂ sensor, the employer may use a schedule for replacing CO₂-sorbent material provided by the rebreather manufacturer. The employer may use such a schedule only when the rebreather manufacturer has developed it according to the canister-testing protocol specified below in Condition 11, and must use the canister within the temperature range for which the manufacturer conducted its scrubber canister tests following that protocol. Variations above or below the range are acceptable only after the manufacturer adds that lower or higher temperature to the protocol.

(i) When using CO₂-sorbent replacement schedules, the employer must ensure that each rebreather uses a manufactured (i.e., commercially prepacked), disposable scrubber cartridge containing a CO₂-sorbent material that:

- (i) Is approved by the rebreather manufacturer;
- (ii) Removes CO₂ from the diver's exhaled gas; and
- (iii) Maintains the CO₂ level in the breathable gas (i.e., the gas that a diver inhales directly from the regulator) below a partial pressure of 0.01 ATA.

(j) As an alternative to manufactured, disposable scrubber cartridges, the employer may fill CO₂ scrubber cartridges manually with CO₂-sorbent material when:

- (i) The rebreather manufacturer permits manual filling of scrubber cartridges;
- (ii) The employer fills the scrubber cartridges according to the rebreather manufacturer's instructions;
- (iii) The employer replaces the CO₂-sorbent material using a replacement schedule developed under (h) of this subsection; and
- (iv) The employer demonstrates that manual filling meets the requirements specified in (i) of this subsection.

(k) The employer must ensure that each rebreather has an information module that provides:

- (i) A visual (e.g., digital, graphic, analog) or auditory (e.g., voice, pure tone) display that effectively warns the diver of solenoid failure (when the rebreather uses solenoids) and other electrical weaknesses or failures (e.g., low battery voltage);
- (ii) For a semiclosed-circuit rebreather, a visual display for the partial pressure of CO₂, or deviations above and below a preset CO₂ partial pressure of 0.005 ATA; and
- (iii) For a closed-circuit rebreather, a visual display for: Partial pressures of O₂ and CO₂, or deviations above and below a preset CO₂ partial pressure of 0.005 ATA and a preset O₂ partial pressure of 1.40 ATA or lower; gas temperature in the breathing loop; and water temperature.

(l) Before each day's diving operations, and more often when necessary, the employer must ensure that the electrical power supply and electrical and electronic circuits in each rebreather are operating as required by the rebreather manufacturer's instructions.

(2) Special requirements for closed-circuit rebreathers.

(a) The employer must ensure that each closed-circuit rebreather uses supply-pressure sensors for the O₂ and diluent (i.e., air or nitrogen) gases and continuously functioning sensors for detecting temperature in the inhalation side of the gas-loop and the ambient water.

(b) The employer must ensure that:

- (i) At least two O₂ sensors are located in the inhalation side of the breathing loop; and
- (ii) The O₂ sensors are: Functioning continuously; temperature compensated; and approved by the rebreather manufacturer.

(c) Before each day's diving operations, and more often when necessary, the employer must calibrate O₂ sensors as required by the sensor manufacturer's instructions. In doing so, the employer must:

- (i) Ensure that the equipment and procedures used to perform the calibration are accurate to within 1% of the O₂ fraction by volume;
- (ii) Maintain this accuracy as required by the manufacturer of the calibration equipment;
- (iii) Ensure that the sensors are accurate to within 1% of the O₂ fraction by volume;
- (iv) Replace O₂ sensors when they fail to meet the accuracy requirements specified in (c)(iii) of this subsection; and
- (v) Ensure that the replacement O₂ sensors meet the accuracy requirements specified in (c)(iii) of this subsection before placing a rebreather in operation.

(d) The employer must ensure that each closed-circuit rebreather has:

- (i) A gas-controller package with electrically operated solenoid O₂-supply valves;
 - (ii) A pressure-activated regulator with a second-stage diluent-gas addition valve;
 - (iii) A manually operated gas-supply bypass valve to add O₂ or diluent gas to the breathing loop; and
 - (iv) Separate O₂ and diluent-gas cylinders to supply the breathing-gas mixture.
- (3) O₂ concentration in the breathing gas.

The employer must ensure that the fraction of O₂ in the nitrox breathing-gas mixture:

- (a) Is greater than the fraction of O₂ in compressed air (i.e., exceeds 22% by volume);
- (b) For open-circuit SCUBA, never exceeds a maximum fraction of breathable O₂ of 40% by volume or a maximum O₂ partial pressure of 1.40 ATA, whichever exposes divers to less O₂; and
- (c) For a rebreather, never exceeds a maximum O₂ partial pressure of 1.40 ATA.

(4) Regulating O₂ exposures and diving depth.

(a) Regarding O₂ exposure, the employer must:

- (i) Ensure that the exposure of each diver to partial pressures of O₂ between 0.60 and 1.40 ATA does not exceed the 24-hour single-exposure time limits specified either by the *2001 National Oceanic and Atmospheric Administration Diving Manual* (the 2001 NOAA Diving Manual), or by the report entitled *Enriched Air Operations and Resource Guide* published in 1995 by the Professional Association of Diving Instructors (known commonly as the "1995 DSAT Oxygen Exposure Table"); and

(ii) Determine a diver's O₂-exposure duration using the diver's maximum O₂ exposure (partial pressure of O₂) during the dive and the total dive time (i.e., from the time the diver leaves the surface until the diver returns to the surface).

(b) Regardless of the diving equipment used, the employer must ensure that no diver exceeds a depth of 130 feet of sea water (fsw) or a maximum O₂ partial pressure of 1.40 ATA, whichever exposes the diver to less O₂.

(5) Use of no-decompression limits.

(a) For diving conducted while using nitrox breathing-gas mixtures, the employer must ensure that each diver remains within the no-decompression limits specified for single and repetitive air diving and published in the 2001 NOAA Diving Manual or the report entitled "Development and Validation of No-Stop Decompression Procedures for Recreational Diving: The DSAT Recreational Dive Planner," published in 1994 by Hamilton Research Ltd. (known commonly as the "1994 DSAT No-Decompression Tables").

(b) An employer may permit a diver to use a dive-decompression computer designed to regulate decompression when the dive-decompression computer uses the no-decompression limits specified in (a) of this subsection, and provides output that reliably represents those limits.

(6) Mixing and analyzing the breathing gas.

(a) The employer must ensure that:

(i) Properly trained personnel mix nitrox-breathing gases, and that nitrogen is the only inert gas used in the breathing-gas mixture; and

(ii) When mixing nitrox-breathing gases, they mix the appropriate breathing gas before delivering the mixture to the breathing-gas cylinders, using the continuous-flow or partial-pressure mixing techniques specified in the 2001 NOAA Diving Manual, or using a filter-membrane system.

(b) Before the start of each day's diving operations, the employer must determine the O₂ fraction of the breathing-gas mixture using an O₂ analyzer. In doing so, the employer must:

(i) Ensure that the O₂ analyzer is accurate to within 1% of the O₂ fraction by volume.

(ii) Maintain this accuracy as required by the manufacturer of the analyzer.

(c) When the breathing gas is a commercially supplied nitrox breathing-gas mixture, the employer must ensure that the O₂ meets the medical USP specifications (Type I, Quality Verification Level A) or aviator's breathing-oxygen specifications (Type I, Quality Verification Level E) of CGA G-4.3-2000 (Commodity Specification for Oxygen). In addition, the commercial supplier must:

(i) Determine the O₂ fraction in the breathing-gas mixture using an analytic method that is accurate to within 1% of the O₂ fraction by volume;

(ii) Make this determination when the mixture is in the charged tank and after disconnecting the charged tank from the charging apparatus;

(iii) Include documentation of the O₂-analysis procedures and the O₂ fraction when delivering the charged tanks to the employer.

(d) Before producing nitrox breathing-gas mixtures using a compressor in which the gas pressure in any system component exceeds 125 pounds per square inch (psi), the:

(i) Compressor manufacturer must provide the employer with documentation that the compressor is suitable for mixing high-pressure air with the highest O₂ fraction used in the nitrox breathing-gas mixture when operated according to the manufacturer's operating and maintenance specifications;

(ii) Employer must comply with (e) of this subsection, unless the compressor is rated for O₂ service and is oil-less or oil-free; and

(iii) Employer must ensure that the compressor meets the requirements specified in paragraphs (i)(1) and (i)(2) of § 1910.430 whenever the highest O₂ fraction used in the mixing process exceeds 40%.

(e) Before producing nitrox breathing-gas mixtures using an oil-lubricated compressor to mix high-pressure air with O₂, and regardless of the gas pressure in any system component, the:

(i) Employer must use only uncontaminated air (i.e., air containing no hydrocarbon particulates) for the nitrox breathing-gas mixture;

(ii) Compressor manufacturer must provide the employer with documentation that the compressor is suitable for mixing the high-pressure air with the highest O₂ fraction used in the nitrox breathing-gas mixture when operated according to the manufacturer's operating and maintenance specifications;

(iii) Employer must filter the high-pressure air to produce O₂-compatible air;

(iv) The filter-system manufacturer must provide the employer with documentation that the filter system used for this purpose is suitable for producing O₂-compatible air when operated according to the manufacturer's operating and maintenance specifications; and

(v) Employer must continuously monitor the air downstream from the filter for hydrocarbon contamination.

(f) The employer must ensure that diving equipment using nitrox breathing-gas mixtures or pure O₂ under high pressure (i.e., exceeding 125 psi) conforms to the O₂-service requirements specified in paragraphs (i)(1) and (i)(2) of § 1910.430.

(7) Emergency egress.

(a) Regardless of the type of diving equipment used by a diver (i.e., open-circuit SCUBA or rebreathers), the employer must ensure that the equipment contains (or incorporates) an open-circuit emergency-egress system (a "bail-out" system) in which the second stage of the regulator connects to a separate supply of emergency breathing gas, and the emergency breathing gas consists of air or the same nitrox breathing-gas mixture used during the dive.

(b) As an alternative to the "bail-out" system specified in (a) of this subsection, the employer may use:

(i) For open-circuit SCUBA, an emergency-egress system as specified in § 1910.424 (c)(4); or

(ii) For a semiclosed-circuit and closed-circuit rebreather, a system configured so that the second stage of the regulator connects to a reserve supply of emergency breathing gas.

EXPEDITED

(c) The employer must obtain from the rebreather manufacturer sufficient information to ensure that the bail-out system performs reliably and has sufficient capacity to enable the diver to terminate the dive and return safely to the surface.

(8) Treating diving-related medical emergencies.

(a) Before each day's diving operations, the employer must:

(i) Verify that a hospital, qualified health care professionals, and the nearest Coast Guard Coordination Center (or an equivalent rescue service operated by a state, county, or municipal agency) are available to treat diving-related medical emergencies;

(ii) Ensure that each dive site has a means to alert these treatment resources in a timely manner when a diving-related medical emergency occurs; and

(iii) Ensure that transportation to a suitable decompression chamber is readily available when no decompression chamber is at the dive site, and that this transportation can deliver the injured diver to the decompression chamber within four hours travel time from the dive site.

(b) The employer must ensure that portable O₂ equipment is available at the dive site to treat injured divers. In doing so, the employer must ensure that:

(i) The equipment delivers medical-grade O₂ that meets the requirements for medical USP oxygen (Type I, Quality Verification Level A) of CGA G-4.3-2000 (Commodity Specification for Oxygen);

(ii) The equipment delivers this O₂ to a transparent mask that covers the injured diver's nose and mouth; and

(iii) Sufficient O₂ is available for administration to the injured diver from the time the employer recognizes the symptoms of a diving-related medical emergency until the injured diver reaches a decompression chamber for treatment.

(c) Before each day's diving operations, the employer must:

(i) Ensure that at least two attendants, either employees or nonemployees, qualified in first-aid and administering O₂ treatment, are available at the dive site to treat diving-related medical emergencies; and

(ii) Verify their qualifications for this task.

(9) Diving logs and no-decompression table.

(a) Before starting each day's diving operations, the employer must:

(i) Designate an employee or a nonemployee to make entries in a diving log; and

(ii) Verify that this designee understands the diving and medical terminology, and proper procedures, for making correct entries in the diving log.

(b) The employer must:

(i) Ensure that the diving log conforms to the requirements specified by paragraph (d) (Record of dive) of § 1910.423; and

(ii) Maintain a record of the dive according to § 1910.440 (Recordkeeping requirements).

(c) The employer must ensure that a hard copy of the no-decompression tables used for the dives (as specified in subsection (6)(a) of this section) is readily available at the dive site, whether or not the divers use dive-decompression computers.

(10) Diver training.

The employer must ensure that each diver receives training that enables the diver to perform work safely and effectively while using open-circuit SCUBAs or rebreathers supplied with nitrox breathing-gas mixtures. Accordingly, each diver must be able to demonstrate the ability to perform critical tasks safely and effectively, including, but not limited to: Recognizing the effects of breathing excessive CO₂ and O₂; taking appropriate action after detecting excessive levels of CO₂ and O₂; and properly evaluating, operating, and maintaining their diving equipment under the diving conditions they encounter.

(11) Testing protocol for determining the CO₂ limits of rebreather canisters.

(a) The employer must ensure that the rebreather manufacturer has used the following procedures for determining that the CO₂-sorbent material meets the specifications of the sorbent material's manufacturer:

(i) The North Atlantic Treating Organization CO₂ absorbent-activity test;

(ii) The RoTap shaker and nested-sieves test;

(iii) The Navy Experimental Diving Unit (NEDU)-derived Schlegel test; and

(iv) The NEDU MeshFit software.

(b) The employer must ensure that the rebreather manufacturer has applied the following canister-testing materials, methods, procedures, and statistical analyses:

(i) Use of a nitrox breathing-gas mixture that has an O₂ fraction maintained at 0.28 (equivalent to 1.4 ATA of O₂ at 130 fsw, the maximum O₂ concentration permitted at this depth);

(ii) While operating the rebreather at a maximum depth of 130 fsw, use of a breathing machine to continuously ventilate the rebreather with breathing gas that is at 100% humidity and warmed to a temperature of 98.6 degrees F (37 degrees C) in the heating-humidification chamber;

(iii) Measurement of the O₂ concentration of the inhalation breathing gas delivered to the mouthpiece;

(iv) Testing of the canisters using the three ventilation rates listed in Table I below (with the required breathing-machine tidal volumes and frequencies, and CO₂-injection rates, provided for each ventilation rate):

Table I — Canister Testing Parameters

Ventilation rates (Lpm, ATPS ⁽¹⁾)	Breathing machine tidal volumes (L)	Breathing machine frequencies (breaths per min.)	CO ₂ injection rates (Lpm, STPD ⁽²⁾)
22.5	1.5	15	0.90
40.0	2.0	20	1.35
62.5	2.5	25	2.25

(1) ATPS means ambient temperature and pressure, saturated with water.

(2) STPD means standard temperature and pressure, dry; the standard temperature is 32 degrees F (0 degrees C).

(v) When using a work rate (i.e., breathing-machine tidal volume and frequency) other than the work rates listed in the

table above, addition of the appropriate combinations of ventilation rates and CO₂-injection rates;

(vi) Performance of the CO₂ injection at a constant (steady) and continuous rate during each testing trial;

(vii) Determination of canister duration using a minimum of four water temperatures, including 40, 50, 70, and 90 degrees F (4.4, 10.0, 21.1, and 32.2 degrees C, respectively);

(viii) Monitoring of the breathing-gas temperature at the rebreather mouthpiece (at the "chrome T" connector), and ensuring that this temperature conforms to the temperature of a diver's exhaled breath at the water temperature and ventilation rate used during the testing trial;⁽¹⁾

(ix) Implementation of at least eight testing trials for each combination of temperature and ventilation-CO₂-injection rates (for example, eight testing trials at 40 degrees F using a ventilation rate of 22.5 Lpm at a CO₂-injection rate of 0.90 Lpm);

(x) Allowing the water temperature to vary no more than 2.0 degrees F (1.0 degree C) *between* each of the eight testing trials, and no more than 1.0 degree F (0.5 degree C) within each testing trial;

(xi) Use of the average temperature for each set of eight testing trials in the statistical analysis of the testing-trial results, with the testing-trial results being the time taken for the inhaled breathing gas to reach 0.005 ATA of CO₂ (i.e., the canister-duration results);

(xii) Analysis of the canister-duration results using the repeated-measures statistics described in NEDU Report 2-99;

(xiii) Specification of the replacement schedule for the CO₂-sorbent materials in terms of the lower prediction line (or limit) of the 95% confidence interval; and

(xiv) Derivation of replacement schedules only by interpolating among, but not by extrapolating beyond, the depth, water temperatures, and exercise levels used during canister testing.

WSR 04-11-067

EXPEDITED RULES

DEPARTMENT OF ECOLOGY

[Order 04-05—Filed May 18, 2004, 11:16 a.m.]

Title of Rule: Certification of operators of solid waste incinerator and landfill facilities, chapter 173-300 WAC. There are amendments to the following sections: WAC 173-300-020 Definitions, 173-300-030 Duties of the board of advisors, 173-300-050 Operator certification required at incineration facilities, 173-300-060 Operator certification required at landfill facilities, 173-300-070 Certification of inspectors, 173-300-080 Applications and certification requirements, 173-300-090 Training and examinations, 173-300-100 Certificate term, 173-300-110 Renewal of certificate, 173-300-120 Fees, and 173-300-130 Revocation. A new section is also proposed, WAC 173-300-075 Contracting for services.

Purpose: To clarify that landfill and incineration operator certification processes can be conducted by parties external to the department of ecology under agreements or other

contractual arrangements. Proposed amendments also include minor housekeeping amendments.

Statutory Authority for Adoption: RCW 70.95D.080.

Statute Being Implemented: Chapter 70.95D RCW.

Summary: The rule provides the process and criteria for certifying solid waste incinerator and landfill operators. The amendment specifically states that ecology may enter into agreements for those certifications to be carried out by other governmental or nongovernmental organizations under agreements or contracts with ecology.

Reasons Supporting Proposal: The rule clarifies existing language. Certification activities could be carried out without the rule amendment; however the language being added or changed will avoid potential confusion and uncertainty.

Name of Agency Personnel Responsible for Drafting: Marvin Vialle, Department of Ecology, Olympia, Washington, (360) 407-6999; Implementation and Enforcement: Cullen Stephenson, Department of Ecology, Olympia, Washington, (360) 407-6103.

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: The revisions will prevent potential confusion in the interpretation of the rule language regarding ecology's authority to rely on external organizations in the certification, testing, training and recertification of landfill and incinerator operators. This flexibility is expected to increase the access to meaningful training and testing in Washington. For example, under the administration delegation MOU with SWANA, MOLO® training will be offered within Washington at least once every two years, to a minimum of thirty individual registrants. At the conclusion of each MOLO® training conducted in Washington, SWANA will also administer a certification qualification test. SWANA or SWANA-HQ will conduct a certification/recertification test annually in Washington. We predict that continuing education quality and increased networking will improve operator skills and thus better protect and safeguard the health, welfare, or safety of Washington's citizens.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY July 19, 2004.

May 17, 2004
Polly Zehm
Deputy Director

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-020 Definitions. (1) "Ash" means the residue and includes any air pollution flue dusts from combustion or incineration of material including solid wastes.

Note: Please see definition for "special incinerator ash."

(2) "Biomedical waste" means solid waste of the following types:

(a) "Animal waste," which includes waste animal carcasses, body parts, and bedding of animals that were known to have been deliberately infected or inoculated with human pathogenic microorganisms during research.

(b) "Liquid human body fluids" means waste that includes waste liquid emanating or derived from humans including but not limited to human blood and blood products, serum and plasma, sputum, drainage secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid and amniotic fluid that exceeds fifty milliliters per container, storage vessel, or plastic bag and cannot be and has not been directly discarded into a sanitary sewage system.

(c) "Cultures and stocks" means waste that includes waste cultures and stocks of microbiological agents infectious to humans, human serums and discarded live and attenuated vaccines infectious to humans, human blood specimens, and laboratory wastes that are contaminated with these agents or specimens.

(d) "Biosafety level 4 disease waste," which includes wastes contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as viruses assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, 2nd Edition, 1988. These viruses include, but are not limited to, Congo-Crimean hemorrhagic fever, tick-borne encephalitis virus complex (Absettarov, Hanzalova, Hypr, Kumlinge, Kyasanur Forest disease, Omsk hemorrhagic fever, and Russian spring-summer encephalitis), Marburg, Ebola, Junin, Lassa, and Machupo.

(e) "Pathological waste," which includes waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, autopsy, and laboratory procedures. "Pathological waste" does not include teeth or formaldehyde or other preservative agents, human corpses, remains, and anatomical parts that are intended for interment or cremation.

(f) "Sharps waste," which includes waste hypodermic needles, syringes, IV tubing with needles attached, scalpel blades, and lancets that have been used in animal or human patient care or treatment in medical research.

(3) "Biomedical waste treatment" means incineration, steam sterilization, or any method, technique, or process that changes the biological character or composition of biomedical waste to render it noninfectious. Any waste, except sharps, that has been treated is not considered to be biohazardous or biomedical.

(4) "Board" means the board of advisors for solid waste incinerator and landfill certification established by RCW 70.95D.050.

(5) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the operation and maintenance of a specific classification of solid waste incinerator or landfill facility.

(6) "Contractor" means any other state, federal or interstate agencies, municipalities, educational institutions, or other organizations or individuals with whom the department has an agreement, contract or cooperative arrangement.

(7) "Certificate holder" means the individual to whom a certificate is issued.

((7)) (8) "Commercial waste" means nonhazardous solid waste that is generated by the commercial business sector.

((8)) (9) "Department" means the Washington state department of ecology.

((9)) (10) "Director" means the director of the department of ecology or the director's designee.

((10)) (11) "Fee" means only those monies to be paid for examinations, certification, or renewal.

Note: Fees do not include the costs of training or other educational opportunities.

((11)) (12) "Hog fuel" means woodwaste that is reduced in size to facilitate burning.

((12)) (13) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

((13)) (14) "Incinerator" means an enclosed mechanical combustion device that has as its primary purpose the burning and reduction of the volume of solid waste or solid waste-derived fuel. Crematoria facilities that have combustion devices which burn human corpses, or burn animal bodies exclusively, in a manner that is not a solid waste reduction measure, or burn primarily hog fuel waste are not included in this definition. NOTE: Crematoria facilities that burn any kind of biomedical, treated or untreated medical waste, human or animal, or other solid waste, in their incinerator are subject to this rule.

((14)) (15) "Incineration facility" means any municipal or private activity that has as part of its operations a solid waste incinerator. It may also include means for storage, preparation, and conveyance of the solid waste fuel, and air pollution control equipment.

((15)) (16) "Incinerator operator in responsible charge" means an individual who is the owner or who is designated as the on-site operator in responsible charge of operation and maintenance duties at a solid waste incineration facility.

((16)) (17) "Inspector" means any person employed by any public agency that inspects the operation of solid waste incinerators, or the operation of solid waste landfills, to determine the compliance of the facility with state and local laws or rules.

((17)) (18) "Institutional waste" means nonhazardous solid waste that is generated by any commercial or noncommercial service establishment.

((18)) (19) "Landfill" means an operating disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment.

((19)) (20) "Landfill operator in responsible charge" means an individual who is the owner or who is designated as

the on-site or on-call operator in responsible charge of operation and maintenance duties at a landfill facility.

~~((20))~~ (21) "Limited purpose landfill" means a landfill that receives solid waste of a limited type or types of known and consistent composition.

~~((21))~~ (22) "Monofill" means a disposal facility or part of a facility that is not a land treatment facility, at which only a single, specific substance is deposited in or on.

~~((22))~~ (23) "Municipal solid waste" means any combination of nonhazardous solid waste generated by residential sources, and any institutional waste, commercial waste, and industrial waste. NOTE: Household hazardous wastes are an excluded waste under WAC 173-303-071 and therefore may be disposed of in a municipal or incinerated landfill or incinerated. Small quantities of hazardous waste may also be landfilled if the waste complies with WAC 173-303-070 (8)(a) and (b).

~~((23))~~ (24) "Owner" means:

(a) In the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated under a lease or contract;

(b) In the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee;

(c) In the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee;

(d) In the case of a privately owned landfill or incinerator, the legal owner.

~~((24))~~ (25) "Reciprocity" means the automatic recognition of comparable training from another state, the federal government, a local government, or a professional association. NOTE: Correction of deficiencies such as a lack of training in Washington state solid waste law is required for certification.

~~((25))~~ (26) "Reserved" is a note to the regulated community that means a section that has no requirements and which is set aside for future possible rule making.

~~((26))~~ (27) "Solid waste" or "wastes" as defined in RCW 70.95.030 (1989 ed.) means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. NOTE: Treated biomedical waste or medical waste not defined as biomedical waste is considered to be solid waste. Woodwaste is also considered solid waste.

~~((27))~~ (28) "Special incinerator ash" means ash residues that results from the operation of incineration or energy recovery facilities which manage municipal solid waste from residential, commercial, and industrial establishments, if the ash residues are:

(a) Not otherwise regulated as hazardous wastes under chapter 70.105 RCW; and

(b) Are not regulated as a hazardous waste under the federal Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6901 et seq.

~~((28))~~ (29) "Woodwaste" means solid waste that consists of wood pieces or particles generated as a by-product or

waste from the manufacturing of wood products, and the handling and storage of raw materials, trees, and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

Note: All applicable terms not defined above have the same meaning as those defined in chapter 173-304 WAC.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-030 Duties of the board of advisors.

(1) ~~((As a standing subcommittee of))~~ The state's solid waste advisory committee ~~((created))~~ may establish a standing committee or act as a committee of the whole to serve as a board of advisors under RCW ~~((70.95D.050;))~~ 70.95D.051. Duties of the board of advisors ((shall report to the solid waste advisory committee four times a year or as directed in accordance with RCW 70.95D.040.

~~((2))~~ The board shall act)) may include:

(a) Acting as an advisory committee to the department and ~~((shall assist))~~ assisting in the development and review of the rules adopted under this chapter.

~~((3))~~ The board shall assist)) (b) Assisting in the development and evaluation of the training and testing material required for certification.

~~((4))~~ (c) Holding hearings and making recommendations to the director on matters of revocation of certification((, the board shall hold a hearing and make recommendations to the director)).

~~((5))~~ The board shall encourage)) (d) Encouraging operating personnel other than those who are required to be certified in chapter 70.95D RCW to become certified on a voluntary basis.

~~((6))~~ (2) Members shall receive no compensation for their services but must be reimbursed for their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-050 Operator certification required at incineration facilities. (1) ~~((After January 1, 1992;))~~ It is unlawful to operate a solid waste incineration facility without a certified operator in responsible charge on-site during all hours of operation.

(2) All other operational employees are to be encouraged to become certified on a voluntary basis.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-060 Operator certification required at landfill facilities. (1) ~~((After January 1, 1992;))~~ It is unlawful to operate the following types of landfills without an on-site certified landfill operator in responsible charge during all hours of operation when accepting waste, and during the closure phase of the facility. The operator's specific role in the

closure phase must be specified in the closure plan. However, the certified operator may be away from the facility on official business or personal emergencies for periods of one day or less if they are on-call and available to respond in case of an emergency at the facility.

(a) All municipal waste landfills.

(b) All problem waste landfills. NOTE: Problem waste landfills are presently reserved per WAC 173-304-463.

(c) All special incinerator ash landfills or monofills. NOTE: In a case where a monofill is a separate cell at a municipal waste landfill, the responsible operator in charge of the complete facility may assume responsibility of the operation of the monofills.

(d) All inert waste and demolition waste landfills.

(e) All limited purpose solid waste landfills.

(2) These standards do not apply to:

(a) Dangerous waste landfills;

(b) Drop box facilities;

(c) Interim solid waste handling sites;

(d) Landspreading disposal facilities;

(e) Piles;

(f) Transfer stations;

(g) Waste recycling facilities; and

(h) Composting facilities.

(3) Owners of small landfills with a total capacity at closure of two hundred thousand cubic yards of solid waste or less, may apply to the department to have their facility operated and maintained by a certified operator who is in responsible charge on an on-call basis at all times the landfill is operating: Provided, That a certified operator visit the site once each working day. The department shall consider all applications on a case-by-case basis. The department shall base its decision on the following requirements:

(a) A physical inspection of the facility by the department to determine whether the facility is being operated in a manner that is protective of human health and the environment;

(b) That the facility has an up-to-date approved facility operating plan and is in compliance with all other sections of chapter 173-304 WAC;

(c) That the status of all facility variances, compliance schedules, and related grants are current as required; and

(d) That the facility strictly adheres to all other applicable laws and rules.

(4) All landfills that have on-call designations shall reapply for the designation every five years from the date of issuance. This designation may be revoked at any time the facility does not meet the minimum requirements.

(5) When a position required to be filled by an on-site certified landfill operator is vacated for a period of not longer than a maximum of thirty calendar days due to an emergency such as a short-term illness, the landfill owner may apply to the department for a variance that allows the facility be operated and maintained by a certified operator on an on-call basis as outlined in this section. These requirements may be waived temporarily at the director's discretion.

(6) All other operational employees are to be encouraged to become certified on a voluntary basis.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-070 Certification of inspectors. (1)

Any person who is employed by a public agency to inspect the operation of a landfill or incinerator described under this chapter to determine the compliance of the facility with state or local laws or rules shall receive, in addition to the successful completion of the training and examination process as an operator under this chapter, training relevant to the inspection procedure.

(2) Inspectors are exempt from all certification fees under WAC 173-300-120.

NEW SECTION

WAC 173-300-075 Contracting for services. (1) The department may enter into agreements, contracts or cooperative agreements with contractors to administer the certification process under this chapter. Services may include, but are not limited to:

- Training;
- Certification;
- Testing;
- Recertification;
- Collection of fees to administer these services.

(2) The contractor must comply with chapter 70.95D RCW, this chapter, and other applicable state and federal laws when providing the services detailed in the contract.

(3) If the department enters into a contract as in subsection (1) of this section then WAC 173-300-120 does not apply. Fees will be set and collected under the terms of the contract.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-080 Applications and certification requirements. (1) An application for incineration, landfill operator, or inspector certification must be filed with the department ~~((An application fee shall accompany each application))~~ or its contractor. The department or its contractor shall make application forms available upon request.

(2) Upon receipt of the completed application and ~~((application))~~ applicable fee, the department or its contractor shall determine:

(a) If the applicant has successfully completed the required training and examinations;

(b) The status of a reciprocal certification; and

(c) That the facility at which the applicant is employed is in compliance with local and state laws or rules.

(3) Upon successful determination of all requirements and the payment of the certification fees provided for in WAC 173-300-110 and 173-300-120, the appropriate operator or inspector certificate will be issued.

(4) An owner may apply for a variance for a temporary certificate without an examination to fill a vacated position required by WAC 173-300-050 and 173-300-060 to have a certified operator, or 173-300-070, in the case of a certified inspector. A temporary certificate must be valid for a period of not more than twelve months from date of issue.

~~((5) Persons who hold a current operators certificate from any national organization, educational institution, the federal government, other states, or a province may be granted an interim certification if the applicant meets the requirements of WAC 173-300-140.~~

~~(a) No interim certification may be issued or be valid after January 1, 1992.~~

~~(b) Interim certification may not automatically qualify an operator for certification.)~~

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-090 Training and examinations. (1) The department or its contractor shall prepare or cause to be prepared educational materials and opportunities to fulfill requirements of WAC 173-300-080(2) to help develop the skills necessary to operate a solid waste incinerator or solid waste landfill according to state and federal laws.

~~(2) ((The board of advisors shall assist in the development of written examinations to be used in determining the competency of operators. Incinerator operators are also required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is responsible.~~

~~(3) Examinations must be held immediately at the end of all required operator training courses. Additional examinations must be held at places and times set by the board.~~

~~(4)) All examinations must be graded by the department or ((the department's designee)) its contractor and the applicant must be notified by mail of the score attained. Examinations may not be returned to the applicant.~~

~~((5)) (3) An applicant who fails to pass an examination must be reexamined at the next scheduled examination. An additional application form and examination fee is required. No individual will be allowed to retake the same examination.~~

~~((6)) (4) An applicant who fails to pass a second examination is required to repeat the certification training.~~

~~((7) The board shall forward the recommendations for certification of those examined to the director.)~~

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-100 Certificate term. Except as provided for in WAC 173-300-080(4), the term for any certificate or renewal thereof ~~((is)) shall be either three years from the date of certification issuance or from the first of January of the year of issuance until the thirty-first of December three years thereafter as set by the department or its contractor.~~

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-110 Renewal of certificate. (1) Except as provided in WAC 173-300-080(4), all certificates held by incinerator operators, landfill operators, and inspectors are renewable upon presentation of evidence that the certificate holder successfully completed a refresher course administered by the department or its contractor, and successfully

attended other professional educational opportunities approved by the department.

(2) The department or its contractor shall mail renewal notices and refresher course information to all certificate holders eligible for renewal four months before the date the certificate expires.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-120 Fees. (1) A fee of \$50.00 for each examination administered by the department shall accompany the application for examination.

(2) After an applicant successfully completes ~~((the)) an examination administered by the department and is notified by the department of the results, the applicant shall pay a certification fee of \$200.00 to the department within thirty days of the date of the results notification.~~

(3) A fee of \$50.00 is required to apply for consideration of certification through reciprocity under WAC 173-300-140. After determining that the reciprocal criteria has been met, the department will notify the applicant:

(a) That the applicant is deficient in a required area, and the process to correct the deficiency; or

(b) That the applicant has successfully completed all requirements for certification and that the applicant must pay a certification fee of \$200.00 to the department within thirty days of the date of notification.

(4) A \$200.00 renewal fee must accompany an application for certificate renewal.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-130 Revocation. (1) When a certificate is not renewed, the certificate, upon notice by the director or its contractor, must be suspended for sixty days.

(a) If renewal of the certificate is not completed during the suspension period, the director or its contractor shall mail a written notice of revocation by certified mail to the last known certificate holder's employer ~~((as last known by the department))~~ and to the last known certificate holder's ~~((at the))~~ address ~~((last known by the department))~~.

(b) If, during the revocation notice period, the certificate is not renewed, the certificate must be revoked ten days after the notice is mailed.

(2) Certificates may also be revoked ~~((when a majority of the board so recommends to the director, and the director agrees, upon finding))~~ by the director upon written findings that there was:

(a) Fraud or deceit in obtaining the certificate;

(b) Gross negligence in the operation or inspection of an incineration or landfill facility;

(c) Violation of the requirements of chapter 70.95D RCW, this chapter or of any lawful rule or order of the department; or if

(d) The facility operated by the certified employee is operated in violation of local, state, or federal environmental laws.

(3) No revocation may be made under subsection (2) of this section unless the operator has been notified that revoca-

tion is proposed, has been advised of the grounds therefore, and has been ~~((given an opportunity to appear before the board and be heard on the matter))~~ provided notice of appeal rights to the pollution control hearings board.

(4) A person whose certificate is revoked under this section is ~~((eligible))~~ ineligible to apply for a certificate for one year from the effective date of the final order of revocation.

(5) Whenever an individual's certificate is revoked, the individual may not be certified again until:

(a) He or she has repeated all required training for certification or has completed other requirements ~~((recommended by the board and))~~ approved by the department or its contractor;

(b) Has applied for certification under WAC 173-300-090;

(c) Paid the application fees; and

(d) Upon notification, paid the certification fee within thirty days of notification.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-140 Reciprocity. The director may ~~((with the approval of the board of advisors,))~~ waive examinations for applicants who hold valid incinerator or landfill operators certificates, or inspector certificates issued by other states, a province, the federal government, or a professional association that has comparable standards as determined by the board.

(1) Applications for reciprocity will be considered when:

(a) The training received by the applicant is comparable to training offered by the state of Washington. A detailed syllabus outlining all relevant training must be released by the appropriate training facility for review and approval by the ~~((board))~~ director. Those applicants with deficiencies shall resolve the deficiencies before certification is granted. Applicants must contact the department within one year of application;

(b) The department or its contractor receives written confirmation from the certifying authority of the state, province, the federal government, or professional association in which the applicant is certified, that the certificate is currently valid and was earned by passing a written examination. A copy of the exam passed by the applicant must also be released for review by the ~~((board))~~ director or its contractor; and

(c) The application fee is received.

(2) The ~~((board))~~ director or its contractor shall review and compare out-of-state examinations with Washington's examinations to determine at which level the examination is most equivalent.

(3) Training in state of Washington solid waste law is required for certification.

(4) Incinerator operators are required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is currently responsible.

(5) Certificates must be issued to each reciprocity applicant who meets the minimum training and examination requirements set forth in WAC 173-300-080. Upon notification by the department that the applicant meets all the criteria,

the certification fee is due within thirty days from the date of notification.

WSR 04-11-069
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Filed May 18, 2004, 1:21 p.m.)

Title of Rule: Personal use fishing rules.

Purpose: Amend sport rules for lower Columbia River sturgeon.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Sturgeon release dates in the lower Columbia River were proposed to be from below the Wauna powerlines. This was to include the Buoy 10 area, which was inadvertently not included. Subsequent to earlier proposals, the Cascade Island-Bradford Island closure was changed to Beacon Rock.

Reasons Supporting Proposal: These proposals reflect agreement between sturgeon managers in Oregon and Washington, and coordinate the fishery between the two states.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; 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: Sturgeon release dates allow for a continued catch and release fishery. The sturgeon retention fishery is fully utilized, and sport opportunity exists for a catch and release fishery. Earlier agreement on a closure to the Navigation Marker 85 boundary was not implemented by Oregon, and the boundary reverts to Beacon Rock.

Proposal Changes the Following Existing Rules: Amend lower Columbia River sport sturgeon.

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 Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY July 19, 2004.

May 18, 2004

Evan Jacoby
 Rules Coordinator

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

EXPEDITED

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through last day in February season. Closed waters: August 16 through October 31 from mouth to Rodgers Street. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From

waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through last day in February season. Nonbuoyant lure restriction, night closure and single barbless hooks August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through last day in February season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery chinook. Release wild adult chinook and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through November 30. Daily limit 4 hatchery coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: June 1 through August 31 season. Night closure. All species: Release all fish. Landsburg Road to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through November 30, mouth to Porter Bridge, release adult chinook. October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult chinook. December 1 through last day in February, Porter Bridge to High Bridge, release adult chinook and wild adult coho. Sturgeon: Open year-round from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Nonbuoyant lure restriction. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no

more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen

inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through August 15, daily limit 2 salmon of which not more than one may be a chinook salmon. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. August 16 through September 30, daily limit 3 salmon of which not more than one may be a chinook salmon. Release sockeye, chum, wild coho, chinook less than 24 inches in length and coho less than 16 inches in length. October 1 through December 31, daily limit 6 fish of which no more than 3 may be adult salmon and not more than one of which may be a chinook salmon. Release chum, sockeye, and wild coho. January 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open to retain sturgeon is 45 inches.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through July 31 daily limit 6 hatchery jack chinook. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. Release wild chinook January 1 through March 31. Sturgeon: (1) Release sturgeon May 1 through May 14 and July 24 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 45 inches; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the

waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to ~~((a line from Navigation Marker 85 on the Washington shore at a right angle to the thread of the river to))~~ markers on the Washington and Oregon shores at Beacon Rock. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to ~~((Navigation Marker 85))~~ Beacon Rock. Release sturgeon on other days and during other time periods. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 hatchery jack chinook. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout except hatchery steelhead having both adipose and ventral fin clips may be retained October 1 through March 31. Release hatchery steelhead having only adipose fin clips. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Springs Rearing Facility waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead having both adipose and ventral fin clips. Release hatchery steelhead having only adipose fin clips.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish

ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild chinook June 1 through July 31.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: Barrier Dam to boundary marker at Cowlitz salmon hatchery water intake approximately 1,700 feet upstream from dam. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the barrier dam. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Release all steelhead missing right ventral fin. Salmon: Open year-round. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon, except January 1 through April 30 the daily limit may contain no more than 2 adult salmon and May 1 through July 31 the daily limit may contain no more

than one adult salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

From posted PUD sign on Peters Road to mouth of Ohanepcosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon. Salmon minimum size 8 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less 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.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open is 45 inches.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 hatchery coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season, except closed June 1 through September 30 mouth to marker at outfall of rearing channel at about river mile 3.2. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules, June 1 through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: April 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. April 1 through July 31: Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook. August 1 through November 30: Daily limit 6 salmon not more than 3 of which may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through last day in February season. Nonbuoyant lure restriction and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Salmon: Open only September 16 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: June 1 through July 31 and October 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the

Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches. Salmon: Open only May 16 through November 30 mouth to Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 16 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): June 1 through March 31 season. Fly fishing only. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, from March 1 through March 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humtulpis River (Grays Harbor County), from mouth to forks: June 1 through March 31 season except closed March 1 through March 31 from Highway 101 Bridge to forks. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho. October 16 through October 31 the daily limit may contain no more than 1 adult chinook. November 1 through January 31 release adult chinook.

Humtulpis River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpis Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River, mouth to Ballon Creek including North and South Forks (Grays Harbor County): June 1 through last day in February season. Waters above Ballon Creek, including North and South Forks, are closed. Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction, night closure, and stationary gear restriction September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Morrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohib-

ited. Selective gear rules. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. All species: Selective gear rules. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: May 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1

through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead May 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: May 1 through May 31 Mondays, Wednesdays and Saturdays only, daily limit 2 hatchery steelhead or 2 salmon or one of each. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook November 1 through November 30. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31 daily limit six fish of which not more than 2 may be adult salmon. August 1 through December 31, daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. Trout: Release all fish except up to two hatchery steelhead may be

retained per day. Salmon: Open year-round. January 1 through July 31 daily limit six fish of which not more than 2 may be adult salmon. August 1 through December 31 daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through September 30 and January 1 through April 30. August 1 through September 30: Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. January 1 through April 30: Daily limit 6 salmon not more than 2 of which may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through April 30.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: Closed waters.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 4 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only July 1 through November 30. Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restrictions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to Gose St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15. Trout: Daily limit three hatchery steelhead.

From Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: June 1 through April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30

downstream from North Fork. Stationary gear restrictions downstream from the Crown Main Line Bridge August 16 through November 30. Selective gear rules March 1 through April 15 from mouth to North Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook no more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Game fish: Selective gear rules except nonbuoyant lure restriction and night closure August 16 through November 30. Release game fish. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Night closure August 16 through November 30 on South and Middle Nemah and October 1 through November 30 on North Nemah. Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6

salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook. No more than two chum may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Gheer Creek. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook. Release wild adult coho December 1 through last day in February.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Res-

ervation boundary to Mount Baker High School bus barn. Open only October 16 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook and wild coho.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Selective gear rules.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Oasis Park Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only.

Ohanapcosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

 Within the city limits of Pomeroy: Juveniles only.

 From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April through October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

 From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

 From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through last day in February season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon March 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through November 30 the 3 adult salmon may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho. March 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through April 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): Mouth to falls: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): Chumming allowed. All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Release all

fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with a motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon and release chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon and release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June 16 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the Dalles Bridge at Concrete. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon and release chinook.

From the Dalles Bridge at Concrete to the Cascade River - Salmon open July 1 through July 31, except closed from 200 feet above the mouth of the Baker River to the Cascade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon and release chinook.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restric-

tion and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except December 1 through the last day in February release adult wild coho. Release adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional season March 1 through April 30 mouth to Sultan River: Selective gear rules and all species - Release all fish. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 1 hatchery chinook. Open September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February

season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. Daily limit four salmon of which no more than a total of two salmon may be coho and chum salmon. Release chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at

the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except salmon. Trout: Minimum length fourteen inches. Salmon: Open only October 11 through November 2 to fishing by juveniles only. Night closure October 11 through October 31. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules

except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Crappie: Daily limit ten, minimum length nine inches.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed. Game fish: June 1 through November 30 release all fish except hatchery steelhead. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to August 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Additional September 1 through March 30 season. Selective gear rules. All species: Release all fish.

Teaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: Release all steelhead. Bass: No minimum or maximum size. No more than three bass over fifteen inches in length may be retained. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

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Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel

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exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty

inches. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. Trout: Release all trout. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February

daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 31. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. Upstream of Little Washougal River, release chinook October 1 through December 31.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with a motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure

restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure October 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook.

Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season, except sturgeon. Night closure, single point barbless hooks, and stationary gear restriction August 16 through November 30 mouth to Fork Creek. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. Salmon and steelhead: Open May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length fourteen inches. Release wild cutthroat. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open only October 1 through November 30 from mouth to West Fork. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge upstream: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to Prosser Dam: Chumming permitted. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

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.

WSR 04-11-079

EXPEDITED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed May 18, 2004, 4:25 p.m.]

Title of Rule: Personal use fishing rules.

Purpose: Amend saltwater salmon seasons.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Coastal and Puget Sound recreational salmon seasons are set each year based on preseason recommendations from the North of Falcon subgroup of the Pacific Fisheries Management Council. These are the 2004-2005 seasons.

Reasons Supporting Proposal: Provide for recreational salmon opportunity in saltwater.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; 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: Recreational salmon seasons are set to provide maximum recreational opportunity while providing protection of weak salmon stocks and protection for ESA-listed fish. A separate filing will establish commercial fishing opportunity, which, when combined with this season setting, utilizes the nontreaty share of the available salmon resource. The seasons proposed in this rule are consistent with settlement of a lawsuit seeking additional chinook protection, and are contingent on NOAA fisheries agreement with an environmental impact statement detailing protective measures. In-season adjustment will be made through emergency rule making if salmon returns are higher or lower than anticipated.

Proposal Changes the Following Existing Rules: Amend saltwater salmon seasons.

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 Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY July 19, 2004.

May 18, 2004

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-182, filed 8/6/03, effective 9/6/03)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the species designated in this section. Open when a daily limit is provided:

(1) Catch Record Card Area 1:

(a) May 1 through June ((28)) 26 - Closed.

(b) June ((29)) 27 through September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) October 1 through April 30 - Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:

(a) May 1 through June ((24)) 26 - Closed.

(b) June ((22)) 27 through September ((14)) 19 - Open Sundays through Thursdays only. ((Area 2-2 west of the Buoy 13 line closed August 16 through September 14. Those waters within a line from the lighthouse 1 mile south of the south jetty to Buoy No. 2, then to Buoy No. 3, then to the tip of the north jetty then to the exposed end of the south jetty are closed August 16 through September 14.)) Daily limit 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) September ((15)) 20 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through September 15 - Closed.

(b) September 16 through November 30 - Daily limit of six salmon, not more than two of which may be adult salmon. ((Release)) Of the adult salmon, not more than one may be an adult chinook.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open

only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through June ((24)) 26 - Closed.

(b) June ((22)) 27 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling.

(c) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) February 1 through April 30 - Closed.

(5) Catch Record Card Area 3:

(a) May 1 through June ((24)) 26 - Closed.

(b) June ((22)) 27 through September ((14)) 19 - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. ((Fishers may retain an additional third salmon if it is a pink salmon.)) Release wild coho.

(c) September ((15)) 20 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, waters inside ((a line from Teahwit Head to "Q" buoy and then to Cake Rock then east to)) three miles from shore north of 47°50'00"N latitude and south of 47°58'00"N latitude open September ((20)) 25 through October ((5)) 10 - Daily limit two salmon, of which not more than one may be a chinook salmon. Release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through June ((24)) 26 - Closed.

(b) June ((22)) 27 through September ((14)) 19 - ((Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Waters south of a line from Kydaka Point westerly to Shipwreck Point closed July 1 through September 14.)) Daily limit of 2 salmon, of which not more than one may be a chinook salmon. ((Fishers may retain an additional third salmon if it is a pink salmon.)) Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Release chinook salmon caught east of the Bonilla-Tatoosh line ((June 22 through June 30 and)) August 1 through September ((14)) 19. Release chum salmon August 1 through September ((14)) 19.

(c) September ((15)) 20 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 03-182, filed 8/6/03, effective 9/6/03)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) May 1 through June 30 - Closed.

(b) July 1 through ((July 4—Daily limit of 2 salmon. Release chum, chinook and wild coho.

(c) July 5 through July 31) August 10 - Daily limit 2 salmon. Release chum, wild chinook and wild coho.

((d)) (c) August ((1 through August 14—Daily limit of 4 salmon, of which not more than 2 may be chinook or coho

~~or a combination of chinook and coho. Release chum, wild chinook and wild coho.~~

~~(e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.~~

~~(f) August 15 through August 31 - Daily limit of 4 salmon, of which not more than 2 may be coho. Release chum, chinook and wild coho.~~

~~(g) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.~~

~~((h) Waters south of a line from Kydaka Point to Shipwreck Point closed July 1 through September 30.~~

~~((i)) (d) October 1 through October 31 - Closed.~~

~~((j)) (e) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~((k)) (f) December 1 through February ((13)) 15 - Closed.~~

~~((l)) (g) February ((14)) 16 through April 10 - Daily limit 1 salmon.~~

~~(m) April 11 through April 30 - Closed.~~

~~(2) Catch Record Card Area 6:~~

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through ((July 4 - Daily limit of 2 salmon. Release chum, chinook and wild coho.~~

~~(e) July 5 through July 31)) August 10 - Daily limit 2 salmon. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.~~

~~((d) August 1 through August 14 - Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.~~

~~(e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.~~

~~((f)) (c) August ((15)) 11 through ((August 31)) September 30 - Daily limit of ((4)) 2 salmon((, of which not more than 2 may be coho)). Release chum, chinook and wild coho.~~

~~((g)) (d) Waters ((of Freshwater Bay south of a line from Angeles Point westerly to Observatory Point and waters)) of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 31.~~

~~((h) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.~~

~~((i)) (e) October 1 through October 31 - Closed, except waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.~~

~~((j)) (f) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~((k)) (g) December 1 through February ((13)) 15 - Closed.~~

~~((l)) (h) February ((14)) 16 through April 10 - Daily limit 1 salmon.~~

~~((m)) (i) April 11 through April 30 - Closed.~~

~~(3) Catch Record Card Area 7:~~

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through July 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon. Closed to salmon fishing in the Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(a).~~

~~(c) August 1 through September 30 - Daily limit of ((4)) 2 salmon, of which not more than one may be a chinook salmon ((and not more than two of which may be coho or a combination of chinook and coho)). Release chum and wild coho. Closed to salmon fishing in the Southeastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(b).~~

~~(d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be chinook salmon. November 1 through June 30 - Same as Area 7.~~

~~(e) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.~~

~~(f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.~~

~~(g) November 1 through November 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.~~

~~(h) December 1 through January 31 - Closed.~~

~~(i) February 1 through March 31 - Daily limit of 1 salmon.~~

~~(j) April 1 through April 30 - Closed.~~

~~(4) Catch Record Card Area 8-1:~~

~~(a) May 1 through July 31 - Closed.~~

~~(b) August 1 through ((September 30)) October 31 - Daily limit of ((4)) 2 salmon((, of which not more than two may be chum or coho or a combination of chum and coho)). Release chinook.~~

~~(c) ((October 1 through October 31 - Daily limit of 2 salmon. Release chinook.~~

~~((d)) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~((e)) (d) December 1 through January 31 - Closed.~~

~~((f)) (e) February 1 through March 31 - Daily limit of 1 salmon.~~

~~((g)) (f) April 1 through April 30 - Closed.~~

~~(5) Catch Record Card Area 8-2:~~

~~(a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - ((July 4)) June 18 through July ((28)) 31 Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon. ((Release chinook.))~~

~~(b) August 1 through ((September 30)) October 31 - Daily limit ((4)) 2 salmon, ((of which not more than two may be chum or coho or a combination of chum and coho)) and release chinook, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles~~

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northwest of Hermosa Point - August 1 through September ((29)) 27 Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon.

~~((c)) ((October 1 through October 31 - Daily limit of 2 salmon. Release chinook.~~

~~((d))~~ November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

~~((e))~~ ~~((d))~~ December 1 through February ~~((13))~~ 15 - Closed.

~~((f))~~ ~~((e))~~ February ~~((14))~~ 16 through April 10 - Daily limit of 1 salmon.

~~((g)) During all openings provided for Area 8-2, waters of Tulalip Bay east of a line from Mission Point to Hermosa Point are closed.))~~ ~~((f))~~ April 11 through April 30 - Closed.

(6) Catch Record Card Area 9:

(a) May 1 through July 15 - Closed.

(b) July 16 through July 31 - Daily limit of 2 salmon. Release chinook.

(c) August 1 through ~~((August 31))~~ September 30 - Daily limit of ~~((4))~~ 2 salmon ~~((, of which no more than 2 may be coho)).~~ Release chum and chinook.

~~((d)) ((September 1 through September 30 - Daily limit of 2 salmon. Release chum and chinook.~~

~~((e))~~ October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

~~((f))~~ ~~((e))~~ November 1 through November 30 - Daily limit 2 salmon, of which not more than one may be a chinook.

~~((g))~~ ~~((f))~~ December 1 through January 31 - Closed.

~~((h))~~ ~~((g))~~ February 1 through April 15 - Daily limit 1 salmon.

~~((i))~~ ~~((h))~~ April 16 through April 30 - Closed.

~~((j)) Fishing is open year round when fishing from the))~~ ~~((i))~~ Hood Canal Bridge Fishing Pontoon ~~((- Daily limit 2 salmon, not more than one of which may be a chinook salmon, except release chinook July 1 through August 31. Release chum August 1 through October 15))~~: Closed.

~~((k)) Fishing is open year round when fishing from the))~~ ~~((j))~~ Edmonds Fishing Pier: Open only June 16 through April 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 30.

(7) Catch Record Card Area 10:

(a) May 1 through June 15 - Closed.

(b) June 16 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release. ~~((Salmon may not be brought aboard a vessel.))~~

(c) July 1 through October 31 - Daily limit 2 salmon. Release chum August 1 through September 15. Release chinook. Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August 31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August 31, except waters east of a line from Pier 91 to Duwamish Head open July ~~((11))~~ 16 through August ~~((17))~~ 22 only on Friday through Sunday - Daily limit 2 salmon. Release chum August 1 through August ~~((17))~~ 22.

(d) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point

White - Lawful to retain chinook as part of the daily limit July 1 through September 30.

(e) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(f) December 1 through December 15 - Closed.

(g) December 16 through last day in February - Daily limit 1. Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point closed January 1 through last day in February.

(h) March 1 through April 30 - Closed.

(i) ~~((Fishing is open year round when fishing from the))~~ Elliott Bay Fishing Pier ~~((, the Fishing Pier))~~ at Terminal 86, ~~((the))~~ Seacrest Pier, ~~((the))~~ Waterman Pier, ~~((the))~~ Bremerton Boardwalk, and ~~((the))~~ Illahee State Park Pier: Open only June 16 through April 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 15.

(8) Catch Record Card Area 11:

(a) May 1 through ~~((May 30))~~ June 15 - Closed.

(b) June ~~((1))~~ 16 through October 31 - Daily limit of 2 salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed June ~~((1))~~ 16 through July 31.

(c) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(d) January 1 through February ~~((13))~~ 15 - Closed.

(e) February ~~((14))~~ 16 through April 10 - Daily limit of 1 salmon.

(f) April 11 through April 30 - Closed.

(g) ~~((Fishing is open year round when fishing from the))~~ Dash Point Dock, ~~((the))~~ Les Davis Pier, ~~((the))~~ Des Moines Pier, ~~((the))~~ Redondo Pier and ~~((the))~~ Point Defiance Boat-house Dock: Open only June 16 through April 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15 in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be chinook salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a chinook salmon.

(f) January 1 through February ~~((13))~~ 15 - Closed.

(g) February ~~((14))~~ 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(10) Catch Record Card Area 13:

(a) May 1 through ~~((May 31))~~ June 15 - ~~((Daily limit 2 salmon, of which not more than one may be a chinook salmon))~~ Closed.

(b) June ~~((4))~~ 16 through June 30 - Daily limit 2 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed.

(c) July 1 through October 31 - Daily limit 2 salmon. Release wild coho. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed ~~((May))~~ July 1 through July 31, except open to fly fishing only for hatchery coho ~~((July 1 through July 31))~~.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed July 1 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) January 1 through April 30 - Daily limit 1 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.

(h) ~~((Fishing is open year round when fishing from the))~~ Fox Island Public Fishing Pier: Open only June 16 through April 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release wild coho July 1 through October 31.

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.

WSR 04-11-109
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 19, 2004, 9:34 a.m.]

Title of Rule: Commercial fishing rules.

Purpose: Amend coastal harbor commercial salmon rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Coastal harbor commercial salmon seasons are set each year based on preseason recommendations from the North of Falcon subgroup of the Pacific Fisheries Management Council. These are the 2004 seasons.

Reasons Supporting Proposal: Provide for commercial salmon harvest opportunity in Grays Harbor and Willapa Bay.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930, Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; 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: Commercial salmon seasons are set to provide harvest opportunity while providing protection of weak salmon stocks and protection for ESA-listed fish. These rules will allow utilization of the nontreaty commercial share of salmon returning to Grays Harbor and Willapa Bay. As the season progresses, adjustments to the harvest schedule will be made by emergency rule. The permanent rule filing provides fishers with an expected schedule.

Proposal Changes the Following Existing Rules: Amend coastal harbor commercial salmon seasons.

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 Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY July 19, 2004.

May 19, 2004

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-208, filed 8/20/03, effective 9/20/03)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for coho and chum salmon, and sturgeon:

Time
~~((7:00))~~ 6:00 a.m. October
~~((9))~~ 8 through ~~((3:00))~~ 6:00
p.m. October ~~((9))~~ 8, and
~~((7:00))~~ 6:00 a.m. October
~~((10))~~ 14 through ~~((3:00))~~
6:00 p.m. October ~~((10-~~
~~2003))~~ 14, 2004

Areas
That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen(-), and that portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.

EXPEDITED

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 6-inch maximum mesh restriction, no more than 55 meshes deep.

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recover box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recover box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(i) Fishers must be willing to take department observers when participating in these openings, and provide notice of intent to participate by contact to the quick reporting phone, fax or e-mail, WAC 220-69-240, by 10:00 a.m. October 7 if intending to fish on October 8, or 10:00 a.m. October 13 if intending to fish on October 14.

(2) Gill net gear may be used to fish for salmon and sturgeon:

Time	Areas
6:00 a.m. October ((22)) 21 through 6:00 p.m. October ((22)) 21	Area 2B
6:00 a.m. October ((23)) 22 through 6:00 p.m. October ((23)) 22	
6:00 a.m. October ((29)) 27 through 6:00 p.m. October ((29)) 27	
6:00 a.m. October ((30)) 28 through 6:00 p.m. October ((30, 2003)) 28, and	

Time	Areas
6:00 a.m. October 29 through 6:00 p.m. October 29, 2004	

(a) Drift gill gear only. Unlawful to use set net gear.

(b) 6 1/2-inch maximum mesh restriction.

(c) Quick reporting required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(d) Fishers must be willing to take department observers when participating in these fisheries. Notice of intent to participate not required.

AMENDATORY SECTION (Amending Order 03-208, filed 8/20/03, effective 9/20/03)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
6:00 p.m. September ((14)) 17 through 6:00 p.m. September ((26, 2003)) 30, 2004	Areas 2G east of a line ((drawn)) projected true ((north--))south ((through Willapa Bay entrance Day beacon 11, 2M)) from the most waterward exposed end of the rock jetty located near Wash-away Beach, 2H west of Willapa Channel Marker 40, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. September 21 through 6:00 p.m. September 22 and 6:00 p.m. September 28 through 6:00 p.m. September 29, ((2003)) 2004	Area 2K
6:00 p.m. ((September 28 through 6:00 p.m. October 3 and 6:00 p.m.)) October ((7)) 10 through 6:00 p.m. October ((8, 2003)) 11, 2004	Areas 2G east of a line ((drawn)) projected true ((north--))south ((through Willapa Bay entrance Day beacon 11, 2M)) from the most waterward exposed end of the rock

EXPEDITED

Time	Area
6:00 p.m. October ((14)) <u>15</u> through 6:00 p.m. October ((16)) <u>17</u> , 6:00 p.m. October ((19)) <u>18</u> through 6:00 p.m. October ((21)) <u>20</u> , and 6:00 p.m. October ((26)) <u>24</u> through 6:00 p.m. October ((28, 2003)) <u>26</u> , <u>2004</u>	<p>jetty located near Washaway Beach, 2H, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)</p> <p>Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and ((west-erly)) easterly of a line from Island Sands Light to Ramsey Point, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)</p>
Noon, November ((5)) <u>6</u> through noon November 30, ((2003)) <u>2004</u>	Areas 2G, 2H, 2J and 2M
<p>(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.</p>	
Gear	
(3) Gill net gear restrictions - All areas:	
(a) Drift gill net gear only. It is unlawful to use set net gear.	
(b) ((Prior to September 1, 2003 — No maximum mesh restrictions-	
<p>(e)) September 1 through ((5:59 p.m.)) October ((7, 2003)) <u>3</u>, <u>2004</u> - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.</p>	
(d) October ((7)) <u>4</u> through October 31, ((2003)) <u>2004</u> - 6-1/2 inch maximum mesh.	
(e) November 1 through November 30, ((2003)) <u>2004</u> - 9-inch minimum mesh.	

Other

(4) ((All)) Quick reporting required for wholesale dealers and fishers retailing their ((fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, total number for each species and the total weight for each species)) catch under a "direct retail endorsement." WAC 220-69-240.

WSR 04-11-113

EXPEDITED RULES

LIQUOR CONTROL BOARD

[Filed May 19, 2004, 10:49 a.m.]

Title of Rule: WAC 314-20-100 Beer distributor price posting, 314-20-105 Beer suppliers' price filings contracts and memoranda, 314-24-190 Wine distributor price posting, and 314-24-200 Wine suppliers' price filings, contracts and memoranda.

Purpose: Changes to implement SB 6737 passed during the 2004 legislative session, to eliminate redundancy with state law, and to simplify language for clarity.

Statutory Authority for Adoption: RCW 66.08.030, 66.28.180.

Statute Being Implemented: Chapter 160, Laws of 2004.

Summary: The proposed changes to WAC 314-20-100, 314-20-105, 314-24-190, and 314-24-200 would:

- Implement SB 6737 by deleting references to price postings being open to inspection at all times.
- Take out redundancies with the guiding law (RCW 66.28.180).
- Combine the two wine posting rules into one rule and the two beer posting rules into one rule.
- Simplify language for clarity.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation and Enforcement: Lorraine Lee, Licensing and Regulation Division Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1600.

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

Explanation of Rule, its Purpose, and Anticipated Effects: State law requires that suppliers post the prices of beer and wine sold to distributors, and that distributors post the prices of beer and wine sold to retailers. These prices are posted on a website administered by the Liquor Control Board (LCB). Before this law change other suppliers and distributors could view the prices as soon as they were posted.

LCB agency-request legislation SB 6737 passed during the 2004 session and took effect March 31, 2004. This revised law states that, because price postings are investigative documents, they are considered confidential information

and are not subject to public disclosure until the prices become effective.

WAC 314-20-100, 314-20-105, 314-24-190, and 314-24-200 implement RCW 66.28.180, which outlines beer and wine price postings. The proposed changes [in] these rules would:

- Implement SB 6737, passed during the 2004 legislature (chapter 160, Laws of 2004), by deleting references to price postings being open to inspection at all times.
- Take out redundancies with the guiding law (RCW 66.28.180).
- Combine the two wine posting rules into one rule and the two beer posting rules into one rule.
- Simplify language for clarity.

Proposal Changes the Following Existing Rules:

- WAC 314-20-100 Beer distributor price posting, implement SB 6737, passed during the 2004 legislature, by deleting references to price postings being open to inspection at all times. Take out redundancies with the guiding law (RCW 66.28.180). Simplify language for clarity.
- WAC 314-20-105 Beer suppliers' price filings contracts and memoranda, delete. Language either put into proposed revised WAC 314-20-100 or [is] deleted because it is redundant with state law.
- WAC 314-24-190 Wine distributor price posting, implement SB 6737, passed during the 2004 legislature, by deleting references to price postings being open to inspection at all times. Take out redundancies with the guiding law (RCW 66.28.180). Simplify language for clarity.
- WAC 314-24-200 Wine suppliers' price filings, contracts and memoranda, delete. Language either put into proposed revised WAC 314-24-190 or [is] deleted because it is redundant with state law.

NOTICE

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May 19, 2004
Merritt D. Long
Chairman

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 04-12 issue of the Register.

WSR 04-11-119
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 19, 2004, 11:48 a.m.]

Title of Rule: Personal use fishing rules.

Purpose: Amend recreational salmon fishing rules.

Other Identifying Information: See WSR 04-11-079 for saltwater salmon seasons.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Recreational salmon rules are adjusted yearly based on recommendations from the North of Falcon subgroup of the Pacific Fisheries Management Council. These rules are based on those recommendations.

Reasons Supporting Proposal: Provide for recreational salmon harvest opportunity.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930;
Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; 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: Recreational salmon harvest rules are adjusted yearly, based on preseason estimates. In addition to adjustments to freshwater seasons, the rule development process includes identification of closed areas, minimum sizes, and mandatory release requirements. These rules will provide for recreational fishing opportunity while providing protection for weak salmon stocks and ESA-listed fish.

Proposal Changes the Following Existing Rules: Amend recreational salmon rules.

NOTICE

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May 19, 2004
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

WAC 220-56-100 Definitions—Personal-use fishing.
The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin, except a hatchery salmon is a salmon missing only the adipose fin, regardless of whether the fish is missing a ventral fin.

(12) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked

at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures, defined as lures with hooks and attachments (eyes, swivels, etc.), that do not have enough buoyancy to float in freshwater, may have only one single hook measuring not more than 3/4 inch point to shank((;)). No weights may be attached below or less than twelve inches above a buoyant lure defined as a lure with hooks and attachments that has enough buoyancy to float in freshwater, and all hooks must be attached to or no more than three inches below a buoyant lure or within three inches of bait or a nonbuoyant lure. No hook may be attached to the line above a buoyant lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(27) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(28) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

((28)) (29) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(30) "Wild salmon" when "wild" is used to describe a salmon (chinook, coho, chum, pink or sockeye), "wild"

means a salmon with an intact adipose fin, regardless of whether the fish is ventral fin-clipped.

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-123 Unlawful provisions—Westport and Ocean Shores Boat Basins. During the period August 16 through January 31, in the waters of the Westport and Ocean Shores Boat Basins:

(1) It is unlawful to fish for or possess salmon taken for personal use using any gear other than the gear provided for in this section:

(a) ~~((Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater.))~~ Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook may not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have no more than two single hooks each of which may not exceed 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use forage fish jigger gear.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-128 Food fish fishing—Closed areas. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(15) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(16) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(17) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(18) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(19) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(20) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(21) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197

Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(22) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(23) Freshwater Bay - waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed July 1 through August 31.

(24) Tulalip Bay - waters east of line from Mission Point to Hermosa Point are closed at all times.

AMENDATORY SECTION (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

WAC 220-56-180 Salmon statewide rules. (1) In fresh water and in Marine Areas 2-1 beginning August 16 and 2-2 east of the Buoy 13 line beginning September 1, adult salmon are:

Chinook over 24 inches in length,

Coho over 20 inches in length,

Pink, chum or sockeye over 12 inches in length, and

Atlantic salmon of any size. In these waters the minimum size for salmon is 12 inches, except no minimum size for Atlantic salmon.

(2) In Marine Areas 1 through 4, ~~((except for Areas 2-1 and 2-2))~~ in Area 2-1 from the opening date of adjacent ocean waters through August 15, and in Area 2-2 west of the Buoy 13 line, chinook salmon must be not less than ~~((24))~~ 26 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(3) In Marine Areas 5 through 13, chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(4) The salmon possession limit shall not exceed the equivalent of two daily limits in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.

(5) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

(6) Where landlocked salmon rules apply, no sport catch record card is required for salmon, the season, daily limit, and size and gear restriction rules for salmon are the same as trout rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

AMENDATORY SECTION (Amending Order 02-158, filed 7/16/02, effective 8/16/02)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island

thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling ~~((May-1))~~ April 16 through ~~((June-30))~~ July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling July 1 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed July 1 through July 31 ~~((and April 1 through April 10))~~.

(7) Rosario Strait and eastern Strait of Juan de Fuca:

(a) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running from Sandy Point to Point Migley on Lummi Island, and following the westerly shore of Lummi Island to a straight line running from shore through Lummi Rocks Buoy to Peapod Rocks Buoy, then to Lydia Shoal Buoy, then southerly to Black Rock, then to the easternmost point on James Island, then to Bird Rocks, then westerly to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - July 31.

EXPEDITED

(b) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon August 1 - September 30.

(8) ~~((Strait of Juan de Fuca: Waters of Area 6 within 1000 feet of the mouth of the Elwha River - Closed to fishing for salmon July 1 - August 31.~~

~~(a) Tulalip Bay: Waters of Area 8-2 east of a line from Mission Point to Hermosa Point are closed to salmon angling at all times.)) Kydaka Point - waters south of a line from Kydaka Point to Shipwreck Point are closed to fishing for salmon July 1 through September 30.~~

(9) Port Angeles Harbor - waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon from July 1 through August 31.

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

WAC 232-12-619 Permanent Washington statewide game fish rules. The following statewide rules apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day and fishing is allowed 24 hours per day.

(2) It is unlawful to:

- (a) Use a gaff hook to land game fish.
- (b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.
- (c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.
- (d) Fish for game fish with a bow and arrow or spear.
- (e) Possess fish which are under the minimum size or over the maximum size as shown in general or exceptions to state-wide rules.

(3) Seasonal steelhead limit: Each angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead April 1st through the following March 31st.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(6) Wild steelhead release: It is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(7) Free fishing weekend: The Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.

(8) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(9) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(10) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of five hooks may be used.

(11) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.
RIVERS, STREAMS AND BEAVER PONDS:	JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - release bass greater than twelve but less than seventeen inches in length, only one over seventeen inches may be retained Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None

GRASS CARP.... It is unlawful to fish for or retain grass carp.

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
TROUT (except Eastern Brook trout)	A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds. No more than two of the trout daily catch limit of 5 may be Steelhead.	None in Lakes, Ponds, and Reservoirs. Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the trout daily catch limit. Counts as a bonus limit in rivers, streams and beaver ponds. Total of five fish, including brook trout, in these waters.	None
BURBOT	Five	None
CHANNEL CATFISH	Five.	None.

(a) The following game fish species are managed as trout:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Grayling
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho
- Tiger trout

(b) There is a moratorium on wild steelhead retention from April 1, 2004, through March 31, 2006.

(c) All waters, statewide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to statewide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	Five, not more than one over twenty-two inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	Sixteen inches
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WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	No Limit	None

(14) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(15) Marine waters rules: These rules apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(a) Fishing hours: Twenty-four hours per day year ~~((around))~~-round except for the following closed waters:

(i) Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed ~~((waters))~~ at all times.

(ii) Tulalip Bay - waters east of a line from Mission Point to Hermosa Point are closed at all times.

(iii) Freshwater Bay - waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed July 1 through August 31.

(b) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a sport catch record card, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the catch record card using the words Marine Area and followed by the appropriate marine area code number.

(c) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(d) All species: Release all fish except up to two hatchery steelhead may be retained per day.

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

EXPEDITED

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31 except closed 12:01 a.m. July 6 through 2:00 p.m. July 7 and 12:01 a.m. July 12 through 2:00 p.m. July 13. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing

from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through last day in February season. Closed waters: August 16 through October 31 from mouth to Rodgers Street. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet down-

stream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and ((wild)) unmarked adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and ((wild)) unmarked adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through last day in February season. Nonbuoyant lure restriction, night closure and single barbless hooks August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through last day in February season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery chinook. Release chum and wild adult chinook (~~and chum~~) salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating

device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through November 30. Daily limit 4 (~~hatchery~~) coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

EXPEDITED

Cedar River (King County), from mouth to Landsburg Road: June 1 through August 31 season. Selective gear rules. Night closure. All species: Release all fish. Landsburg Road to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through November 30, mouth to Porter Bridge, ~~((release))~~ the daily limit may contain not more than 1 adult chinook. October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult chinook. December 1 through last day in February, Porter Bridge to High Bridge, release adult chinook and wild adult coho. Sturgeon: Open year-round and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no

daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Nonbuoyant lure restriction. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, max-

imum length fourteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through ~~((August 15))~~ September 30, daily limit 2 salmon of which not more than one may be a chinook salmon. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. ~~((August 16 through September 30, daily limit 3 salmon of which not more than one may be a chinook salmon. Release sockeye, chum, wild coho, chinook less than 24 inches in length and coho less than 16 inches in length.))~~ October 1 through December 31, daily limit 6 fish of which no more than ~~((3))~~ 2 may be adult salmon and not more than one of which may be a chinook salmon. Release chum, sock-

eye, and wild coho. January 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings, with barbed hooks allowed and the daily limit is the more liberal if both areas are open.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through ~~((July 31))~~ June 15 daily limit 6 hatchery jack chinook. June 16 through July 31, daily limit 6 fish of which no more than 2 may be adult chinook. Release wild chinook and sockeye. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. August 1 through December 31 the daily limit may contain not more than 1 adult chinook. Release wild chinook January 1 through March 31. Sturgeon: (1) Release sturgeon May 1 through May 14 and July 24 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 45 inches; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to

a line from Navigation Marker 85 on the Washington shore at a right angle to the thread of the river to the Oregon shore. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to Navigation Marker 85. Release sturgeon on other days and during other time periods. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 ((hatchery jack)) fish of which no more than 2 may be adult salmon. Release wild chinook and sockeye. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam. August 1 through December 31, daily limit may contain not more than 1 adult chinook downstream of Bonneville Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout except hatchery steelhead having both adipose and ventral fin clips may be retained October 1 through March 31. Release hatchery steelhead having only adipose fin clips. Salmon: Open only ~~((August))~~ June 16 through July 31 and August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook and sockeye June 16 through July 31. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Springs Rearing Facility waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead having both adipose and ventral fin clips. Release hatchery steelhead having only adipose fin clips.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only ~~((August))~~ June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release wild chinook and sockeye June 16 through July 31.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of

the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only ((August)) June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook and sockeye June 16 through July 31.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Salmon: Open only July 16 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. From Wells Dam to Chief Joseph Dam, open only from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholand Creek: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild chinook June 1 through July 31.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: Barrier Dam to boundary marker at Cowlitz salmon hatchery water intake approximately 1,700 feet upstream from dam. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the barrier dam. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Release all steelhead missing right ventral fin. Salmon: Open year-round. Daily limit 6 fish of which no more than ((3)) 2 may be adult salmon ((and of the adult salmon not more than 2 may be adult chinook salmon, except January 1 through April 30 the daily limit may contain no more than 2 adult salmon and May 1 through July 31 the daily limit may con-

tain no more than one adult salmon)). Release chum and wild coho ((August 1 through April 30)). Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon. Salmon minimum size ((8)) 12 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less 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.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open is 45 inches.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): ~~((Mouth to Bear Creek - Dewatto Road))~~ Selective gear rules. Game fish: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

~~((Upstream from Bear Creek - Dewatto Road - Selective gear rules. Game fish: Release all fish.))~~

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey ~~((including Olympic National Park))~~. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and ~~((wild))~~ unmarked adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 ~~((hatchery))~~ coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season, except closed June 1 through September 30 mouth to marker at outfall of rearing channel at about river mile 3.2. Fishing from any floating device prohibited. ((August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel.)) Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6

coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules, June 1 through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season

downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: April 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When nonbuoyant lure restriction in effect, only fish hooked inside the mouth may be retained. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. April 1 through July 31: Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook. August 1 through November 30: Daily limit 6 salmon not more than ((3)) 2 of which may be adult salmon (~~and of the adult salmon not more than 2 may be adult chinook salmon~~). Release chum and wild coho. October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through (~~last day in~~) February 15 season. Nonbuoyant lure restriction and night closure September ((46)) 1 through November 30 First Avenue South Bridge to Pacific Highway South Bridge and September 16 through November 30 from Pacific Highway South Bridge to SW 43rd Street/180th Street Bridge. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 First Avenue Bridge to Pacific Highway South Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon. Release chinook. Open only September 16 through December 31, Pacific Highway South Bridge to SE 43rd Street/South 180th Street Bridge. Daily limit 6 fish of which not more than ((2)) 3 may be adult salmon. Release chinook salmon.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: Open only June 1 through July 31 and October 1 through (~~last day in~~) February ((season)) 15. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through (~~last day in~~) February 15. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through December 31. Daily

limit 6 fish of which not more than ((2)) 3 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only June 1 through July 31 and October 16 through (~~March 15 season~~) last day in February. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through (~~March 15~~) last day in February. Trout, minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than ((2)) 3 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through (~~March 15~~) last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches. Salmon: Open only May 16 through November 30 mouth to Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 16 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): June 1 through March 31 season. Fly fishing only. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, from March 1 through March 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to ~~(the abandoned flat ear bridge downstream of the)~~ mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through March 31 season except closed March 1 through March 31 from Highway 101 Bridge to forks. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length

fourteen inches. Salmon: Open only October 16 through January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho. October 16 through ~~(October 31)~~ November 30 the daily limit may contain no more than 1 adult chinook. ~~(November)~~ December 1 through January 31 release adult chinook.

Humtulpis River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpis Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humtulpis River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

~~Johns River (mouth to Ballon Creek including North and South Forks)~~ (Grays Harbor County): Mouth to Ballon Creek: June 1 through last day in February season. ~~(Waters above Ballon Creek, including North and South Forks, are closed.)~~ Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon ~~(except)~~. Release adult chinook.

Ballon Creek upstream, including North and South Forks: June 1 through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from ~~((two hundred feet above))~~ Modrow Bridge downstream to one thousand five hundred feet below the rack are

closed waters. Nonbuoyant lure restriction, night closure, and stationary gear restriction September 1 through October 31 from mouth to one thousand five hundred feet below the rack. All species: When nonbuoyant lure restriction in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. All species: Selective gear rules. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: ((May)) April 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead ((May)) April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: ((May)) April 1 through May 31 Mondays, Wednesdays and Saturdays only, daily limit 2 hatchery steelhead or 2 salmon or one of each. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook November 1 through November 30. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. ~~((January 1 through July 31))~~ Daily limit six fish of which not more than 2 may be adult salmon. ~~((August 1 through December 31, daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.))~~ Release chum and wild coho ~~((August 1 through April 30))~~. Release wild chinook January 1 through July 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. ~~((Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek.))~~ Nonbuoyant lure restriction and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. ~~((January 1 through July 31))~~ Daily limit six fish of which not more than 2 may be adult salmon. ~~((August 1 through December 31 daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.))~~ Release chum and wild coho ~~((August 1 through April 30))~~. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: ~~((June 16))~~ May 1 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only ~~((August))~~ January 1 through September 30 ~~((and January 1 through April 30))~~. ~~((August 1 through September 30.))~~ Daily limit 6 fish of which no more than ~~((3))~~ 2 may be adult salmon ~~((and of the adult salmon not more than 2 may be adult chinook salmon.))~~. ~~((January 1 through April 30. Daily limit 6 salmon not more than 2 of which may be adult salmon.))~~ Release chum and wild coho. Release wild chinook January 1 through ~~((April 30))~~ July 31.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: Closed waters.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Fridgeger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon

National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March ~~((45))~~ 31 season, except for hatchery steelhead and chinook season in April, and except closed Wednesdays ((May-1)) second Wednesday in April through May 31 and October 1 through October 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. ~~((May-1))~~ March 16 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 4 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only July 1 through November 30. Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restrictions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October

31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to Gose St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15. Trout: Daily limit three hatchery steelhead.

From Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters (~~within four~~) from two hundred feet ((both)) upstream ((and)) of the Naselle Salmon Hatchery water supply intake barrier to four hundred feet downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: June 1 through April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions downstream from the Crown Main Line Bridge August 16 through November 30. Selective gear rules March 1 through April 15 from mouth to North Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook. No more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Game fish: Selective gear rules except nonbuoyant lure restriction and night closure August 16 through November 30. Release game fish. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Night closure August 16 through November 30 on South and Middle Nemah and October 1 through November 30 on North Nemah. Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook. No more than two chum may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to (~~Gheer Creek~~) Leonard Road. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to (~~Gheer Creek~~) Leonard Road. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook. Release wild adult coho December 1 through last day in February.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101

Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from ~~((Mount Baker))~~ yellow marker at the FFA High School ((bus)) barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to ~~((Mount Baker))~~ yellow marker at FFA High School ((bus)) barn in Deming. Open only October 16 through December 31 in mainstem from the ~~((bus))~~ FFA barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release ~~((chinook and))~~ release wild chinook from mouth to FFA barn, and release chinook from FFA barn to forks and in North Fork.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Selective gear rules.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Oasis Park Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout. Salmon: Open only July 16 through October 15 from mouth to Highway 97 Bridge immediately upstream of mouth. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

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Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only (~~August~~) September 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult chinook.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through last day in February season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon March 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through November 30 the 3 adult salmon may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho. March 1 through August 31 release wild adult coho and (~~wild~~) unmarked adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through April 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis

County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): Mouth to falls: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): Chumming allowed. All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from

a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County), outside of Olympic National Park and Quinalt Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30 (~~from mouth to Q-1000 Bridge~~). Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with a motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~August 16~~) September 1 through December 31. (~~August 16 through October 31~~) Daily limit (~~four~~) three salmon (~~of which not more than three may be coho salmon or two may be~~), except release chum (~~salmon~~) and release chinook. (~~November 1 through December 31: Daily limit two salmon and release chinook~~)

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March

31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~August 16~~) September 1 through December 31. (~~August 16 through October 31~~) Daily limit (~~four~~) three salmon (~~of which not more than three may be coho salmon or two may be~~), except release chum (~~salmon~~) and release chinook. (~~November 1 through December 31: Daily limit two salmon and release chinook~~)

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June (~~16~~) 1 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the Dalles Bridge at Concrete. (~~September 16 through October 31~~) Daily limit (~~four~~) three salmon (~~of which not more than three may be coho salmon or two may be~~), except release chum (~~salmon~~) and release chinook. (~~November 1 through December 31: Daily limit two salmon and release chinook~~)

From the Dalles Bridge at Concrete to the Cascade River - Salmon open July 1 through July 31, except closed from 200 feet above the mouth of the Baker River to the Cascade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. (~~September 16 through October 31~~) Daily limit (~~four~~) three salmon (~~of which not more than three may be coho salmon or two may be~~), except release chum (~~salmon~~) and release chinook. (~~November 1 through December 31: Daily limit two salmon and release chinook~~)

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through July 31 and September 1

through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only (~~(August)~~) September 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon (~~(August)~~) September 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except December 1 through the last day in February release adult wild coho. Release adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred

feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional season March 1 through April 30 mouth to Sultan River: Selective gear rules and all species - Release all fish. Salmon: Open September 1 through December 31 mouth to Lewis Street Bridge in Monroe. Daily limit 2 salmon. Release chinook and pink salmon. Open June (~~(4)~~) 16 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit (~~(4)~~) 2 hatchery chinook. Open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit (~~(four)~~) two salmon (~~(of which a total of not more than two may be coho and chum salmon)~~). Release chinook and pink salmon.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit (~~(four)~~) two salmon (~~(of which a total of not more than two may be coho and chum salmon)~~). Release chinook and pink salmon.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an

adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Selective gear rules August 1 through August 31. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August ~~((16))~~ 1 through December 31. Daily limit ~~((four))~~ two salmon ~~((of which no more than a total of two salmon may be coho and chum salmon))~~. August 1 to August 31 release all salmon except pink salmon. September 1 through December 31 release chinook and pink salmon. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon ~~((July))~~ March 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. ~~((July))~~ March 1 through August 31 release wild adult coho and ~~((wild))~~ unmarked adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or ~~((a combination of))~~ one adult chinook and one adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except salmon. Trout: Minimum length fourteen inches. Salmon: Open only October ~~((11))~~ 9 through ~~((November 2))~~ October 31 to fishing by juveniles only. Night closure October ~~((11))~~ 9 through October 31. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Crappie: Daily limit ten, minimum length nine inches.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit (~~four~~) two salmon (~~of which a total of not more than two may be coho and chum salmon~~). Release chinook and pink salmon.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed. Game fish: June 1 through November 30 release all fish except hatchery steelhead. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit (~~four~~) two salmon (~~of which a total of not more than two may be coho and chum salmon~~). Release chinook and pink salmon.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

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Suittle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): ~~((Mouth to Bear Creek Dewatto Road crossing:))~~ Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

~~((Bear Creek Dewatto Road crossing upstream: Selective gear rules and release all fish:))~~

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to August 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Additional September 1 through March 30 season. Selective gear rules. All species: Release all fish.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Salmon: Open only June 1 through December 31. Daily limit

6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: Release all steelhead. Bass: No minimum or maximum size. No more than three bass over fifteen inches in length may be retained. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than ((3)) 2 may be adult salmon ((and of the adult salmon not more than 2 may be adult chinook salmon)). Release chum and wild coho.

Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all

fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. Trout: Release all trout. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 31. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than ((3)) 2 may be adult salmon (~~and of the adult salmon not more than 2 may be adult chinook salmon~~). Release chum and wild coho. Upstream of Little Washougal River, release chinook October 1 through (~~December 31~~) November 30.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with a motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure October 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Release trout April 1 through April 30. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season, except sturgeon. Night closure, single point barbless hooks, and stationary gear restriction August 16 through November 30 mouth to Fork Creek. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. Salmon and steelhead: Open (~~May 1~~) March 16 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and non-buoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length fourteen inches. Release wild cutthroat. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open only October 1 through November 30 from mouth to West Fork. Daily limit 6 fish of which no more than 2 may be adult salmon((;)). Release adult chinook.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge upstream: Selective gear rules. Additional December 1 through March 31 season. ((~~Selective gear rules~~)) Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to Prosser Dam: Chumming permitted. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

EXPEDITED



WSR 04-11-004
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION

[Filed May 5, 2004, 2:55 p.m.]

Date of Adoption: May 5, 2004.

Purpose: The purpose of this rule is to implement the statutory direction to revise the financial prequalification rules for Washington state ferries' design/build partnership for the construction of new auto ferries.

Citation of Existing Rules Affected by this Order: Amending WAC 468-310-020 and 468-310-050, prequalification of ferry system contractors.

Statutory Authority for Adoption: RCW 47.60.816.

Adopted under notice filed as WSR 04-07-092 on March 16, 2004.

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 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

May 5, 2004

Mike Thorne

Director/CEO

Washington State Ferries

AMENDATORY SECTION (Amending Order 189, filed 1/11/99, effective 2/11/99)

WAC 468-310-020 Contents of standard prequalification questionnaire and financial statement. The standard prequalification questionnaire and financial statement shall be transmitted to the director of Washington state ferries. The contractor shall provide the following information:

(1) The name, address, phone number, contractor registration number and type of organization (corporation, copartnership, individual, etc.) of the contractor seeking prequalification.

(2) The contract size in dollars and the class or classes of work for which the contractor seeks prequalification (such as vessel dry-docking and hull repairs, vessel electrical repairs, etc.) as enumerated in WAC 468-310-050(6).

(3) Ownership of the contractor and if a corporation, the name of the parent corporation (if any) and any affiliated companies or subsidiaries.

(4) An accurate and complete record of the fifteen largest contracts in excess of ten thousand dollars performed by the contractor in whole or in part within the preceding three years both in Washington and elsewhere, including subcontracts,

giving the contract amount, the date completed, the class of work, the name, address and phone number of the owner/agency representative, and any liquidated damages assessed against the contractor by an owner arising out of the performance of the contract.

(5) The principal officers and key employees showing the number of years each engaged in the class or classes of work for which the contractor seeks prequalification. The department may require resumes of such personnel as deemed proper for making its determination.

(6) Except as otherwise provided in WAC 468-310-050(8), a contractor requesting prequalification certification to perform work in excess of ten million dollars shall submit copies of its audited annual statements for the previous three years as audited by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The financial statement shall not be more than twelve months old when submitted. Any wholly owned subsidiary corporation may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for such subsidiary providing the financial statement otherwise meets the requirements of the preceding two sentences. If a consolidated financial statement is filed on behalf of a subsidiary corporation, a bid of the subsidiary corporation will be considered only if there is on file with the department a letter from the parent corporation guaranteeing performance by the subsidiary corporation of its contract with the department of transportation in an amount at least equal to the amount of the bid. A letter of guarantee by a parent corporation may cover a specific contract bid by its subsidiary or all contracts bid by its subsidiary within a stated period of time.

(7) A list of all major items of equipment to be used in those classes of work for which prequalification certification is requested including the original cost, age, location and condition of such equipment. The schedule shall show whether the equipment is owned, leased or rented. All major items of useful equipment should be listed even though fully depreciated but no obsolete or useless equipment should be included. In the event the contractor seeks prequalification certification to perform work on ferry vessels, the schedule shall also describe plant facilities of the contractor including shipyards, dry docks, repair facilities and other plant facilities.

(8) Such other information as may be required by the prequalification questionnaire.

AMENDATORY SECTION (Amending Order 189, filed 1/11/99, effective 2/11/99)

WAC 468-310-050 Classification and capacity rating. (1) Each contractor seeking prequalification under these rules will be classified for one or more of the classes of work listed in subsection 8 of this section and will be given a maximum capacity rating in accordance with its financial ability, the adequacy of its equipment and plant facilities to perform the class or classes of work for which it has sought prequalification, the extent of the contractor's experience in perform-

ing contracts of the class or classes for which prequalification is sought, and the adequacy of the experience and capability of the contractor's officers and key employees in performing contracts of the class or classes for which prequalification is sought. The maximum capacity rating will limit the quantity of uncompleted work which the contractor shall have under contract at any one time either as a prime contractor or a sub-contractor.

(2) Except as provided in subsection (7) of this section, the maximum capacity rating for a contractor applying for a rating in excess of fifty thousand dollars will be ten times the contractor's net worth as set forth in the standard prequalification questionnaire and financial statement. A properly executed letter of credit from an acceptable financial institution may be considered as an asset increasing the contractor's maximum capacity rating by the amount of the credit, but without the use of a multiplier. The maximum capacity rating for a contractor not submitting an audited financial statement as provided in WAC 468-310-020(6) will be ten million dollars: Provided, That in all cases the contractor's maximum capacity rating may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant, and experience.

(3) Consideration will be given to raising, by an amount not to exceed 50 percent, the maximum capacity rating of a contractor who qualifies with respect to actual capacity based upon organization, personnel, equipment and plant facilities, and experience, upon receipt of evidence of a current bonding capacity of such additional amount with a corporate surety. Such evidence shall be in the form of a letter of commitment executed by an officer of the surety who is authorized to bind the surety. Notwithstanding the provisions of this subsection, the maximum capacity rating for a contractor not submitting an audited financial statement as provided in WAC 468-310-020(6) will be ten million dollars.

(4) The certificate of prequalification issued by the department will establish a contractor's maximum capacity rating which will be subject to reduction by the total value of its current uncompleted work regardless of its location and with whom it may be contracted to determine the contractor's bidding capacity at the particular time.

(5) Notwithstanding the provisions of this section, a contractor will be allowed to submit a bid for an amount up to \$50,000 on a class or classes of work for which it is prequalified without regard to any financial maximum capacity rating or financial current capacity rating: Provided, That the contractor's current capacity may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant facilities, and experience.

(6)(a) Construction, repair and maintenance work on ferry vessels for which prequalification certification under these rules may be granted are classified as follows:

- | | |
|----------|-------------------------------------|
| Class 81 | Vessel construction and renovation; |
| Class 82 | Dry-docking and hull repairs; |
| Class 83 | Vessel metal fabrication repairs; |
| Class 84 | Vessel electrical repairs; |
| Class 85 | Vessel miscellaneous repairs; |

(b) A contractor currently prequalified under RCW 47.28.070 to perform those classes of work required in the construction, improvement and repair of ferry terminal facilities will initially be deemed prequalified under these rules to perform such classes of work with the same capacity rating as approved by the department for highway related work.

(7) Notwithstanding the provisions of this section, proposers who wish to prequalify for the department's construction of new 130-auto ferries, pursuant to the department's 2003 request for proposals, must submit evidence of their ability, if awarded the contract, to obtain contract security in the amount of thirteen million dollars. The department estimates such amount to be adequate to protect one hundred percent of the department's estimated exposure to loss on the vessel construction contract, as calculated by the department prior to issuance of the request for proposals. Such amount shall be specified in the project request for proposals and is subject to modification by addendum during the request for proposals process. The actual contract security amount for the project construction contract will be a percentage of the successful proposer's total bid price. Such percentage shall be specified in the construction contract within the request for proposals. For the new 130-auto ferries contract, this provision applies in lieu of the maximum capacity rating formula specified in subsection (2) of this section.

(8) Notwithstanding the provisions of this section or WAC 468-310-020, proposers who wish to prequalify for the department's construction of new 130-auto ferries, pursuant to the department's 2003 request for proposals, shall, in addition to the evidence of contract security required in subsection (7) of this section, submit an audited financial statement for at least one year in the previous three years, plus annual financial statements for two additional years in the previous three years. The audited financial statement shall be performed by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The form and quantity of financial statements shall be specified in the project request for proposals and is subject to modification by addendum during the request for proposals process. For the new 130-auto ferries contract, this provision applies in lieu of the quantity of audited financial statements specified in WAC 468-310-020.

WSR 04-11-007

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 5, 2004, 4:14 p.m.]

Date of Adoption: April 30, 2004.

Purpose: To incorporate into rule the home infusion therapy/parenteral nutrition program, new chapter 388-553 WAC, Home infusion therapy/parenteral nutrition program.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Adopted under notice filed as WSR 03-24-103 on December 3, 2003.

Changes Other than Editing from Proposed to Adopted Version: Changes made in response to comments received include (added text is underlined; deleted text is lined through).

1. WAC 388-553-200, struck the definition for "medical nutrition." ~~"Medical nutrition" means the use of medical nutritional solutions alone, or in combination with traditional food, when a client is unable to consume enough traditional food to meet nutritional requirements. Medical nutritional solutions can be given orally or via feeding tubes.~~

2. WAC 388-553-300 (4)(b)(iii), corrected a cross reference: (iii) By choosing to self-direct the infusion with a paid caregiver (see ~~WAC 388-71-05640~~ 388-71-0580).

3. WAC 388-553-300(5), changed the language as follows: To receive parenteral nutrition, a client must meet the conditions in subsection (4) of this section and: (a) ~~Have hyperemesis gravidarum or a permanent impairment involving the gastrointestinal tract that prevents oral or enteral intake to meet the client's nutritional needs~~ one of the following that prevents oral or enteral intake to meet the client's nutritional needs: (i) Hyperemesis gravidarum; or (ii) An impairment involving the gastrointestinal tract that lasts three months or longer; (b) Be unresponsive to ~~standard~~ medical interventions other than parenteral nutrition management; and...

4. WAC 388-553-300 (6)(b), ~~Temporary~~ Gastrointestinal defect that is not permanent unless the client meets the criteria in subsection (7) of this section.

5. WAC 388-553-300(7), added a new subsection (7) and changed the numbering of current subsection (7) to subsection (8): (7) A client with a gastrointestinal impairment that is expected to last less than three months is eligible for parenteral nutrition only if: (a) The client's physician or appropriate medical provider has documented in the client's medical record the gastrointestinal impairment is expected to last less than three months; (b) The client meets all the criteria in subsection (4) of this section; (c) The client has a written physician order that documents the client is unable to receive oral or tube feedings; and (d) It is medically necessary for the gastrointestinal tract to be totally nonfunctional for a period of time.

6. WAC 388-553-500, Home infusion therapy/parenteral nutrition program—~~Covered services and limitations. Coverage, limitations, prior authorization, and reimbursement.~~ Changed the section caption, added new subsections (2) and (3), deleted subsection (5), and corrected numbering and a cross reference: (2) Covered supplies and equipment that are within the described limitations listed in subsection (1) of this section do not require prior authorization for reimbursement. (3) Requests for supplies and/or equipment that exceed the limitations require prior authorization and are evaluated on an individual basis according to WAC 388-501-0165. ~~(3) (5) Except as provided in subsection (4) (6) of this 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 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 5, 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 5, Amended 0, Repealed 0.

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

April 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-553 WAC

HOME INFUSION THERAPY/PARENTERAL NUTRITION PROGRAM

NEW SECTION

WAC 388-553-100 Home infusion therapy/parenteral nutrition program—General. The medical assistance administration's (MAA's) home infusion therapy/parenteral nutrition program provides the supplies and equipment necessary for parenteral infusion of therapeutic agents to medical assistance clients. An eligible client receives equipment, supplies, and parenteral administration of therapeutic agents in a qualified setting to improve or sustain the client's health.

NEW SECTION

WAC 388-553-200 Home infusion therapy/parenteral nutrition program—Definitions. The following terms and definitions apply to the home infusion therapy/parenteral nutrition program:

"**Infusion therapy**" means the provision of therapeutic agents or nutritional products to individuals by parenteral infusion for the purpose of improving or sustaining a client's health.

"**Intradialytic parenteral nutrition (IDPN)**" means intravenous nutrition administered during hemodialysis. IDPN is a form of parenteral nutrition.

"**Parenteral infusion**" means the introduction of a substance by means other than the gastrointestinal tract, referring particularly to the introduction of substances by intravenous, subcutaneous, intramuscular or intramedullary means.

"**Parenteral nutrition**" (also known as total parenteral nutrition (TPN)) means the provision of nutritional requirements intravenously.

NEW SECTION

WAC 388-553-300 Home infusion therapy/parenteral nutrition program—Client eligibility and assignment. (1) Clients in the following medical assistance administration (MAA) programs are eligible to receive home

PERMANENT

infusion therapy and parenteral nutrition, subject to the limitations and restrictions in this section and other applicable WAC:

- (a) Categorically needy program (CNP);
 - (b) Categorically needy program - Children's health insurance program (CNP-CHIP);
 - (c) General assistance - Unemployable (GA-U); and
 - (d) Limited casualty program - Medically needy program (LCP-MNP).
- (2) Clients enrolled in an MAA managed care plan are eligible for home infusion therapy and parenteral nutrition through that plan.
- (3) Clients eligible for home health program services may receive home infusion related services according to WAC 388-551-2000 through 388-551-3000.
- (4) To receive home infusion therapy, a client must:
- (a) Have a written physician order for all solutions and medications to be administered.
 - (b) Be able to manage their infusion in one of the following ways:
 - (i) Independently;
 - (ii) With a volunteer caregiver who can manage the infusion; or
 - (iii) By choosing to self-direct the infusion with a paid caregiver (see WAC 388-71-0580).
 - (c) Be clinically stable and have a condition that does not warrant hospitalization.
 - (d) Agree to comply with the protocol established by the infusion therapy provider for home infusions. If the client is not able to comply, the client's caregiver may comply.
 - (e) Consent, if necessary, to receive solutions and medications administered in the home through intravenous, enteral, epidural, subcutaneous, or intrathecal routes. If the client is not able to consent, the client's legal representative may consent.
 - (f) Reside in a residence that has adequate accommodations for administering infusion therapy including:
 - (i) Running water;
 - (ii) Electricity;
 - (iii) Telephone access; and
 - (iv) Receptacles for proper storage and disposal of drugs and drug products.
- (5) To receive parenteral nutrition, a client must meet the conditions in subsection (4) of this section and:
- (a) Have one of the following that prevents oral or enteral intake to meet the client's nutritional needs:
 - (i) Hyperemesis gravidarum; or
 - (ii) An impairment involving the gastrointestinal tract that lasts three months or longer.
 - (b) Be unresponsive to medical interventions other than parenteral nutrition; and
 - (c) Be unable to maintain weight or strength.
- (6) A client who has a functioning gastrointestinal tract is not eligible for parenteral nutrition program services when the need for parenteral nutrition is only due to:
- (a) A swallowing disorder;
 - (b) Gastrointestinal defect that is not permanent unless the client meets the criteria in subsection (7) of this section;
 - (c) A psychological disorder (such as depression) that impairs food intake;

(d) A cognitive disorder (such as dementia) that impairs food intake;

(e) A physical disorder (such as cardiac or respiratory disease) that impairs food intake;

(f) A side effect of medication; or

(g) Renal failure or dialysis, or both.

(7) A client with a gastrointestinal impairment that is expected to last less than three months is eligible for parenteral nutrition only if:

(a) The client's physician or appropriate medial provider has documented in the client's medical record the gastrointestinal impairment is expected to last less than three months;

(b) The client meets all the criteria in subsection (4) of this section;

(c) The client has a written physician order that documents the client is unable to receive oral or tube feedings; and

(d) It is medically necessary for the gastrointestinal tract to be totally nonfunctional for a period of time.

(8) A client is eligible to receive intradialytic parenteral nutrition (IDPN) solutions when:

(a) The parenteral nutrition is not solely supplemental to deficiencies caused by dialysis; and

(b) The client meets the criteria in subsection (4) and (5) of this section and other applicable WAC.

NEW SECTION

WAC 388-553-400 Home infusion therapy/parenteral nutrition program—Provider requirements.

(1) Eligible providers of home infusion supplies and equipment and parenteral nutrition solutions must:

(a) Have a signed core provider agreement with the medical assistance administration (MAA); and

(b) Be one of the following provider types:

(i) Pharmacy provider;

(ii) Durable medical equipment (DME) provider; or

(iii) Infusion therapy provider.

(2) MAA pays eligible providers for home infusion supplies and equipment and parenteral nutrition solutions only when the providers:

(a) Are able to provide home infusion therapy within their scope of practice;

(b) Have evaluated each client in collaboration with the client's physician, pharmacist, or nurse to determine whether home infusion therapy/parenteral nutrition is an appropriate course of action;

(c) Have determined that the therapies prescribed and the client's needs for care can be safely met;

(d) Have assessed the client and obtained a written physician order for all solutions and medications administered to the client in the client's residence or in a dialysis center through intravenous, epidural, subcutaneous, or intrathecal routes;

(e) Meet the requirements in WAC 388-502-0020, including keeping legible, accurate and complete client charts, and providing the following documentation in the client's medical file:

(i) For a client receiving infusion therapy, the file must contain:

(A) A copy of the written prescription for the therapy;

- (B) The client's age, height, and weight; and
- (C) The medical necessity for the specific home infusion service.
 - (ii) For a client receiving parenteral nutrition, the file must contain:
 - (A) All the information listed in (e)(i) of this subsection;
 - (B) Oral or enteral feeding trials and outcomes, if applicable;
 - (C) Duration of gastrointestinal impairment; and
 - (D) The monitoring and reviewing of the client's lab values:
 - (I) At the initiation of therapy;
 - (II) At least once per month; and
 - (III) When the client and/or the client's lab results are unstable.

NEW SECTION

WAC 388-553-500 Home infusion therapy/parenteral nutrition program—Coverage, services, limitations, prior authorization, and reimbursement. (1) The home infusion therapy/parenteral nutrition program covers the following for eligible clients, subject to the limitations and restrictions listed:

- (a) Home infusion supplies, limited to one month's supply per client, per calendar month.
- (b) Parenteral nutrition solutions, limited to one month's supply per client, per calendar month.
- (c) One type of infusion pump, one type of parenteral pump, and/or one type of insulin pump per client, per calendar month and as follows:
 - (i) All rent-to-purchase infusion, parenteral, and/or insulin pumps must be new equipment at the beginning of the rental period.
 - (ii) MAA covers the rental payment for each type of infusion, parenteral, or insulin pump for up to twelve months. (MAA considers a pump purchased after twelve months of rental payment.)
 - (iii) MAA covers only one purchased infusion pump or parenteral pump per client in a five-year period.
 - (iv) MAA covers only one purchased insulin pump per client in a four-year period.
- (2) Covered supplies and equipment that are within the described limitations listed in subsection (1) of this section do not require prior authorization for reimbursement.
- (3) Requests for supplies and/or equipment that exceed the limitations or restrictions listed in this section require prior authorization and are evaluated on an individual basis according to WAC 388-501-0165.
- (4) MAA's reimbursement for equipment rentals and purchases includes the following:
 - (a) Instructions to a client or a caregiver, or both, on the safe and proper use of equipment provided;
 - (b) Full service warranty;
 - (c) Delivery and pick-up; and
 - (d) Set-up, fitting, and adjustments.
- (5) Except as provided in subsection (6) of this section, MAA does not pay separately for home infusion supplies and equipment or parenteral nutrition solutions:

- (a) When a client resides in a state-owned facility (i.e., state school, developmental disabilities (DD) facility, mental health facility, Western State Hospital, and Eastern State Hospital).
- (b) When a client has elected and is eligible to receive MAA's hospice benefit, unless both of the following apply:
 - (i) The client has a pre-existing diagnosis that requires parenteral support; and
 - (ii) The pre-existing diagnosis is not related to the diagnosis that qualifies the client for hospice.
- (6) MAA pays separately for a client's infusion pump, parenteral nutrition pump, insulin pump, solutions, and/or insulin infusion supplies when the client:
 - (a) Resides in a nursing facility; and
 - (b) Meets the criteria in WAC 388-553-300.

WSR 04-11-008**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed May 5, 2004, 4:17 p.m.]

Date of Adoption: April 29, 2004.

Purpose: MAA is codifying the policy for the chemical-using pregnant (CUP) women program, an established program which assists pregnant women in maintaining sobriety to ensure healthier birth outcomes by offering the following services to a pregnant woman and her fetus in a hospital setting: (1) Acute, medical detoxification; (2) stabilization; (3) medical, and (4) chemical dependency treatment, new sections WAC 388-533-701, 388-533-710, 388-533-720, and 388-533-730.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.800.

Adopted under notice filed as WSR 04-07-136 on March 22, 2004.

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 4, 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 4, Amended 0, Repealed 0.

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

April 29, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-533-701 Chemical-using pregnant (CUP) women program—Purpose. The chemical-using pregnant (CUP) women program provides immediate access to medical care in a hospital setting to chemical-using or chemical-dependent pregnant women and their fetuses. The purpose of the immediate access to medical care is to reduce harm to and improve birth outcomes for mothers and their fetuses by preventing obstetric and prenatal complications related to chemical dependency.

NEW SECTION

WAC 388-533-710 Chemical-using pregnant (CUP) women program—Client eligibility. (1) To be eligible for the chemical-using pregnant (CUP) women program, a woman must meet all of the following conditions:

- (a) Be pregnant;
- (b) Be referred and/or approved by an Alcohol and Drug Addiction Treatment and Support Act (ADATSA) assessment agency; and
- (c) Be eligible for Medicaid.

(2) Clients meeting the eligibility criteria in WAC 388-533-710(1) who are enrolled in an MAA managed care plan are eligible for CUP services outside their plan. CUP services delivered outside the managed care plan are reimbursed and subject to the same program rules as apply to nonmanaged care clients.

(3) Clients receiving three-day or five-day detoxification services through the department are not eligible for the CUP women program.

NEW SECTION

WAC 388-533-720 Chemical-using pregnant (CUP) women program—Provider requirements. (1) The medical assistance administration (MAA) pays only those providers who:

- (a) Have been approved by MAA to provide chemical-using pregnant (CUP) women program services;
- (b) Have been certified as chemical dependency service providers by the division of alcohol and substance abuse (DASA) as prescribed in chapter 388-805 WAC;
- (c) Meet the hospital standards prescribed by the Joint Commission on Accreditation of Healthcare Organization (JCACHO);
- (d) Meet the general provider requirements in chapter 388-502 WAC; and
- (e) Are not licensed as an institution for mental disease (IMD) under Centers for Medicare and Medicaid (CMS) criteria.

(2) CUP women program service providers are required to:

(a) Report any changes in their certification, level of care, or program operations to the MAA CUP women program manager;

(b) Have written policies and procedures that include a working statement describing the purpose and methods of treatment for chemical-using/abusing pregnant women;

(c) Provide guidelines and resources for current medical treatment methods by specific drug and/or alcohol type;

(d) Have linkages with state and community providers to ensure a working knowledge exists of current medical and substance abuse resources; and

(e) Ensure that an Alcohol and Drug Addiction Treatment and Support Act (ADATSA) or chemical dependency assessment of the client has been completed:

(i) By an ADATSA assessment agency;

(ii) Using the latest criteria of the American Society of Addiction Medicine (ASAM); and

(iii) No earlier than six months before, and no later than five days after, the client's admission to the CUP women program.

NEW SECTION

WAC 388-533-730 Chemical-using pregnant (CUP) women program—Covered services. (1) The medical assistance administration (MAA) pays for the following covered services for a pregnant client and her fetus under the chemical-using pregnant (CUP) women program:

(a) Primary acute detoxification/medical stabilization;

(b) Secondary sub-acute detoxification/medical stabilization; and

(c) Rehabilitation treatment and services as determined by the provider.

(2) The maximum length of treatment per inpatient stay that MAA will pay for is twenty-six days, unless additional days have been pre-authorized by the MAA CUP women program manager.

(3) If a client leaves or is discharged from an inpatient treatment program and then returns, the provider must obtain authorization from the MAA CUP women program manager to allow the client to either:

(a) Complete the original twenty-six day treatment plan;

or

(b) Begin a new twenty-six day treatment plan.

(4) If a client's pregnancy ends before inpatient treatment is completed, a provider may continue the client's treatment through the twenty-sixth day.

WSR 04-11-009

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 5, 2004, 4:19 p.m.]

Date of Adoption: April 30, 2004.

Purpose: To change the name of MAA's drug utilization and education (DUE) council in accordance with federal regulations and to include language about the Pharmacy and Therapeutics Committee. This rule is being adopted in coordination with the Health Care Authority's adoption of rules in chapter 182-50 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-530-1850.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: SB 6088, section 10, chapter 29, Laws of 2003 1st sp.s.; 42 C.F.R. 456.716; RCW 41.05.160.

Adopted under notice filed as WSR 04-07-137 on March 22, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, 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 1, Repealed 0.

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

April 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-17-023, filed 8/9/02, effective 9/9/02)

WAC 388-530-1850 Drug ((utilization and education (DUE) council)) use review (DUR) board. In accordance with 42 C.F.R. 456.716, the medical assistance administration (MAA) establishes a drug ((utilization and education (DUE) council and determines membership rotation)) use review (DUR) board (also known as the drug utilization & education (DUE) council).

(1) The ((DUE council)) DUR board:

(a) ((Has a minimum of eight and a maximum of ten members, representing)) Includes health professionals who are actively practicing ((health care professionals)) and licensed in the state of Washington and who have recognized knowledge and expertise in one or more of the following:

(i) The clinically appropriate prescribing of covered outpatient drugs;

(ii) The clinically appropriate dispensing and monitoring of covered outpatient drugs;

(iii) Drug use review, evaluation, and intervention; and

(iv) Medical quality assurance((+and

(v) Disease state management)).

(b) Is made up of at least one-third but not more than fifty-one percent physicians, and at least one-third ((but not more than fifty one percent)) pharmacists((+and

(e) ~~Includes an advanced registered nurse practitioner and a physician assistant.~~

(2) ~~The DUE council).~~

(2) MAA may appoint members of the pharmacy and therapeutics committee established by the health care authority (HCA) under chapter 182-50 WAC or other qualified individuals to serve as members of the DUR board.

(3) The DUR board meets periodically to:

(a) Advise MAA on drug utilization review activities;

(b) Review provider and patient profiles;

(c) Recommend adoption of standards and treatment guidelines for drug therapy;

(d) ((Provide)) Recommend interventions targeted toward correcting drug therapy problems; and

(e) Produce an annual report.

(4) MAA has the authority to accept or reject the recommendations of the DUR board in accordance with 42 C.F.R. 456.716(c).

WSR 04-11-019

PERMANENT RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 711—Filed May 10, 2004, 2:25 p.m.]

Date of Adoption: May 7, 2004.

Purpose: The rule was originally made to ensure a surveyor's instrument was measuring within tolerances set by the manufacturer. However, with modern electronic distance measuring instruments and new methods, including survey grade G.P.S. units, the method of calibrating has evolved so that the old requirement, of comparing all distance measuring instruments annually to a baseline calibrated by the National Geodetic Survey (NGS), doesn't apply. Also, NGS baselines are not available in many areas of the state and many that currently exist are not accessible or are threatened by proposed development.

Citation of Existing Rules Affected by this Order: Amending WAC 332-130-100.

Statutory Authority for Adoption: RCW 58.24.020.

Adopted under notice filed as WSR 04-05-030 on February 11, 2004.

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 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.

May 7, 2004

Bruce Mackey

Lands Steward

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-100 Equipment and procedures. (1) All land boundary surveys filed or recorded shall contain a statement identifying the type of equipment used, such as 10-second theodolite and calibrated chain, or 10-second theodolite and electronic distance measuring unit, and procedures used, such as field traverse, photogrammetric survey, global positioning system survey or a combination thereof to accomplish the survey shown;

(2) All measuring instruments and equipment shall be maintained in adjustment according to manufacturer's specifications (~~and all distance measuring instruments shall be, at a minimum, compared and adjusted annually to a National Geodetic Survey calibrated baseline~~).

WSR 04-11-023

PERMANENT RULES

**UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket No. TR-021465, General Order No. R-514—Filed May 11, 2004, 1:41 p.m.]

In the matter of amending WAC 480-62-125 and 480-62-320, relating to remote-control locomotive operations.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 04-05-104, filed with the code reviser on February 18, 2004. The commission brings this proceeding pursuant to RCW 80.01.040, and 80.04.160.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented, where not inconsistent, by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin a rule making and whether to pro-

pose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7 REFERENCE TO AFFECTED RULES: This rule amends the following sections of the Washington Administrative Code:

WAC 480-62-125 Definitions.

- Adds definitions of "remote-control area," "remote-control operations," and "remote-control zone."

WAC 480-62-320 Remote controlled operations.

- Amends subsections (1) and (2) of the rule to clarify the information that railroads must report, and requires that railroads report the creation as well as enlargement of remote-control areas and zones.

- Amends subsection (3) of the rule to require railroads to report to the commission their intention to use cameras for point protection at crossings.

8 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: On November 1, 2002, the Washington State Legislative Board of the Brotherhood of Locomotive Engineers (BLE) filed a petition requesting that the commission adopt a safety advisory issued by the Federal Railroad Administration (FRA) as a state rule. On December 31, 2002, the commission denied the BLE's petition, but determined that it was appropriate for the commission to initiate a rule making to consider the issues raised in the petition. The commission filed a preproposal statement of inquiry (CR-101) with the Code Reviser's Office on January 24, 2003, at WSR 03-04-004.

9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the commission was considering entering a rule making to consider whether the commission is preempted to any degree by federal law from adopting rules on the subject of remote-control locomotives and whether any state rules, whether or not based on the voluntary federal guidelines, should be considered for adoption. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all railroad companies operating in the state and attorneys representing those railroads.

10 Pursuant to the notice, the commission engaged in three stakeholder workshops on March 19, August 12, and October 3, 2003, to discuss federal preemption, remote-control operations generally, and to discuss draft rule language. During the March workshop, the commission gathered information about the various parties' proposals and positions. Prior to the August workshop, commission staff circulated a set of draft rules for discussion. Commission staff incorporated comments received during the August workshop and circulated a new set of draft rules in October. During the October workshop, commission staff received additional comments. Staff modified the discussion draft based upon the written comments received and discussion during the workshop, and prepared draft rule language for consideration by the commission as proposed rules.

11 The commission received comments during this phase of the rule making from over sixty individuals, as well

as representatives of the Burlington Northern and Santa Fe Railroad Company (BNSF), the Union Pacific Railway Company (UP), the Brotherhood of Locomotive Engineers (BLE), the United Transportation Union (UTU), the International Longshore and Warehouse Union (ILWU), the Washington State Labor Council, AFL-CIO, the FRA, the Spokane City Council, the Metropolitan King County Council, the City of Vancouver, and Clark County. These comments and staff's responses are included in two separate comment summaries reflecting comments received prior to March 3, 2003, and after March 3, 2003. These summaries were placed in the rule-making file and made available on the commission's website at www.wutc.wa.gov/021465.

12 NOTICE OF PROPOSED RULE MAKING: Following oral comment on the issue at the commission's January 28, 2004, open meeting, the commission filed a notice of proposed rule making (CR-102) on February 18, 2004, at WSR 04-05-104. The commission scheduled this matter for further oral comment and adoption under Notice No. WSR 04-05-104 at 9:30 a.m., Wednesday, April 28, 2004, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice advised interested persons of the proposed revisions to WAC 480-62-125 and 480-62-320. The notice advised interested persons that the commission would address the issue of the protection of the point of movement of trains in a separate rule making, Docket No. TR-040151, instead of considering point protection rules concerning remote-controlled trains in this rule making.

13 The commission informed persons of the rule proposal by providing notice of the proposal and the CR-102 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all persons requesting notice from the commission concerning the rule-making proceeding. The notice provided interested persons the opportunity to submit written comments to the commission by March 10, 2004.

14 COMMENTS (WRITTEN COMMENTS): The Washington State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (WSLB-BLET) and BNSF and UP, jointly, submitted written comments on the rule proposal. The WSLB-BLET objected to the commission's removal of point protection rules from the proposed rules for adoption in this docket, but supported the remaining proposed rules. The railroads do not object to the proposed definitions in WAC 480-62-125, but assert that the commission is preempted by federal law from requiring railroads to provide advance notice of remote-control operations in WAC 480-62-320.

15 RULE-MAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on April 28, 2004, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie. The commission heard oral comments from Mike Rowswell, representing commission staff, Robert Walkley, representing BNSF, and Dr. Mark Ricci, president of the WSLB-BLET.

16 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission adopted

the rule amendments as noticed at WSR 04-05-104 with the changes described below.

17 CHANGES FROM PROPOSAL: The commission adopted the proposal with the following changes from the text noticed at WSR 04-05-104.

- The commission amended the definition of "remote-control operations" in WAC 480-62-125 to more appropriately reflect the nature of such operations, and

- The commission added the words "remote-control" prior to the word "operations" in subsections (1) and (2) of WAC 480-62-320 to avoid ambiguity given the new definition of the term "remote-control operations."

18 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that WAC 480-62-125 and 480-62-320 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 0, repealed 0.

ORDER

19 THE COMMISSION ORDERS:

20 WAC 480-62-125 and 480-62-320 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after filing with the code reviser pursuant to RCW 34.05.380(2).

21 This order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 10th day of May, 2004.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-125 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"**Class I railroad company**" means a railroad company having annual operating revenues of \$250 million or more;

"**Class II railroad company**" means a railroad company having annual operating revenue of less than \$250 million, but more than \$20 million; and

"**Class III railroad company**" means a railroad company having annual operating revenues of \$20 million or less.

"**Commission**" means the Washington utilities and transportation commission.

"**Department of labor and industries**" means the Washington state department of labor and industries.

"**Department of transportation**" means the Washington state department of transportation.

"**On track equipment**" means self-propelled equipment, other than locomotives, that can be operated on railroad tracks.

"**Passenger carrying vehicle**" means those buses and trucks owned, operated, and maintained by a railroad company which transports railroad employees in other than the cab of such vehicles and are designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

"**Railroad**" means every permanent road with a line of rails fixed to ties providing a track for cars or equipment drawn by locomotives or operated by any type of power, including interurban and suburban electric railroads, for the public use of conveying persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks, stations, and terminal facilities of every kind, used, operated, controlled, managed, or owned by or in connection therewith. Unless otherwise provided by rule, the term "railroad" does not include logging and industrial railroads, or street railways operating within the limits of any incorporated city or town.

"**Railroad company**" means every corporation, company, partnership, association, joint stock association, or person, their lessees, trustees, or receivers appointed by any court, and any common carrier owning, operating, controlling or managing any railroad or any cars or other equipment used on, or in connection with the railroad within this state.

"**Railroad police officer**" means a peace officer who is commissioned in his or her state of legal residence or state of employment by a railroad company to enforce state laws for the protection of railroad property, personnel, passengers and/or cargo.

"**Remote-control area**" means any place remote-control operations are conducted on a railroad.

"**Remote-control operations**" means controlling the movement of locomotives through the use of radio transmitter and receiver systems by persons not physically located at the controls within the confines of a locomotive cab.

"**Remote-control zone**" means a designated area where access is restricted in which remote-control operations may occur under alternative point protection procedures.

"**State**" means the state of Washington.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

WAC 480-62-320 Remote controlled operations. (1) Railroad companies, including logging and industrial railroad companies, must report to the commission their intention to ~~((use remote control devices to operate trains))~~ create or enlarge a remote-control area at least thirty days before remote-control operations begin. ~~((The))~~ Reports must include:

(a) The name of the railroad company;

(b) The approximate date when remote-control operations will start; and

(c) The location of ~~((the))~~ remote-control operations ~~((and)).~~ Railroads should provide sufficient information to allow the commission to determine what road crossings at grade are included within the remote-control area.

~~((d) Whether trains with locomotives operated by remote control will travel over at-grade pedestrian or vehicular crossings.))~~

(2) ~~((If remote-controlled trains will be operated over crossings, the railroad company must list the affected crossings.))~~ Railroads must report to the commission their intention to create or enlarge a remote-control zone at least thirty days before remote-control operations begin. Reports must include:

(a) The name of the railroad company;

(b) The approximate date when remote-control operations will start; and

(c) The remote-control area within which the zone will be created.

(3) ~~((Each railroad company using remote control devices on the effective date of this rule must submit the report within thirty days after the effective date.))~~ Railroads must report to the commission their intention to use cameras for point protection at crossings at least thirty days prior to the intended implementation date.

WSR 04-11-025

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 11, 2004, 3:05 p.m., effective July 1, 2004]

Date of Adoption: May 11, 2004.

Purpose: This rule-making order amends chapter 16-350 WAC by (1) increasing the fruit tree certification application fee for each registered prunus and pome seed tree, (2) establishing a new fruit tree certification application fee for each registered prunus and pome scion tree, (3) eliminating the requirement for field inspections of certified stock, (4) clarifying existing language to make it more clear and readable, and (5) correcting an erroneous RCW reference.

Citation of Existing Rules Affected by this Order: Amending WAC 16-350-040 and 16-350-045.

Statutory Authority for Adoption: Chapter 15.14 RCW. Other Authority: Chapter 34.05 RCW.

PERMANENT

Adopted under notice filed as WSR 04-07-171 on March 24, 2004.

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 2, 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.

Effective Date of Rule: July 1, 2004.

May 11, 2004

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 00-19-036, filed 9/12/00, effective 10/13/00)

WAC 16-350-040 Inspection and testing for certification of nursery planting stock. (1) The department will conduct all inspections, testing and indexing prescribed in this chapter in a manner and at times the department has determined to be suitable. The methods and procedures used for making the virus and virus-like disease determinations will conform to the standards of NRSP-5.

(2) ~~((The department will conduct at least one visual inspection of certified nursery rootstock during the first growing season. Upon request by the department, growers must rogue any undesirable rootstock prior to bud or graft placement.~~

(3) ~~The department will conduct at least two visual inspections of nursery stock during the growing season following bud or graft placement.~~

(4)) The department will refuse certification of planting stock that has been propagated from registered trees found to be infected by a virus or virus-like disease, or if other requirements of this chapter have not been complied with.

AMENDATORY SECTION (Amending WSR 00-19-036, filed 9/12/00, effective 10/13/00)

WAC 16-350-045 Application and fees. (1) The applicant must provide the department with all information documenting the eligibility of all registered and certified stock and must allow the department to take samples for indexing or testing purposes.

(2) An application for certification must be filed with the department by June 1 of each year accompanied by an application fee. The application fee will consist of \$100.00 plus ~~(\$1.00)~~ \$10.00 for each registered ~~((seed))~~ *Prunus* tree and \$2.00 for each registered pome tree.

(3) The application fee will apply toward the ~~((one percent))~~ annual assessment on the gross ~~((sale))~~ wholesale price of ~~((the wholesale market value for))~~ all fruit trees~~((;))~~ and fruit tree related ornamental~~((s, and fruit tree rootstock))~~ nursery stock produced in Washington and sold within the state or shipped from the state ~~((of Washington by any licensed nursery dealer))~~ during any license period, as set forth in RCW ~~((15.13.130))~~ 15.13.310. No refund of the application fee will be allowed.

WSR 04-11-026

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 11, 2004, 3:06 p.m.]

Date of Adoption: May 11, 2004.

Purpose: This rule-making order amends chapter 16-401 WAC, Nursery inspection fees, by adding a new section, WAC 16-401-070 Annual assessment—Recordkeeping requirement. The new section requires that all licensed nurseries must maintain accurate records of all grapevine, fruit tree, or fruit tree related ornamental nursery stock sales. The section also specifies the minimum standards that a licensed nursery must meet in order to comply with this new recordkeeping requirement.

Statutory Authority for Adoption: Chapters 15.13 and 15.14 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 04-07-172 on March 24, 2004.

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 1, 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 0, Repealed 0.

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

May 11, 2004

Valoria H. Loveland
Director

NEW SECTION

WAC 16-401-070 Annual assessment—Recordkeeping requirement. Any person selling grapevine, fruit tree or fruit tree related ornamental nursery stock must maintain a set of accurate sales records to facilitate an audit and ensure that the proper assessment amount is paid to the department.

The records must be maintained for a minimum of three years from the date of sale. At a minimum, the records must contain sequentially numbered sales invoices that clearly show the amount of assessment owed for each invoice. Sales invoices must be filed either numerically or alphabetically.

WSR 04-11-027
PERMANENT RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed May 11, 2004, 3:28 p.m.]

Date of Adoption: May 6, 2004.

Purpose: Chapter 28B.50 RCW provides that the State Board for Community and Technical Colleges is responsible for establishing the fees charged for certain ungraded courses. The proposed changes clarify the definition of ungraded courses, modify the fee waiver and provide for college flexibility within certain parameters related to apprentice programs, and provide for the state board to set annually the fee to be charged for certain basic skills enrollments.

Citation of Existing Rules Affected by this Order: Amending WAC 131-28-026.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 04-07-093 on March 16, 2004.

Changes Other than Editing from Proposed to Adopted Version: Subsection (4)(c) the word "may" was struck and replaced with "shall," the words "up to" were struck.

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: Thirty-one days after filing.

May 10, 2004

DelRae Oderman

Executive Assistant

Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-19-050, filed 9/10/03, effective 10/11/03)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition

rates that differ from the standard rates set by WAC 131-28-025. Ungraded shall mean courses not categorized by level of instruction and may be assigned degree credit or letter grades.

(2) Ungraded courses shall meet the following qualifications:

(a) ~~((The primary intent of offering the course is other than providing academic credit applicable to an associate or higher degree.~~

(b)) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

~~((c))~~ (b) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge ~~((other than))~~ that is intended to ~~((lead to initial employment))~~ enhance potential for initial or continued employment, parenting skills or retirement.

~~((d))~~ (c) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

~~((e) The course is not offered primarily as an integral part of any lower division curriculum or program.~~

~~((f))~~ (d) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journeyperson training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English as a second language, GED preparation: ~~((No charge.))~~ An amount to be established by the state board.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices ~~((indentured))~~ registered with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: ~~((Two-thirds reduction from the standard per credit tuition and services and activities fee charge.))~~ A college shall waive one-half of the standard per credit tuition and services and activities fee. The college may convert the credit hour charge to a rounded amount per clock hour. Colleges may not deduct the tuition owed from training contract with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses,

curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.-031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

WSR 04-11-028

PERMANENT RULES

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed May 11, 2004, 3:31 p.m.]

Date of Adoption: May 6, 2004.

Purpose: Revision to existing rules related to this program required by passage of EHB 1403 by the 2003 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 131-16-450.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 04-07-095 on March 16, 2004.

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 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.

May 10, 2004

DelRae Oderman

Executive Assistant

Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 00-20-039, filed 9/28/00, effective 10/29/00)

WAC 131-16-450 Exceptional faculty awards trust fund. (1) Pursuant to chapter 29, Laws of 1990, the community and technical college exceptional faculty award program shall be subject to the following limitations:

(a) All funds generated by and through this program shall be credited to the college or its foundation exceptional faculty local endowment trust fund, from which only the

earnings of such funds may be expended for the purpose of this program.

(b) Authorization to transfer funds from the exceptional faculty award trust fund in the state treasury to a college or its foundation endowment fund shall be contingent upon certification by the college that no less than ~~((twenty-five))~~ ten thousand dollars of matching cash donations from private sources has been deposited in the college endowment fund.

~~(c) ((Grants to an individual college or its foundation shall not exceed: Four grants to each college, in any single biennium.~~

~~((d))~~ (d) Award of requested grants to a college or its foundation shall be contingent upon determination by the state board for community and technical college that the request is consistent with and meets the requirements of the rules of the state board for community and technical colleges and RCW 28B.50.835 through 28B.50.844. Further, if grant requests exceed available funds, the state board for community and technical college shall select the recipients.

~~((e))~~ (e) Funds granted for the purposes of the faculty awards program shall be held in trust by the college to which such funds were specifically awarded.

~~((f))~~ (f) Each college shall establish procedures by which awards may be named in honor of a donor, benefactor, or honoree; may designate the use of funds to individuals, groups, or for the improvement of the faculty as a whole; and may renew or redesignate the award annually.

~~((g))~~ (g) At the end of each fiscal year, the state board for community and technical colleges will request an accounting from each of the participating colleges to include the amount of contributed endowment funds, their earnings, type of investments, and uses made during the previous fiscal year.

~~((h))~~ (h) The process for determining awards shall be subject to collective bargaining, except that the amount of individual awards and the recipient(s) shall be determined by the district board of trustees.

~~((i))~~ (i) Only individuals, groups, or the faculty as a whole, who hold faculty assignments as defined by RCW 28B.52.020(2) shall be eligible to receive awards under this section.

(2) The award of exceptional faculty grants from the college endowment fund shall be subject to the following limitations:

The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include faculty development activities, in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to make a one time supplement to the salary of the holder or holders of a faculty award, for the duration of the award; or to pay expenses associated with the holder's program area.

(3) Funds from this program shall not be used to supplant existing faculty development funds.

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WSR 04-11-036
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-98—Filed May 12, 2004, 2:36 p.m.]

Date of Adoption: April 3, 2004.

Purpose: To amend WAC 232-12-014 Wildlife classified as endangered species, 232-28-273 2004 Moose, bighorn sheep, and mountain goat seasons and permit quotas, 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits, 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations, 232-12-047 Unlawful firearms for hunting, 232-12-828 Hunting of game birds and animals by persons with a disability, 232-12-054 Archery requirements—Archery special use permits, 232-28-248 Special closures and firearm restriction areas, 232-28-335 Game management units (GMUs) boundary descriptions—Region five, 232-28-337 Deer and elk area descriptions, 232-28-351 2003-2005 Deer general seasons and special permits, 232-28-352 2003-2005 Elk general seasons and special permits, 232-12-004 Classification of wild birds, 232-12-064 Live wildlife, 232-12-271 Criteria for planting aquatic plants and releasing wildlife and 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons; and to adopt WAC 232-12-005 Predatory birds.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-014, 232-28-273, 232-28-282, 232-28-272, 232-12-047, 232-12-828, 232-12-054, 232-28-248, 232-28-335, 232-28-337, 232-28-351, 232-28-352, 232-12-004, 232-12-064, 232-12-271, and 232-28-341.

Statutory Authority for Adoption: RCW 77.12.047 and 77.12.020.

Adopted under notice filed as WSR 04-05-110, 04-05-111, 04-05-109, 04-05-106, 04-05-115, 04-05-114, 04-05-116, 04-05-107, 04-05-108, 04-05-113, 04-05-112, and 04-05-099 on February 18, 2004.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.**

Changes, if any, from the text of the proposed rule and reasons for difference: The following changes were made to big game auction and raffle permits. The changes were made to delegate specific auction or raffle authority to the director.

- Delete Rocky Mountain bighorn sheep raffle permit hunt.
- Delete the word California from the bighorn raffle permit hunt, because clarifying it from a Rocky Mountain bighorn raffle permit hunt is not necessary.
- Add director authorized auction or raffle permits for big game.

WAC 232-28-248 Special closures and firearm restriction areas.

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

- Under restricted and prohibited hunting areas, number 6 should read: Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit),

except for the hunting of elk by special permit holders during established seasons and designated areas.

This change allows the establishment of a special permit hunt on designated areas within GMU 522.

- Under Big Game Closures, number 4 should read: 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 the hunting of elk by the holders of GMU 157 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 Will [Mill] Creek watershed at other times is prohibited.

This change clarifies that only elk are legal game for holders of elk special permits in GMU 157, reduces confusion, and avoids unintentional violations.

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region 5.

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

- GMU 550 Coweeman (Cowlitz County)
The boundary should read "...SE on Weyerhaeuser 240 line to Weyerhaeuser **243** line; E on Weyerhaeuser 243 line to Weyerhaeuser 135 line;"

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

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

- The following language has replaced the language that was filed. The recommended adjustments change the name of the Elk Area and clarify some of the boundary language.
Elk Area No. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Rd to Colockum Rd (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Rd (WDFW Rd 14) and North Fork Rd (WDFW Rd 10.10) to the intersection of North Fork Rd and Colockum Rd; southwest on Colockum Rd to Naneum Ridge Rd; west on Naneum Ridge Rd to Ingersol Rd and the point of beginning.
- Delete Elk Area 3031 Shushuskin. This change will remove an obsolete Elk Area that is no longer needed.
- Delete Elk Area 3036 Riverbottom. This change will remove an obsolete Elk Area that is no longer needed.
- Delete Elk Area 3368 Jump Off. This change will remove an obsolete Elk Area that is no longer needed.

- The following language has replaced the language that was filed. The recommended adjustments change the name of the Elk Area and clarify some of the boundary language.

Deer Area No. 1030 Flat Creek (Stevens Co.):

That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; N on Bull Hill Rd to USFS Rd 240; N on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); E & N on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; N on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); W on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; S on USFS Rd 170 to Lael-Flat Creek Rd (USFS 1520); S on Lael-Flat Creek Rd (USFS 1520, Co. 4181) to Northport-Flat Creek Rd; N on Northport-Flat Creek Rd to Bull Hill Rd junction and point of beginning.

- The following language has replaced the language that was filed. The recommended adjustments change the name of the Elk Area and clarify some of the boundary language.

Deer Area No. 1040 Summit Lake (Stevens Co.):

That portion of GMU 105, beginning the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; N and E on Sand Cr Rd to Lael-Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); E on Lael-Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; N & E on USFS Rd 15 to USFS Rd 180; N & W on USFS Rd 180 and continue W on Box Canyon-Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon-Deep Creek Rd and the Kettle River; S on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.

WAC 232-28-351 2003-2005 Deer general seasons and special permits.

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

Under Late Buck Hunts for Eastern Washington White-tail Deer:

- Retain the season dates set in 2003; Nov. 8-19 for the 2004 season and Nov. 7-19 for the 2005. This will retain consistent dates for late whitetailed deer seasons.

Under Early Archery Deer, Eastern Washington Mule Deer:

- Remove 328, 334 through 340, 346 through 368 from Sept. 1-30, 3-point minimum or antlerless. This change will reduce antlerless mule deer harvest to avoid over-harvest of the antlerless population.

Under Early Archery Deer, Eastern Washington Mule Deer:

- Add 328, 334 through 340, 346 through 368 to Sept. 1-15, 3-point minimum and to Sept. 16-30, 3-point minimum or antlerless. This change will reduce antlerless mule deer harvest to avoid over-harvest of the antlerless population.

Under Late Archery Deer, Eastern Washington Whitetail Deer:

- Delete 247 from Any Whitetail Deer. This change is necessary to accomplish, and be consistent with the late archery general season closure proposed in GMU 247 for mule deer.

Under Late Archery Deer, Eastern Washington Mule Deer:

- Change GMUs 145, 163, and 178 from Antlerless to 3 pt. min or antlerless. Change corrects a clerical error from last year.

Under Firearm Restricted Hunts Open to all Deer Hunters, Western Washington Blacktail Deer:

- Delete the following line in the table and its associated footnote:

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.				

The access for this hunt is no longer allowed due to reduced deer population numbers.

Under Special Deer Permit Seasons:

- Change Huckleberry A permits from 700 to 600. Additional second tag permits will be added to this unit.
- Change Blue Creek to Nov. 8-19. This change avoids a partial overlap with elk seasons.
- Change Dayton A to Nov. 8-19. This change avoids a partial overlap with elk seasons.
- Change Dayton B to Nov. 8-19. This change avoids a partial overlap with elk seasons.
- Retain 15 permits for Desert A, Nov. 1-15. Change is due to formula calculation.
- Change Quilomene A, Nov. 8-21 to 75 permits. Change is due to formula calculation.
- Change Alkali A, Nov. 20-28 to 75 permits. Change is due to formula calculation.

Under Special Deer Permit Hunting seasons, Muzzle-loader Only:

- Change Chiwawa B to Nov. 20-28. Change shifts opportunity to a better time period.
- Change Desert C, Oct. 25-31 to 5 permits. Change is due to formula calculation.
- Retain 10 permits for Quilomene B, Oct. 2-8 to . Change is due to formula calculation.
- Retain 12 permits for Alkali C, Dec. 4-11. Change is due to formula calculation.

Under Special Deer Permit Hunting seasons, Archery Only:

- Change Chiwawa C, to Dec. 1-12. Change avoids overlap with muzzleloader yet retains late season opportunity for archers.
- Change Entiat B, to Nov. 20-29, Any Buck, 160 permits. This change addresses overcrowding and

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over-harvest experienced during last year's late archery, general season opportunity in this unit.

- Add Entiat C, Nov. 30-Dec. 8, Any Buck, GMU 247, 150 permits. This change addresses over-crowding and over-harvest experienced during last year's late archery, general season opportunity in this unit.
- Change Desert D to 20 permits. Change is due to formula calculation.
- Change Quilomene C to 73 permits. Change is due to formula calculation.
- Change Alkali E to 79 permits. Change is due to formula calculation.

Under Special Deer Permits – Second Deer Tag:

- Delete Reference to GMU 105 and insert Deer Area 1030 and Deer Area 1040 in its place, for "The Wedge." Change directs hunters to more specific areas where whitetailed deer population reduction is desired.
- Retain the Huckleberry B hunt and change the permit level to 100 to maintain second tag opportunity in this unit.

Under Advanced Hunter Education (AHE) Master Hunter Special Deer Permit Hunts:

- Delete elk and insert deer. Corrects clerical error.

WAC 232-28-352 2003-2005 Elk general seasons and special permits.

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

Under Modern Firearm Elk, Western Washington, 3 point minimum:

- Should read- 618, 624 except for Elk Area 6071. Helps keep management actions addressing elk damage restricted to Elk Area 6071.

Add Elk Area 6071 and PLWMA 401 to the permit only units for clarification.

Under Early Archery Elk, Eastern Washington:

- Move GMUs 328, 329, and 335 to the "spike bull only" section. Change will reduce antlerless harvest in Colockum units.
- Move GMU 175 from spike bull to spike bull or antlerless section. Change will address damage issues and higher than expected population numbers.

Under Early Archery Elk, Western Washington, 3 point minimum or antlerless:

- Should read 572, 624 except for Elk Area 6071. Helps keep management actions addressing elk damage restricted to Elk Area 6071.

Under Early Archery Elk, Western Washington, 3 point minimum:

- Delete 624 through. Should read 627, 633. GMU 624 appears twice and should only be in 3 point minimum or antlerless on the previous page. Corrects error from last year.

Under Late Archery Elk, Eastern Washington, insert a new line in the table, which reads:

328,335	Nov. 20 to Dec. 8	Nov. 20 to Dec. 8	Spike Bull
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- Change will reduce antlerless harvest in Colockum units.

Under Late Archery Elk, Eastern Washington:

- Remove GMUs 328 and 335 from spike bull or antlerless. Change will reduce antlerless harvest in Colockum units.

Under Special Elk Hunts Open to specified Tag Holders. Eastern Washington:

- The second line starting with 203-248 and ending with Douglas and Grant counties, the opening date for 2004 should be October 30, the opening date for 2005 should be October 29. Maintains consistency with general season openers.

Under Modern Firearm Permit Hunts:

- Change Green River to Oct. 30-Nov. 5. Makes season consistent with access allowed by Tacoma Water.
- Change Toutle A to 87 permits. Corrects error in special permit formula.
- The boundary description for Olympic A should read GMU 621 except for Elk Area 6071. This change corrects a clerical omission.
- Add Lick Creek A hunt. Change will address damage issues and higher than expected population numbers.
- Reduce both West Bar A and B to 5 antlerless permits each. Change will reduce antlerless harvest in Colockum units.

Under Modern Firearm Permit Hunts:

- Delete the Teanaway B hunt. Change will reduce antlerless harvest in Colockum units.
- Delete Green River Watershed. This hunt was redundant with Green River hunt on previous page.
- Delete the Dungeness A, B, C, and D hunts. Change will reduce harvest for the Sequim elk herd.

Under Muzzleloader Permit Hunts:

- Change Observatory B to 54 permits. This change corrects a permit allocation formula error.
- The boundary description for Olympic B should read GMU 621 except for Elk Area 6071. This change corrects a clerical omission.
- Change Skokomish B to 1 permit. This change corrects a permit allocation formula error.
- Add Lick Creek B hunt. Change will address damage issues and higher than expected population numbers.
- Reduce West Bar C antlerless hunt to 5 permits. Change will reduce antlerless harvest in Colockum units.
- Delete the Teanaway D antlerless hunt in GMU 335. Change will reduce antlerless harvest in Colockum units.

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Under Archery Permit Hunts:

- Delete the Dungeness E, F, G, and H hunts. Change will reduce harvest for the Sequim elk herd.
- The boundary description for Olympic C should read GMU 621 except for Elk Area 6071. This change corrects a clerical omission.

Under Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts:

- Grays River A through Grays River G should only appear in the second, Second-elk Tag table. Strike Grays River A through Grays River G in the first table, AHE Special Elk Permit Hunts. This change corrects a clerical error, removes a duplication of the Grays River hunts.

Create new subsection titled Advanced Hunter Education Second Elk Tag Hunts:

Under Advance Hunter Education Second Elk tag insert the following hunts:

Kiona	Aug. 1-Feb. 28, 2005	Antlerless	Any elk tag	Designated areas in GMU 372	20 ^{HM}
Grays River A	Sept. 15-30	Antlerless	Any elk tag	Elk Area 5056	8
Grays River B	Oct. 1-15	Antlerless	Any elk tag	Elk Area 5056	8
Grays River C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 5056	8
Grays River D	Jan. 1-15, 2005	Antlerless	Any elk tag	Elk Area 5056	8
Grays River E	Jan. 16-31, 2005	Antlerless	Any elk tag	Elk Area 5056	8
Grays River F	Feb. 1-14, 2005	Antlerless	Any elk tag	Elk Area 5056	8
Grays River G	Feb. 15-28, 2005	Antlerless	Any elk tag	Elk Area 5056	8
North River B	Dec. 16-Feb. 28, 2005	Antlerless	Any elk tag	Designated areas in GMU 658	10 ^{HM}
Chehalis G	Aug. 1-Feb. 28, 2005	Antlerless	Any elk tag	Designated areas in Elk Area 6066	20 ^{HM}
Hannaford C	Aug. 1-Feb. 28, 2005	Antlerless	Any elk tag	Designated areas in Elk Area 6069	5 ^{HM}

All of the above changes will help better address elk damage.

Add the following footnote at the bottom of page 10:

^{HM} This is a damage hunt administered by a WDFW designated Hunt Master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

The above change will help address elk damage by directing hunters to specific locations with elk damage.

WAC 232-12-064 Live wildlife.

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

- Replace the word "dove" with "doves" throughout the WAC. This change corrects a grammatical error.
- Remove changes that were made to section 9 to correct an error.

WAC 232-12-005 Predatory birds.

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

Add "(c) All other predatory birds may be hunted throughout the year" to section 1 of the WAC. This change provides clarification of acceptable activities associated with predatory birds other than magpies and crows.

WAC 232-12-271 Criteria for planting aquatic plants and releasing wildlife.

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

Replace the word "dove" with "doves" throughout the WAC. This change corrects a grammatical error.

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

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

Under Wild Turkey seasons:

- Change GMU 124 from a permit only unit to a general season hunt, to address damage complaints. GMU 124 should be removed from the permit table as well.
- Change the wording from "Fall Season Bag and Possession Limit: One (1) turkey per year in areas open to fall hunting." to "Fall Season Bag and Possession Limit: One (1) turkey during the fall hunting season." This is clarification to avoid confusion with yearly bag limit of 3 turkeys per hunter.

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 16, 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.

May 12, 2004

Susan Yeager

for Will Roehl, Chairman
Fish and Wildlife Commission

PERMANENT

AMENDATORY SECTION (Amending Order 02-98, filed 5/10/02, effective 6/10/02)

WAC 232-12-014 Wildlife classified as endangered species. Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
<u>killer whale</u>	<u><i>Orcinus orca</i></u>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
brown pelican	<i>Pelecanus occidentalis</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>

Common Name	Scientific Name
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

WAC 232-28-273 ((2003)) 2004 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

((2003)) 2004 Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts 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, Hangman B Hunt, Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

Weapon Restrictions: Permit holders may use any legal weapon.

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Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2003)) 2004 Permits
Kettle Range	Oct. 1-Nov. 30	GMU 101, 105	Any Moose	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Moose	20
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Any Moose	10
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	12
Mt. Spokane Youth Only ^a	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	8
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Moose	22
49 Degrees North B ^b	Oct. 1-Nov. 30	GMU 117	Antlerless Only	3
Three Forks	Oct. 1-Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1-Nov. 30	GMU 127, 130	Any Moose	5
Hangman B	Oct. 1-Nov. 30	GMU 127, 130	Antlerless Only	3
Huckleberry Range	Oct. 1-Nov. 30	GMU 121, 124 west of Hwy 395	Any Moose	4

^aApplicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

((2003)) 2004 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2003)) <u>2004</u> Permits
Umtanum/Selah Butte A	Sept. 15-Oct. ((5)) <u>3</u>	Sheep Unit 4 and 5	Any Legal Weapon	4
Umtanum/Selah Butte B	Nov. ((3-30)) <u>8-30</u>	Sheep Unit 4 and 5	Any Legal Weapon	3
Cleman Mountain A	Sept. 15-Oct. ((5)) <u>3</u>	Sheep Unit 7	Any Legal Weapon	((3)) <u>4</u>
Cleman Mountain B	Nov. ((3-30)) <u>8-30</u>	Sheep Unit 7	Any Legal Weapon	3
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene A	Sept. 15-Oct. ((5)) <u>3</u>	Sheep Unit 13	Any Legal Weapon	((4)) <u>3</u>
Quilomene B	Nov. ((3-30)) <u>8-30</u>	Sheep Unit 13	Any Legal Weapon	((3)) <u>2</u>
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1
Tieton	Sept. 15-Oct. 10	Sheep Unit 15	Any Legal Weapon	2

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.

Sheep Unit 15 Tieton: Permit Area: GMU 360.

~~((2003))~~ 2004 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	2003 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/ <u>Corral Pass</u>	Sept. 15-Oct. 31	Goat Unit 3-6, <u>4-38</u>	Any Legal Weapon	((1)) <u>2</u>
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	((1)) <u>2</u>
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	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks/Tieton River	Sept. 15-Oct. 31	Goat Units 3-9, 5-4	Any Legal Weapon	6

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~~) GMU 356; 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 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).

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

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31, 2004
 Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
 Weapon: Any legal weapon.
 Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE EASTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMA's) and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31
 Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.
 Weapon: Any legal weapon.
 Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31
 Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31
 Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30
 Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31

Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)**DEER RAFFLE PERMIT HUNT**

Bag limit: One additional any buck deer
 Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
 Open season: September 1 - December 31, 2004.
 Weapon: Any legal weapon.
 Number of permits: 1
 Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer
Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMA's), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
Open season: 2005 and thereafter, September 1 - December 31
Weapon: Any legal weapon.
Number of permits: 1
Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer
Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMA's) and those GMUs closed to deer hunting by the fish and wildlife commission.
Open season: 2005 and thereafter, September 1 - December 31
Weapon: Any legal weapon.
Number of permits: 1
Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk
 Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.
 Open season: September 1 - December 31.
 Weapon: Any legal weapon.
 Number of permits: 1
 Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk
 Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.
 Open season: September 1 - December 31.
 Weapon: Any legal weapon.
 Number of permits: 1
 Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram
 Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).
 Open season: September 1 - October 31.
 Weapon: Hunter may use any legal weapon.
 Number of permits: 1
 Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex
 Open area: Any open moose unit.
 Open season: October 1 - November 30.
 Weapon: Hunter may use any legal weapon.
 Number of permits: 1
 Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex
 Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).
 Open season: September 15 - October 31.
 Weapon: Hunter may use any legal weapon.
 Number of permits: 1
 Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.
 Open area: Statewide.
 Open season: April 1 - May 31.
 Weapon: Archery or shotgun only.
 Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

DIRECTOR AUTHORIZED BIG GAME AUCTION OR RAFFLE PERMITS

The director shall determine which method of permit opportunity, auction or raffle, taking into consideration impacts to the wildlife resource, opportunity to the hunting community, other resource management issues, and expected revenue. The director may select a conservation organization(s) to conduct annual auction(s) or raffle(s). Selection of the conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game auctions and raffles shall be conducted consistent with WAC 232-28-292.

ROCKY MOUNTAIN BIGHORN SHEEP AUCTION OR RAFFLE PERMIT

Hunting season dates: 2005 and thereafter, September 1 - October 31
Hunt Area: GMUs 166, 169, 181, 186.
Weapon: Hunter may use any legal weapon.
Bag limit: One bighorn ram

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

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

WAC 232-12-047 Unlawful firearms for hunting. (1)

It is unlawful to hunt any big game with:

(a) A fully automatic firearm.

(b) A centerfire cartridge less than 22 caliber for cougar.

(c) A centerfire cartridge less than 24 caliber for any other big game.

(d) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.

(e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.

(f) A handgun that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.

(g) Any rimfire cartridge.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry, except persons with disabilities may use a crossbow with a special use permit as conditioned in WAC 232-12-054.

(4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

(5) It is unlawful to hunt game birds with a rifle or pistol, with the exception of blue grouse, spruce grouse and ruffed grouse.

AMENDATORY SECTION (Amending Order 03-85, filed 4/30/03, effective 5/31/03)

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

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

(b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person 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 with a qualifying disability. Upon approval of the application, the department will issue a vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

(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 with a disability" means:

(i) A 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 for mobility, including, but not limited to, a wheelchair, crutch, cane, walker, or oxygen bottle; or

(ii) A person who has a permanent disability and is physically incapable of holding and safely operating a firearm or other legal hunting device.

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment who have lost the use of one or both upper or lower extremities, or who have a 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 inter-

feres 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; or

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

"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 must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability. The hunter with a disability or the designated hunter companion must immediately cut, notch, 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) 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 hunter with a disability unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a 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, crossbow, 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 hunter 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.

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

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))~~ hunt game birds or game animals using 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, except disabled hunter permittees in possession of a crossbow special use permit.

(f) It is unlawful to hunt big game animals with any arrow or bolt 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.

(h) It is unlawful to hunt wildlife with any bow or crossbow equipped with a scope.

(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) Rules pertaining to crossbows:

(a) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt big game animals with a crossbow with a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, and a working trigger safety.

(b) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt big game animals with any arrow or bolt measuring less than 16 inches in length and weighing less than 350 grains.

(c) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt game animals or game birds with a crossbow that weighs more than 15 pounds.

(4) Archery special use permits((-):

(a) An archery special use permit is available to a person who ~~((holds))~~ possesses a valid ~~((big game combination package which includes deer or elk as a species option and who presents an))~~ disabled hunter permit. An archery special use permit application must be 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 compound 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 per-

son while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt ~~((deer or elk))~~ game birds or game animals.

(b) A crossbow special use permit is available to a person who meets the requirements for an archery special use permit and is unable to use adaptive archery equipment. Adaptive equipment includes, but is not limited to: Cocking devices that hold the bow at full draw; trigger mechanisms that may be released by mouth, or chin, or hand supporting the bow; and devices that assist in supporting the bow. Information describing types of adaptive equipment will be provided to physicians for their assessment of the applicant's ability to utilize adaptive archery equipment. Muscle weakness, impaired range of motion, or unilateral hand weakness disability, of both hands or both arms or both sides of the upper extremity, may result in an inability to use adaptive archery equipment. Standard tests approved by the American Medical Association may be conducted to assess a person's abilities.

(c) Subsection (4)(b) of this section, crossbow special use permits will be valid for the 2004 through 2006 hunting seasons, unless reauthorized by the Washington fish and wildlife commission.

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

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 pro-

TECTED 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), except for the hunting of elk by special permit holders during established seasons and designated areas.
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 the hunting of elk by the holders of GMU-157 special elk permits during the

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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.

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.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.
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

COUNTY	AREA
	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.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
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. 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.)
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.

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COUNTY	AREA
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Snohomish	West of Highway 9.
Skagit	Guemes Island and March Point north of State Highway 20.
Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-12-004 Classification of wild birds. (1) Game birds include:

Common Name	Scientific Name
migratory waterfowl	Anatidae
wild turkey	<i>Meleagris gallopavo</i>
blue grouse	<i>Falci pennis obscurus</i>
spruce grouse	<i>Dendragapus canadensis</i>
ruffed grouse	<i>Bonasa umbellus</i>
"Forest grouse" means blue, spruce, or ruffed grouse	
sharp-tailed grouse	<i>Tympanuchus phasianellus</i>
greater sage-grouse	<i>Centrocercus urophasianus</i>
white-tailed ptarmigan	<i>Lagopus leucurus</i>
California quail	<i>Callipepla californica</i>
mountain quail	<i>Oreortyx pictus</i>
northern bobwhite	<i>Colinus virginianus</i>
scaled quail	<i>Callipepla squamata</i>
chukar	<i>Alectoris chukar</i>
ring-necked pheasant	<i>Phasianus colchicus</i>
Gray (Hungarian) partridge	<i>Perdix perdix</i>
"Upland bird" means quail, pheasant, or partridge	
American coot	<i>Fulica americana</i>
common snipe	<i>Gallinago gallinago</i>
band-tailed pigeon	<i>Columba fasciata</i>

Common Name	Scientific Name
mourning dove	<i>Zenaida macroura</i>

(2) Predatory birds include:

Common Name	Scientific Name
black-billed magpie	<i>Pica hudsonia</i>
American crow	<i>Corvus brachyrhynchos</i>
European starling	<i>Sturnus vulgaris</i>
house (English) sparrow	<i>Passer domesticus</i>
<u>rock dove</u>	<u><i>Columba livia</i></u>

NEW SECTION

WAC 232-12-005 Predatory birds. (1) HUNTING PREDATORY BIRDS:

(a) It is unlawful to hunt for or take predatory birds without a hunting license except as allowed under RCW 77.36.030.

(b) Crows and magpies: It is lawful to take crows during established hunting seasons and crows or magpies when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance provided that none of the birds, or their plumage, be offered for sale.

(c) All other predatory birds may be hunted throughout the year.

(2) SALE OF PREDATORY BIRDS: It is lawful to sell starlings, house sparrows and rock doves for the purposes of falconry and lawful to sell rock doves for the purposes of bird dog training.

(3) POSSESSION OF PREDATORY BIRDS: It is lawful to take from the wild and possess live starlings, house sparrows and rock doves for purposes of falconry and rock doves for purposes of bird dog training.

(4) RELEASE OF LIVE PREDATORY BIRDS: It is lawful, without a permit, to release rock doves for the purposes of bird dog training or falconry.

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

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))~~ license year except where otherwise permitted by Fish and Wildlife Commission rule.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

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

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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 (PLWMA): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit and/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.

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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	Any whitetail buck
				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 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 series 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	Any whitetail buck
				127-142	Whitetail, 3 pt. min.

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
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) MASTER HUNTER SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail, antlerless only
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 (WAC 232-12-054).

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 501 through 520, 524 through 556, 560, 564 , 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any Deer, except buck only in GMUs <u>460</u> , 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. 1-30	Sept. 1-30	Sept. 1-30	105 through 127, 243 through 247, 249 ((through 251)), <u>250</u> , 260, 262	3 pt. min.
				142 through 154, and 162 through 186, ((328-334 through 340, 346 through 368,)) <u>251</u> , 372	3 pt. min. or antlerless
	Sept. 1-15	Sept. 1-15	Sept. 1-15	381	Any mule deer
				101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, <u>328</u> , <u>334</u> through <u>340</u> , <u>346</u> through <u>368</u> , 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, <u>328</u> , <u>334</u> through <u>340</u> , <u>346</u> through <u>368</u> , 382	3 pt. min. or antlerless	
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284, <u>381</u>	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.
				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 <u>460</u> , 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 672	Any deer	

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Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal 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)) 3 pt. min. or 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 deer
	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	105, 117, 121, 124	Any whitetail deer
				127	3 pt. min. or antlerless whitetail
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178	3 pt. min. or antlerless whitetail
				204, 209, 215, 233, 243, ((247,)) 250, 272	Any whitetail deer

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 (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, 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	Whitetail, any deer
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, 330 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	Whitetail, any deer
				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.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	130, Deer Area 3081	3 pt. min. or antlerless

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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.

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)) 2004 Permit Season	Special Restrictions	Boundary Description	((2003)) 2004 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)) 16-29	Whitetail, antlerless	GMU 101	100
Kelly Hill	((Oct. 11-24 & Nov. 10-19)) Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 105	((150)) 50
Douglas	((Oct. 11-24 & Nov. 10-19)) Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 108	((250)) 300
Aladdin	((Oct. 11-24 & Nov. 10-19)) Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 111	((400)) 75
Selkirk	((Oct. 11-24 & Nov. 10-19)) Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 113	50
49 Degrees North	((Oct. 11-24 & Nov. 10-19)) Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 117	((200)) 250
Huckleberry A	((Oct. 11-24 & Nov. 10-19)) Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 121	((700)) 600
Mt. Spokane A	((Oct. 11-24 & Nov. 10-19)) Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 124	400
Mica Peak A	Oct. ((11-24)) 16-24	Whitetail, antlerless	GMU 127	200
Cheney A	Oct. ((11-24)) 16-24	Antlerless	GMU 130	200
Roosevelt	Oct. ((11-24)) 16-24	Antlerless	GMU 133	400
Harrington	Oct. ((11-24)) 16-24	Antlerless	GMU 136	125
Steptoe	((Oct. 11-24 & Nov. 10-19)) Oct. 16-24 & Nov. 11-19	Antlerless	GMU 139	300
Almota A	((Oct. 11-24 & Nov. 10-19)) Oct. 16-24 & Nov. 11-19	Antlerless	GMU 142	((250)) 200
Mayview A	Oct. ((11-19)) 16-24	Antlerless	GMU 145	((350)) 200
Mayview B	Nov. ((3-16)) 1-14	Antlerless	GMU 145	((350)) 200
Prescott A	Nov. ((3-16)) 1-14	Antlerless	GMU 149	((400)) 275
Prescott B	Nov. ((3-16)) 1-14	Antlerless	Deer Area 1020	150
Blue Creek	Nov. ((3-16)) 8-19	Whitetail, antlerless	GMU 154	225
Dayton A	Nov. ((3-16)) 8-19	Whitetail, antlerless	GMU 162	350
Dayton B	Nov. ((3-16)) 8-19	Antlerless	Deer Area 1010	((50)) 75
Marengo A	Nov. ((3-16)) 1-14	Whitetail, antlerless	GMU 163	250
Marengo B	Nov. ((3-16)) 1-14	Antlerless	GMU 163	75
Peola	Nov. ((3-16)) 1-14	Antlerless	GMU 178	75
Blue Mtns. Foothills A	Nov. ((3-19)) 8-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Boundary Description	((2003)) 2004 Permits
Blue Mtns. Foothills B	Nov. ((3-19)) 8-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
Couse	Nov. ((3-16)) 1-14	Antlerless	GMU 181	((50)) 100
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	Whitetail, antlerless	GMU 215	50
Chewuch A	Nov. 1-18	Any buck	GMU 218	((15)) 5
Pearrygin A	Nov. 1-18	Any buck	GMU 224	((20)) 10
Gardner A	Nov. 1-18	Any buck	GMU 231	((15)) 5
Pogue A	Nov. 1-18	Any buck	GMU 233	((10)) 5
Chiliwist A	Nov. 1-18	Any buck	GMU 239	((15)) 5
Alta A	Nov. 1-18	Any buck	GMU 242	((15)) 5
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)) A	Nov. 1-18	Antlerless	GMU 248	((75)) 50
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)) 16-29	Antlerless	GMU 251	125
St. Andrews	Oct. ((11-19)) 16-24	Antlerless	GMU 254	75
Foster Creek A	Oct. ((11-19)) 16-24	Antlerless	GMU 260	((150)) 75
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	((150)) 75
Withrow A	Oct. ((11-19)) 16-24	Antlerless	GMU 262	((75)) 50
Badger	Nov. 1-18	Antlerless	GMU 266	((100)) 50
Ritzville ((Kahlotus)) A	Nov. 1-18	3 pt. min. or antlerless	GMU 284	30
Desert A	Nov. 1-15	Any deer	GMU 290	15
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)) 16-24	Antlerless	GMU 328	30
Quilomene A	Nov. ((1-18)) 8-21	Any buck	GMU 329	((78)) 75
Teanaway A	Oct. ((11-19)) 16-24	Antlerless	GMU 335	30
Taneum	Oct. ((11-19)) 16-24	Antlerless	GMU 336	20
Nile A	Oct. ((11-19)) 16-24	Antlerless	GMU 352	20
Bethel A	Nov. ((3-16)) 8-21	Any buck	GMU 360	10
Cowiche A	Oct. ((11-19)) 16-24	Antlerless	GMU 368	20
Cowiche B	Nov. ((3-16)) 8-21	Any buck	GMU 368	15
Alkali A	Nov. ((27-Dec-6)) 20-28	Any buck	GMU 371	((77)) 75
Alkali B	Nov. ((27-Dec-6)) 20-28	Antlerless	GMU 371	80
Whitcomb ((B)) A	Sept. ((6-14)) 18-24	Antlerless	Deer Area 3071	5
Paterson A	Sept. 18-24	Antlerless	Deer Area 3072	5
East Klickitat A	Oct. ((11-19)) 16-24	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)) Oct. 30-Nov. 5	Any buck	GMU 485	10
Lincoln A	Oct. ((11-31)) 16-31	Any deer	GMU 501	40
Stella A	Oct. ((11-31)) 16-31	Any deer	GMU 504	35
Mossyrock A	Oct. ((11-31)) 16-31	Any deer	GMU 505	85
Stormking A	Oct. ((11-31)) 16-31	Any deer	GMU 510	30
South Rainier A	Oct. ((11-31)) 16-31	Any deer	GMU 513	30
Packwood A	Oct. ((11-31)) 16-31	Any deer	GMU 516	50
Winston A	Oct. ((11-31)) 16-31	Any deer	GMU 520	50

Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Boundary Description	((2003)) 2004 Permits
Yale A	Oct. ((11-31)) 16-31	Any deer	GMU 554	15
Toutle A	Oct. ((11-31)) 16-31	Any deer	GMU 556	25
Marble A	Oct. ((11-31)) 16-31	2 pt. min. or antlerless	GMU 558	20
Lewis River A	Oct. ((11-31)) 16-31	Any deer	GMU 560	35
Siouxon A	Oct. ((11-31)) 16-31	Any deer	GMU 572	35
Wind River A	Oct. ((11-31)) 16-31	2 pt. min. or antlerless	GMU 574	10
Wind River B	Nov. ((13-16)) 18-21	2 pt. min.	GMU 574	35
West Klickitat A	Oct. ((11-31)) 16-31	2 pt. min. or antlerless	GMU 578	30
West Klickitat B	Nov. ((13-16)) 18-21	2 pt. min.	GMU 578	45
Grayback A	Oct. ((11-31)) 16-31	2 pt. min. or antlerless	GMU 588	((125)) 55
Grayback B	Nov. ((13-16)) 18-21	2 pt. min.	GMU 588	65
Pysht	Oct. ((11-31)) 16-31	Any deer	GMU 603	15
Olympic	Oct. ((11-31)) 16-31	Any deer	GMU 621	35
Kitsap	Oct. ((11-31)) 16-31	Any deer	GMU 627	20
Wynoochee A	Oct. ((11-31)) 16-31	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)) 16-31	Any deer	GMU 658	70
Minot Peak	Oct. ((11-31)) 16-31	Any deer	GMU 660	((90)) 70
Capitol Peak A	Oct. ((11-31)) 16-31	Any deer	GMU 663	30
Capitol Peak B	Nov. 1-11	Any buck	GMU 663	10
Deschutes	Oct. ((11-31)) 16-31	Any deer	GMU 666	80
Skookumchuck A	Oct. ((11-31)) 16-31	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 Mtns. 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. 9-31)) Nov. 20-28	Any buck	GMU 245	15
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	((200)) 100
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. 19-30	Mule deer, 3 pt. min. or antlerless; any white-tailed deer	GMU 284	30
((Hooper)) Benge	Dec. 1-31	Antlerless	Deer Area 2010	((20)) 50
Lakeview B	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	Oct. ((19-27)) 25-31	Any deer	GMU 290	((6)) 5
Quilomene B	Oct. ((4-10)) 2-8	Any buck	GMU 329	10
Teanaway B	Oct. ((4-10)) 2-8	Antlerless	GMU 335	25
Manastash	Oct. ((4-10)) 2-8	Antlerless	GMU 340	25
Cowiche C	Oct. ((4-10)) 2-8	Antlerless	GMU 368	10
Alkali C	Dec. ((7-14)) 4-11	Any buck	GMU 371	12
Alkali D	Dec. ((7-14)) 4-11	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)) 24 - Dec. 8	2 pt. min. or antlerless	GMU 578	30
Mossyrock B	Oct. ((4-10)) 2-8	Any deer	GMU 505	10
Stormking B	Oct. ((4-10)) 2-8	Any deer	GMU 510	5
South Rainier B	Oct. ((4-10)) 2-8	Any deer	GMU 513	5
Packwood B	Oct. ((4-10)) 2-8	Any deer	GMU 516	5
Winston B	Oct. ((4-10)) 2-8	Any deer	GMU 520	5
Yale B	Oct. ((4-10)) 2-8	Any deer	GMU 554	2

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Boundary Description	((2003)) 2004 Permits
Toutle B	Oct. ((4-10)) 2-8	Any deer	GMU 556	3
Marble B	Oct. ((4-10)) 2-8	2 pt. min. or antlerless	GMU 558	2
Lewis River B	Oct. ((4-10)) 2-8	Any deer	GMU 560	5
Siouxon B	Oct. ((4-10)) 2-8	Any deer	GMU 572	5
Wind River C	Oct. ((4-10)) 2-8	2 pt. min. or antlerless	GMU 574	1
Grayback C	Oct. ((4-10)) 2-8	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)) Dec. 1-12	Any buck	GMU 245	10
<u>Entiat B</u>	<u>Nov. 20-29</u>	<u>Any buck</u>	<u>GMU 247</u>	<u>160</u>
<u>Entiat C</u>	<u>Nov. 30-Dec. 8</u>	<u>Any buck</u>	<u>GMU 247</u>	<u>150</u>
<u>Big Bend ((E)) B</u>	<u>Nov. 20 - Dec. 8</u>	<u>Any deer</u>	<u>GMU 248</u>	<u>10</u>
Desert D	Nov. 16-30	Any deer	GMU 290	((24)) 20
Quilomene C	Nov. ((9)) 22 - Dec. ((2)) 5	Any deer	GMU 329	((82)) 73
Alkali E	Dec. ((15-28)) 12-26	Any deer	GMU 371	((80)) 79
Washougal A	Sept. ((15-30)) 16-30	Any deer	GMU 568	30
Special Modern Firearm Deer Permit Hunts for Hunters 65 or older				
Blue Mtns. Foothills B	Oct. ((11-19)) 16-24	3 pt. min. or antlerless	GMUs 145, 149	150
East Okanogan B	Oct. ((11-24)) 16-29	Any deer	GMU 204	((10)) 5
Wannacut B	Oct. ((11-24)) 16-29	Any deer	GMU 209	((10)) 5
Sinlahekin C	Oct. ((11-24)) 16-29	Any deer	GMU 215	((10)) 5
Chewuch B	Oct. ((11-24)) 16-29	Any deer	GMU 218	((10)) 5
Pearygin B	Oct. ((11-24)) 16-29	Any deer	GMU 224	((10)) 5
Gardner B	Oct. ((11-24)) 16-29	Any deer	GMU 231	((10)) 5
Pogue B	Oct. ((11-24)) 16-29	Any deer	GMU 233	((10)) 5
Chiliwist B	Oct. ((11-24)) 16-29	Any deer	GMU 239	((10)) 5
Alta B	Oct. ((11-24)) 16-29	Any deer	GMU 242	((10)) 5
Mission C	Oct. ((11-24)) 16-29	Any deer	GMU 251	((10)) 5
Bridgeport A	Oct. ((11-19)) 16-24	Any deer	GMUs 248, 260	10
Palisades A	Oct. ((11-19)) 16-24	Any deer	GMUs 266, 269	10
Quilomene D	Nov. ((3-16)) 8-21	Antlerless	GMU 329	20
Umtanum A	Nov. ((3-16)) 8-21	Antlerless	GMU 342	20
Bethel B	Oct. ((11-19)) 16-24	Antlerless	GMU 360	10
Kiona A	Oct. ((11-19)) 16-24	Antlerless	GMU 372	15
Esquatzel B	Oct. ((11-19)) 16-24	Antlerless	GMU 381	10
East Klickitat C	Oct. ((11-19)) 16-24	3 pt. min. or antlerless	GMU 382	15
Lincoln B	Oct. ((11-31)) 16-31	Any deer	GMU 501	5
Stella B	Oct. ((11-31)) 16-31	Any deer	GMU 504	5
Mossyrock C	Oct. ((11-31)) 16-31	Any deer	GMU 505	15
Stormking C	Oct. ((11-31)) 16-31	Any deer	GMU 510	5
South Rainier C	Oct. ((11-31)) 16-31	Any deer	GMU 513	5
Packwood C	Oct. ((11-31)) 16-31	Any deer	GMU 516	5
Winston C	Oct. ((11-31)) 16-31	Any deer	GMU 520	5
Yale C	Oct. ((11-31)) 16-31	Any deer	GMU 554	5
Toutle C	Oct. ((11-31)) 16-31	Any deer	GMU 556	10
Marble C	Oct. ((11-31)) 16-31	2 pt. min. or antlerless	GMU 558	5
Lewis River C	Oct. ((11-31)) 16-31	Any deer	GMU 560	5
Washougal B	Oct. ((11-19)) 16-31	Any deer	GMU 568	10
Siouxon C	Oct. ((11-31)) 16-31	Any deer	GMU 572	5
Wind River D	Oct. ((11-31)) 16-31	2 pt. min. or antlerless	GMU 574	2
West Klickitat C	Oct. ((11-31)) 16-31	2 pt. min. or antlerless	GMU 578	5
Grayback D	Oct. ((11-31)) 16-31	2 pt. min. or antlerless	GMU 588	((20)) 10
Williams Creek	Oct. ((11-31)) 16-31	Any deer	GMU 673	20
Copalis	Oct. ((11-31)) 16-31	Any deer	GMU 642	20

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Boundary Description	((2003)) 2004 Permits
North River C	Oct. ((11-31)) 16-31	Any deer	GMU 658	10
Disabled Hunter Deer Permits				
East Okanogan C	Restricted to general, early season by tag 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)) 16-29	Any deer	GMU 251
Bridge Port B	Restricted to general, early season by tag choice	Any deer	GMUs 248, 260	5
Palisades B		Any deer	GMUs 266, 269	5
Quilomene E	Nov. ((3-16)) 8-21	Antlerless	GMU 329	10
Umtanum B	Nov. ((3-16)) 8-21	Antlerless	GMU 342	10
Nile B	Restricted to general, early season by tag 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	Oct. 30-Nov. 5	Any deer	GMU 485	5
Lincoln C	Restricted to general, early season by tag choice	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)) 16-24	3 pt. min. or antlerless	GMUs 149, 154, 162-163	100
Blue Mtns. Foothills F	Oct. ((11-19)) 16-24	3 pt. min. or antlerless	GMUs 145, 172-181	75
East Okanogan D	Oct. ((11-24)) 16-29	Any deer	GMU 204	((110)) 40
Wannacut D	Oct. ((11-24)) 16-29	Any deer	GMU 209	20
Sinlahekin E	Oct. ((11-24)) 16-29	Any deer	GMU 215	((150)) 45
Chewuch D	Oct. ((11-24)) 16-29	Any deer	GMU 218	((200)) 75
Pearygin D	Oct. ((11-24)) 16-29	Any deer	GMU 224	((100)) 65
Gardner D	Oct. ((11-24)) 16-29	Any deer	GMU 231	((60)) 25
Pogue D	Oct. ((11-24)) 16-29	Any deer	GMU 233	((60)) 20
Chiliwist D	Oct. ((11-24)) 16-29	Any deer	GMU 239	((60)) 40
Alta D	Oct. ((11-24)) 16-29	Any deer	GMU 242	((110)) 45
Mission E	Oct. ((11-24)) 16-29	Any deer	GMU 251	100

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Boundary Description	((2003)) 2004 Permits
Bridge Port C	Oct. ((11-19)) 16-24	Any deer	GMUs 248, 260	100
Palisades C	Oct. ((11-19)) 16-24	Any deer	GMUs 266, 269	100
Lakeview C	Oct. ((11-19)) 16-24	Any deer	Deer Area 2011	10
Wahluke A	Oct. ((11-19)) 16-24	Any deer	GMU 278	50
Quilomene F	Nov. ((3-16)) 8-21	Antlerless	GMU 329	75
Umtanum C	Nov. ((3-16)) 8-21	Antlerless	GMU 342	75
Cowiche D	Oct. ((11-19)) 16-24	Antlerless	GMU 368	15
Esquatzel D	Oct. ((11-19)) 16-24	Antlerless	GMU 381	10
Whitcomb B	Sept. 11-17	Antlerless	Deer Area 3071	5
Paterson B	Sept. ((6-14)) 11-17	Antlerless	Deer Area 3072	5
East Klickitat E	Oct. ((11-19)) 16-24	Any deer	GMU 382	20
Lincoln D	Oct. ((11-31)) 16-31	Any deer	GMU 501	10
Stella D	Oct. ((11-31)) 16-31	Any deer	GMU 504	10
Mossyrock E	Oct. ((11-31)) 16-31	Any deer	GMU 505	10
Stormking E	Oct. ((11-31)) 16-31	Any deer	GMU 510	10
South Rainier E	Oct. ((11-31)) 16-31	Any deer	GMU 513	10
Packwood E	Oct. ((11-31)) 16-31	Any deer	GMU 516	10
Winston E	Oct. ((11-31)) 16-31	Any deer	GMU 520	10
Yale E	Oct. ((11-31)) 16-31	Any deer	GMU 554	10
Toutle E	Oct. ((11-31)) 16-31	Any deer	GMU 556	60
Marble E	Oct. ((11-31)) 16-31	Any deer	GMU 558	10
Lewis River E	Oct. ((11-31)) 16-31	Any deer	GMU 560	10
Washougal D	Oct. ((11-19)) 16-31	Any deer	GMU 568	10
Siouxon E	Oct. ((11-31)) 16-31	Any deer	GMU 572	10
Wind River F	Oct. ((11-31)) 16-31	Any deer	GMU 574	15
West Klickitat E	Oct. ((11-31)) 16-31	Any deer	GMU 578	15
Grayback F	Oct. ((11-31)) 16-31	Any deer	GMU 588	((30)) 20
Satsop B	Oct. ((11-31)) 16-31	Any deer	GMU 651	10
Skookumchuck D	Oct. ((11-31)) 9-31	Any deer	GMU 667	60
North River E	Oct. ((11-31)) 16-31	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)) 2-8	Any deer	GMU 204	((25)) 5
Wannacut E	Oct ((4-10)) 2-8	Any deer	GMU 209	((25)) 5
Pogue E	Oct ((4-10)) 2-8	Any deer	GMU 233	((25)) 5
Chiliwist E	Oct ((4-10)) 2-8	Any deer	GMU 239	((25)) 5
Mission F	Oct ((4-10)) 2-8	Any deer	GMU 251	20
Wahluke B	Oct ((4-10)) 2-8	Any deer	GMU 278	50
Ritzville ((Kahlotus)) C	Oct ((4-10)) 2-8	Any deer	GMU 284	50
Special Deer Permits - Second Deer ("B") Tag (Open to all tag types 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.)				
Hunt Name	(("B")) Second Tag Season	Special Restrictions	Boundary Description	((B-Tags)) Permits
The Wedge	Restricted to general (early and late) seasons by tag choice; and Dec. 16-31 for all tag holders	Whitetail, antlerless	Deer Areas 1030 and 1040	400
Huckleberry B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 121	((150)) 100
Mt. Spokane B		Whitetail, antlerless	GMU 124	400
Almota B		Antlerless	GMU 142	((300)) 200
Columbia		Whitetail, antlerless	Deer Area 1010, GMU 163	150
Islands		Antlerless	GMU 410	100
South Sound		Antlerless	Vashon, Maury, and Anderson islands	125
Lakeview C	Jan. 1-31	Antlerless	Deer Area 2011	20

Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Boundary Description	((2003)) 2004 Permits
(Open to modern firearm and archery tag types only. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.)				
Mica Peak B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 127	100
Advanced Hunter Education (AHE) Master Hunter Special Deer Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; any weapon may be used.				
Lakeview D	Dec. 9-31	Antlerless	Deer Area 2011	20

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

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)) license year 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.

Permit Only Units: The following GMUs are closed during general seasons: 157, 371, 485, 522, 524, 556, 621, and 636.

GMUs Closed to Elk Hunting: 418, 437 (except for Elk Area 4941), ((485;)) and 490((-and-522)).

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.

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 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 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 485, 522, 524, 556, 621, 636, and PLW-MA_s 401 and 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.

PERMANENT

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

Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		372	Sept. 2-15	<u>Sept. 7-19</u>		((Any elk)) Antlerless
			Oct. 6-19	<u>Oct. 4-17</u>		((Any elk)) Antlerless
			Oct. 25 - Nov. 2	<u>Oct. 30 - Nov. 7</u>		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
Western Washington	WF	407, 448, 460, 466, 503 through 520, 530, 550, 558, 560, 572, 601 through 618, <u>624</u> (except for Elk Area <u>6071</u>), 627 through 633, 638 through 663, and 667 through 684. Except AHE master 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
		<u>485, 522, 524, 556, 621, 636, Elk Area 6071, and PLWMA's 401 and 600</u>	((Nov. 1-9	<u>Nov. 6-14</u>	<u>Nov. 5-13))</u>	Permit only
		((Elk Area 6069. Hunters 65 and older, only	<u>Jan. 1-10, 2004</u>	<u>Jan. 1-10, 2005</u>	<u>Jan. 1-10, 2006</u>	Any elk
		Elk Area 6069. Hunters with disabilities, only	<u>Jan. 15-20, 2004</u>	<u>Jan. 15-20, 2005</u>	<u>Jan. 15-20, 2006</u>	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 and must hunt with archery equipment (WAC 232-12-054). 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. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		145, 149, 162, 163 through <u>172, 178 through 186, 328, 329, and 335</u>	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull
		154, Elk Area 1010, ((328-329;)) <u>Elk Area 1012, Elk Area 1013, 175, 330, ((335;)) 336, 340, 352, 356, 364</u>	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 588, 652, 666	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 624, <u>except for Elk Area 6071, Elk Area 6061, 654, 660, 663, 667 through 673, 684, and 699</u>	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min. or antlerless

PERMANENT

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 607, 612 through 618, ((624 through)) 627, 633, 638 through 648, 651, 653, 658, and 681. AHE hunters only in Elk Area 6063. Permit only in PLWMA 600 in GMU 603	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 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		Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull
		((328, 335,)) 336, 346, 352, 364, 368	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull or antlerless
		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. Elk Area 6064, except AHE master 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, 638, 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.

PERMANENT

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, ((254)) Elk Area 2051, 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
Western Washington	WM	501, 503, 505, 652	Nov. 19 - 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

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal 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 (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, advanced hunter education master hunters only	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203-248, 250, 254-290, and 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties	Oct. 28 - Nov. 15	((Oct. 27 - Nov. 15)) Oct. 30 - Nov. 15	((Oct. 26 - Nov. 15)) Oct. 29 - Nov. 15	Any elk
	EA, EM, EF	Elk Areas 3911 and 3912 advanced hunter education master hunters only	Aug. 1 - Feb. 28, 2004	Aug. 1 - Feb. 28, 2005	Aug. 1 - Feb. 28, 2006	Antlerless only
		371 advanced hunter education master hunters only		Oct. 11 - Nov. 19		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)) 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2003)) 2004 Permits
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)					
Blue Creek A	Oct. 25 - Nov. 7	Any bull	EF	GMU 154	<u>3</u>
Watershed	((Nov. 1-9)) Oct. 30 - Nov. 7	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	40
Dayton A	Oct. 25 - Nov. 7	Any bull	EF	GMU 162	<u>3</u>
Wenaha A	Oct. 25 - Nov. ((2)) 7	Any bull	EF	GMU 169	((5)) 4
Mountain View A	Oct. 25 - Nov. ((2)) 7	Any bull	EF	GMU 172	((4)) 5
Mission	Oct. 25 - Nov. ((2)) 7	Any bull	EF	GMU 251	((5)) 10
Naneum A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMU 328	19
Quilomene A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMU 329	((20)) 18
Teaway A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMU 335	12
Peaches Ridge A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMUs 336, 346	((98)) 152
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	20
Observatory A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMUs 340, 342	((54)) 77
Goose Prairie A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMUs 352, 356	((205)) 94
Bethel A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMU 360	((130)) 48
Rimrock A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMU 364	((125)) 118
Cowiche A	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any bull	EF	GMU 368	((33)) 25
Green River	Oct. 30 - Nov. 5	Any bull	WF	GMU 485	<u>1</u>
Margaret A	Nov. ((1-9)) 6-14	3 pt. min.	WF	GMU 524	((18)) 22
Toutle A	Nov. ((1-9)) 6-14	3 pt. min.	WF	GMU 556	((89)) 87

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2003)) 2004 Permits
Matheny	Oct. 1-10	3 pt. min.	WA, WF, WM	GMU 618	3
Olympic A	Nov. 1-9	3 pt. min.	WF	GMU 621, <u>EXCEPT for Elk Area 6071</u>	21
Skokomish A	Nov. 1-9	3 pt. min.	WF	GMU 636	((3)) 6
Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)					
Aladdin A	((Oct. 25 - Nov. 2)) Oct. 30 - Nov. 7	Any elk	EF	GMU 111	10
Selkirk A	((Oct. 25 - Nov. 2)) Oct. 30 - Nov. 7	Any elk	EF	GMU 113	10
49 Degrees North	((Oct. 25 - Nov. 2)) Oct. 30 - Nov. 7	Any elk	EF	GMU 117	15
Blue Creek ((A)) B	((Oct. 25 - Nov. 2)) Oct. 30 - Nov. 7	Antlerless	EF	GMUs 149, 154	100
Dayton ((A)) B	((Oct. 25 - Nov. 2)) Oct. 30 - Nov. 7	Antlerless	EF	GMU 163 and Elk Area 1011	200
Dayton ((B)) C	((Oct. 25 - Nov. 2)) Oct. 30 - Nov. 7	Antlerless	EF	GMU 149 and Elk Area 1012	75
Couse A	Sept. 1-10	Antlerless	EF	GMU 181	25
Couse B	Oct. 1-10	Antlerless	EF	GMU 181	25
Mountain View B	Oct. 30 - Nov. 7	Antlerless	EF	Elk Area 1013	50
Lick Creek A	Oct. 30 - Nov. 7	Antlerless	EF	GMU 175	25
Malaga A	((Aug. 16 - Sept. 28)) Aug. 14 - Sept. 26	Antlerless	EF	Elk Area 2032	100
Malaga B	((Sept. 6-24)) Sept. 6 - Oct. 1	Any elk	EF	Elk Area 2032	((5)) 10
Malaga C	((Nov. 3 - Jan. 31, 2004)) Nov. 8 - Feb. 28, 2005	Antlerless	EF	Elk Area 2032	150
Malaga D	((Nov. 3-16)) Nov. 8 - Dec. 19	Any elk	EF	Elk Area 2032	((5)) 10
Malaga E	((Dec. 13-24)) Dec. 20 - Feb. 28, 2005	Any elk	EF	Elk Area 2032	((5)) 15
((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)) B	((Sept. 16 - Oct. 3)) Sept. 15 - Oct. 1	Antlerless	EF	Elk Area 2033	20
Peshastin ((D)) C	Sept. ((24-29)) 22-30	Any elk	EF	Elk Area 2033	5
Peshastin ((E)) D	Nov. 30 - ((Jan. 31, 2004)) Feb. 28, 2005	Antlerless	EF	Elk Area 2033	((20)) 30
Peshastin ((F)) E	Dec. 15 - ((Jan. 31, 2004)) Feb. 28, 2005	Any elk	EF	Elk Area 2033	((5)) 10
West Bar A	((Oct. 25-29)) Oct. 30 - Nov. 3	Antlerless	EF	GMU 330	((10)) 5
West Bar B	((Oct. 30 - Nov. 2)) Nov. 4-7	Antlerless	EF	GMU 330	((10)) 5
Colockum A	Oct. 9-15	Antlerless	EF	Elk Area 3028	35
((Teana-way-B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 335	30))
Taneum A	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 336	((200)) 175
Manastash A	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 340	((400)) 375
Umtanum A	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 342	((400)) 375
Cleman	Dec. 9-31	Antlerless	EF	Elk Area 3944	((100)) 70
Little Naches B	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 346	((250)) 225
Nile A	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 352	((160)) 50
Bumping B	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 356	((140)) 100
Bethel B	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 360	100
Rimrock B	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 364	200
Cowiche B	((Oct. 25 - Nov. 2)) Nov. 3-7	Antlerless	EF	GMU 368	200
Alkali A	Oct. 25 - Nov. ((2)) 7	Any elk	EF	GMU 371	((100)) 25
Alkali B	Sept. 7-30	Antlerless	EF	GMU 371	25
Willapa Hills A	Nov. ((1-9)) 6-14	Antlerless	WF	GMU 506	35
Raymond A	Nov. 6-10	3 pt. min. or antlerless	WF	Elk Area 6010	20

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2003)) 2004 Permits
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)) 6-14	Antlerless	WF	GMU 520	12
Margaret B	Nov. ((1-9)) 6-14	Antlerless	WF	GMU 524	((20)) 25
Ryderwood A	Nov. ((1-9)) 6-14	Antlerless	WF	GMU 530	32
Coweeman A	Nov. ((1-9)) 6-14	Antlerless	WF	GMU 550	15
Toutle B	Nov. ((1-9)) 6-14	Antlerless	WF	GMU 556	35
Marble A	Nov. ((1-9)) 6-14	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)) 6-14	Antlerless	WF	GMU 560	60
Siouxon A	Nov. ((1-9)) 6-14	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
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.					
Blue Creek C	Oct. 1-10	Any bull	EM	GMU 154	1
Dayton D	Oct. 1-10	Any bull	EM	GMU 162	1
Wenaha B	Oct. ((4-10)) 1-10	Any bull	EM	GMU 169	1
Mountain View ((B)) C	Oct. ((4-10)) 1-10	Any bull	EM	GMU 172	((4)) 2
Naneum B	Oct. ((4-10)) 1-10	Any bull	EM	GMU 328	4
Quilomene B	Oct. ((4-10)) 1-10	Any bull	EM	GMU 329	5
Teanaway C	Oct. ((4-10)) 1-10	Any bull	EM	GMU 335	3
Peaches Ridge B	Oct. ((4-10)) 1-10	Any bull	EM	GMUs 336, 346	((15)) 21
Observatory B	Oct. ((4-10)) 1-10	Any bull	EM	GMUs 340, 342	((14)) 54
Goose Prairie B	Oct. ((4-10)) 1-10	Any bull	EM	GMUs 352, 356	((35)) 15
Bethel C	Oct. ((4-10)) 1-10	Any bull	EM	GMU 360	((23)) 9
Rimrock C	Oct. ((4-10)) 1-10	Any bull	EM	GMU 364	((20)) 18
Cowiche C	Oct. ((4-10)) 1-10	Any bull	EM	GMU 368	((10)) 9
Margaret C	Oct. ((4-10)) 2-8	3 pt. min.	WM	GMU 524	((4)) 5
Toutle C	Oct. ((4-10)) 2-8	3 pt. min.	WM	GMU 556	((18)) 17
Olympic B	Oct. 4-10	3 pt. min.	WM	GMU 621, EXCEPT for Elk Area 6071	((4)) 3
Skokomish B	Oct. 4-10	3 pt. min.	WM	GMU 636	((2)) 1
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Aladdin B	Oct. ((4-10)) 2-10	Any elk	EM	GMU 111	10
Selkirk B	Oct. ((4-10)) 2-10	Any elk	EM	GMU 113	((10)) 20
Blue Creek ((B)) C	((Dec. 1, 2003 - Jan. 31, 2004)) Dec. 9, 2004 - Jan. 31, 2005	Antlerless	EM	GMUs 149, 154	60
Columbia A	Dec. 1-31	Antlerless	EM	Elk Area 1011 and GMU 163	100

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2003)) 2004 Permits
Columbia B	Jan. 1-31, ((2004)) 2005	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia C	Dec. 20, 2004 - Jan. 31, ((2004)) 2005	Antlerless	EM	Elk Area 1012 and GMU 149	60
Mountain View D	Oct. 2-8	<u>Antlerless</u>	<u>EM</u>	<u>Elk Area 1013</u>	<u>20</u>
Lick Creek B	Oct. 1-10	<u>Antlerless</u>	<u>EM</u>	<u>GMU 175</u>	<u>25</u>
West Bar C	Oct. 1-10	Antlerless	EM	GMU 330	((10)) <u>5</u>
((Teanaway D	Oct. 4-10	Antlerless	EM	GMU 335	50))
Taneum B	Oct. ((4-10)) 2-8	Antlerless	EM	GMU 336	((150)) <u>25</u>
Manastash B	Oct. ((4-10)) 2-8	Antlerless	EM	GMU 340	((150)) <u>25</u>
Umtanum B	Oct. ((4-10)) 2-8	Antlerless	EM	GMU 342	((300)) <u>275</u>
Nile B	Oct. ((4-10)) 2-8	Antlerless	EM	GMU 352	((50)) <u>40</u>
Bumping B	Oct. ((4-10)) 2-8	Antlerless	EM	GMU 356	((100)) <u>90</u>
Bethel D	Oct. ((4-10)) 2-8	Antlerless	EM	GMU 360	((50)) <u>40</u>
Cowiche D	Oct. ((4-10)) 2-8	Antlerless	EM	GMU 368	250
Alkali ((B)) C	Oct. ((4-10)) 1-10	Any elk	EM	GMU 371	((50)) <u>25</u>
Stella A	Nov. ((26)) 24 - Dec. 15	Antlerless	WM	GMU 504	75
Stella B	Jan. 1-16, ((2004)) 2005	Antlerless	WM	GMU 504	50
Toledo A	Jan. 1-16, ((2004)) 2005	Antlerless	WM	Elk Area 5029	30
Malaga ((G)) F	Oct. ((4-24)) 2-22	Antlerless	EM	Elk Area 2032	100
Malaga ((H)) G	Oct. ((4-24)) 2-22	Any elk	EM	Elk Area 2032	((10)) <u>15</u>
Mossyrook A	Jan. 1-16, ((2004)) 2005	Antlerless	WM	Elk Area 5052	20
Randle A	Jan. 1-16, ((2004)) 2005	Antlerless	WM	Elk Area 5053	15
Boistfort	Jan. 1-16, ((2004)) 2005	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	((Nov. 19 - Dec. 14)) Nov. 24 - Dec. 15	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, ((2004)) 2005	Antlerless	WM	Elk Area 5051	30
Winston B	((Nov. 19 - Dec. 14)) Nov. 24 - Dec. 15	Antlerless	WM	GMU 520	3
Margaret D	((Nov. 19 - Dec. 14)) Nov. 24 - Dec. 15	Antlerless	WM	GMU 524	((5)) <u>10</u>
Ryderwood B	Oct. ((4-10)) 2-8	Antlerless	WM	GMU 530	8
Coweeman B	((Nov. 19 - Dec. 14)) Nov. 24 - Dec. 15	Antlerless	WM	GMU 550	5
Toutle D	((Nov. 19 - Dec. 14)) Nov. 24 - Dec. 15	Antlerless	WM	GMU 556	10
Marble B	Oct. ((4-10)) 2-8	Antlerless	WM	GMU 558	10
Lewis River B	Oct. ((4-10)) 2-8	Antlerless	WM	GMU 560	15
Siouxon B	Oct. ((4-10)) 2-8	Antlerless	WM	GMU 572	10
Yale	Nov. ((26)) 24 - 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)) 2-8	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 A	Nov. 19 - Dec. 15	Antlerless	WM	GMU 663	10
Capitol Peak B	Dec. 16-31	Antlerless	WM	GMU 663	10

Archery Permit Hunts (Only archery elk tag holders may apply.)

Note: Fire closures may limit access during September seasons.

Blue Creek D	Sept. 8-21	Any bull	EA	GMU 154	2
Dayton E	Sept. 8-21	Any bull	EA	GMU 162	3
Wenaha C	Sept. 8-21	Any bull	EA	GMU 169	2
Mountain View ((G)) E	Sept. 8-21	Any bull	EA	GMU 172	((4)) <u>6</u>
Naneum C	Sept. 8-21	Any bull	EA	GMU 328	((44)) <u>30</u>
Quilomene C	Sept. 8-21	Any bull	EA	GMU 329	((35)) <u>41</u>
Teanaway E	Sept. 8-21	Any bull	EA	GMU 335	((64)) <u>31</u>

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2003)) 2004 Permits
Peaches Ridge C	Sept. 8-21	Any bull	EA	GMUs 336, 346	((122)) 180
Observatory C	Sept. 8-21	Any elk	EA	GMUs 340, 342	((65)) 106
Goose Prairie C	Sept. 8-21	Any bull	EA	GMUs 352, 356	((419)) 188
Bethel E	Sept. 8-21	Any bull	EA	GMU 360	((120)) 43
Rimrock D	Sept. 8-21	Any bull	EA	GMU 364	((113)) 118
Cowiche E	Sept. 8-21	Any bull	EA	GMU 368	((27)) 24
Peshastin G	Sept. ((8-24)) 1-14	Any elk	EA	Elk Area 2033	((20)) 30
Margaret E	Sept. 8-21	3 pt. min.	WA	GMU 524	((7)) 9
Toutle E	Sept. 8-21	3 pt. min.	WA	GMU 556	58
Olympic C	Sept. 8-21	3 pt. min.	WA	GMU 621, EXCEPT for Elk Area 6071	6
Mashel A	Jan. 1-15, ((2004)) 2005	Antlerless	WA	Elk Area 6054	((40)) 25
Skokomish C	Sept. 8-21	3 pt. min.	WA	GMU 636	((3)) 6
((Dungeness-B	Sept. 2-15	Any elk	WA	Elk Area 6071	20
Dungeness-F	Sept. 16-30	Any elk	WA	Elk Area 6071	20
Dungeness-G	Nov. 19 - Dec. 15	Any elk	WA	Elk Area 6071	20
Dungeness-H	Dec. 16-31	Any elk	WA	Elk Area 6071	20))
Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts ((:)); Only AHE master hunters may apply((:)); antlerless only hunts will not affect accumulated points; and in any elk tag hunts, any weapon may be used.					
Toledo B	Jan. 17-31, ((2004)) 2005	Antlerless	Any elk tag	Elk Area 5029	20
((Coloekum-A	Oct. 4-10	Antlerless	EM-	Elk Area 3028-excluding Arthur Coffin Game Reserve	40
Coloekum-B	Nov. 8-14	Antlerless	EF-	Elk Area 3028-excluding Arthur Coffin Game Reserve	40))
Peshastin F	Aug. 18-25	Any elk	Any elk tag	Elk Area 2033	5
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)) 2005	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. ((26)) 24 - Dec 15	Antlerless	Any elk tag	Elk Area 5055	10
Merwin B	Jan. 17-31, ((2004)) 2005	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))
Advanced Hunter Education (AHE) Master Hunter, Second Elk Tag Hunts: Only AHE Master Hunters may apply; antlerless only hunts will not affect accumulated points; a second tag may be purchased by successful applicants as needed (second tag purchase deadlines do not apply to these hunts); and in any elk tag hunts, any weapon may be used.					
Kiona	Aug. 1 - Feb. 28, 2005	Antlerless	Any elk tag	Designated areas in GMU 372	20 ^{HM}
Grays River A	Sept. 15-30	Antlerless	Any elk tag	Elk Area 5056	8
Grays River B	Oct. 1-15	Antlerless	Any elk tag	Elk Area 5056	8
Grays River C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 5056	8
Grays River D	Jan. 1-15, 2005	Antlerless	Any elk tag	Elk Area 5056	8
Grays River E	Jan. 16-31, 2005	Antlerless	Any elk tag	Elk Area 5056	8
Grays River F	Feb. 1-14, 2005	Antlerless	Any elk tag	Elk Area 5056	8
Grays River G	Feb. 15-28, 2005	Antlerless	Any elk tag	Elk Area 5056	8
North River B	Dec. 16 - Feb. 28, 2005	Antlerless	Any elk tag	Designated areas in GMU 658	10 ^{HM}
Chehalis G	Aug. 1 - Feb. 28, 2005	Antlerless	Any elk tag	Designated areas in Elk Area 6066	20 ^{HM}

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Hunt Name	((2003)) 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2003)) 2004 Permits
Hannaford C	Aug. 1 - Feb. 28, 2005	Antlerless	Any elk tag	Designated areas in Elk Area 6069	5 ^{HM}
Dungeness A	Sept. 8-29	Antlerless only	WA	Elk Area 6071	3
Dungeness B	Oct. 9-31	Spike bull or antlerless	WM	Elk Area 6071 South of Hwy. 101	3
Dungeness C	Nov. 12 - Dec. 12	Antlerless only	WF	Elk Area 6071	4
Dungeness D	Dec. 18 - Jan. 9, 2005	Antlerless only	WA	Elk Area 6071	3
Dungeness E	Jan 22 - Feb. 28, 2005	Antlerless only	WF	Designated areas in Elk Area 6071	8 ^{HM}
Persons of Disability Only - Special Elk Permit Hunts					
Observatory D	((Oct. 20 - Nov. 2)) Oct. 25 - Nov. 7	Any elk	EF or EM	GMUs 340, 342	((6)) 7
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	((6)) 5
Little Naches D	((Oct. 29 - Nov. 2)) Nov. 3-7	Antlerless	EF, EM, EA	GMU 346	((10)) 8
Mudflow A	Nov. 22-28	Antlerless	Any elk tag	Elk Area 5099	5
Mudflow B	Nov. 29 - Dec. 5	Antlerless	Any elk tag	Elk Area 5099	5
Centralia Mine A	Oct. ((26-27)) 23-24	Antlerless	Any elk tag	Elk Area 6011	2
Centralia Mine B	((Nov. 2-3)) Oct. 30-31	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
Hannaford A	Jan. 1-15, 2005	Antlerless	Any elk tag	Elk Area 6069	5
Hunters 65 or older only - Special Elk Permit Hunts					
Hannaford B	Jan. 16-31, 2005	Antlerless	Any elk tag	Elk Area 6069	5

^{HM}This is a damage hunt administered by a WDFW designated Hunt Master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated land-owner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.

Fall Black Bear Seasons:

2003 Black bear seasons:

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654

Black Bear Management Unit

Unit	Season	Hunt Area
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. 2 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 2 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLWMA's	July 15 - Nov. 15	PLWMA's 401, 600
Long Island	Sept. 2 - Nov. 15	GMU 699

2004 Black bear seasons:

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684

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Black Bear Management Unit	Season	Hunt Area
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. ((2)) 7 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 7 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLW-MAs	July 15 - Nov. 15	PLWMAAs 401, 600
Long Island	Sept. 7 - Nov. 15	GMU 699

2005 Black bear seasons:

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588

Black Bear Management Unit	Season	Hunt Area
Northeastern A	Sept. ((2)) 6 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 6 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLW-MAs	July 15 - Nov. 15	PLWMAAs 401, 600
Long Island	Sept. 6 - Nov. 15	GMU 699

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

Area Restriction: Special deer permit required to hunt black bear in GMU 485.

Spring Permit Black Bear Seasons:

Permit quotas for each license year:

Hunt Name	Permit Hunt Boundary	Permit Level
Blue Creek	GMU 154	15
Dayton	GMU 162	15
Tucannon	GMU 166	10
Wenaha	GMU 169	30
Mt. View	GMU 172	15
Lick Creek	GMU 175	15
Grande Ronde	GMU 186	5

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.

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Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Seasons:

Seasons for each license year, 2003-2005:

Cougar Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Mar. 15	GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699
Puget Sound	Aug. 1 - Mar. 15	GMUs 407, 410, 454, 624-633, 652, 666
North Cascades	Aug. 1 - Mar. 15	GMUs 418, 426, 437, 448, 450, 460, 466, 485
South Cascades	Aug. 1 - Mar. 15	GMUs 505, 510-520, 524, 550-574, 653, 654, 667
East Cascades North	Aug. 1 - Mar. 15	GMUs 203, 209-247, 249-251, 328, 329, 334-340
East Cascades South	Aug. 1 - Mar. 15	GMUs 342-368, 382, 578, 588
Northeastern	Aug. 1 - Mar. 15	GMUs 101-133, 204
Blue Mountains	Aug. 1 - Mar. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Mar. 15	GMUs 136-142, 248, 254-290, 330, 371, 372, 381

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.

Area Restriction: Special deer permit required to hunt cougar in GMU 485.

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 03-175, filed 8/5/03, effective 9/5/03)

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;

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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.

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.

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)) 243 line; E on Weyerhaeuser (([234]-[243])) 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 the 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 mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the Little 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, 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.

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

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. 1013 (Asotin County): GMU 172, excluding National Forest lands.

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): 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. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

Elk Area No. 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, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton roads to the power lines in T20N, R21E, Section 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 at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and I-90; east along the power lines through Cle Elum to the Teanaway Road; north on the Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; north on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east and south along the power lines to the Van-

tage 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 I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umptaneum Creek; west on Umptaneum 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 power line crossing in T19N, R16E, Section 10; west along the power line (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, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 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, Section 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, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to the power lines in T13N, R16E, Section 34; south along the power lines 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~~) east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the (~~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~~) North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 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.~~) Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser

user 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

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))~~ Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

Elk Area No. 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: T10N,

R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 5099 Mudflow (Cowlitz County): That part of GMU 522 (Loo-wit) that is within the boundary of the St. Helens Wildlife Area.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one 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 two 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 counties): 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) within the Quinault River watershed.

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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 U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest 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 Hanaford 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 power line crossing immediately upstream of the confluence with Johnson Creek))~~ Skookumchuck Road bridge; east on Skookumchuck Road to steel tower Bonneville power line; southwest along the power line 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. 1030 Flat Creek (Stevens County): That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; north on Bull Hill Rd to USFS Rd 240; north on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); east and north on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; north on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); west on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; south on USFS Rd 170 to Lael-Flat Creek Rd (USFS 1520); south on Lael-Flat Creek Rd (USFS 1520, Co. 4181) to Northport-Flat Creek Rd; north on Northport-Flat Creek Rd to Bull Hill Rd junction and point of beginning.

Deer Area No. 1040 Summit Lake (Stevens County): That portion of GMU 105, beginning at the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; north and east on Sand Cr Rd to Lael-Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); east on Lael-Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; north and east on USFS Rd 15 to USFS Rd 180; north and west on USFS Rd 180 and continue west on Box Canyon-Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon-Deep Creek Rd and the Kettle River; south on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.

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 SR 26; west on SR 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 SR 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 county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

~~((Deer Area No. 2025 Ritzville (Adams County): Beginning at the junction of I-90 and SR-261 near the town of Ritzville; south along SR-261 to SR-26; east on SR-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 I-90; west along I-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.

AMENDATORY SECTION (Amending Order 96-135, filed 8/30/96, effective 9/30/96)

WAC 232-12-064 Live wildlife. Taking from the wild, importation, possession, transfer, holding in captivity.

(1) It is unlawful to take live wildlife (except unclassified marine invertebrates and fish), wild birds (except starlings (~~and~~)), house sparrows and rock doves by falconers, and rock doves by bird dog trainers), or game fish from the wild without a permit provided for by rule of the commission and issued by the director.

(2) Notwithstanding the provisions of WAC 232-12-027(1), 232-12-067 and subsections (3) and (4) herein, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of wildlife listed in this subsection, their gametes and/or embryo, except as provided under subsections (7), (8), (9) or (10) below:

In the family Cervidae, all of the following species:

Roosevelt and Rocky Mountain elk	Cervus elaphus
Mule deer and Black-tailed deer	Odocoileus hemionus
White-tailed deer	Odocoileus virginianus
Moose	Alces alces
Caribou	Rangifer tarandus caribou

(3) It is unlawful to import into the state or to hold live wildlife which were taken, held, possessed or transported contrary to federal or state law, local ordinance or department rule. Live wild animals, wild birds or game fish shall not be imported without first presenting to the department the health certificate required by the Washington State Department of Agriculture under WAC 16-54-030. Notwithstanding the provisions of this subsection, raptors used for falconry or propagation may be imported if the health certificate is in the possession of the importer. Proof of lawful importation must be produced for inspection on request of a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired and possessed. Proof of lawful acquisition and possession must be produced for inspection on request of a department employee. Such proof shall contain: (1) Species; (2) age and sex of animal; (3) origin of animal; (4) name of receiving party; (5) source-name and address; (6) invoice/statement date; and (7) documentation of prior transfers.

(5) Live wild animals, wild birds or game fish held in captivity or their progeny or parts thereof may not be sold or

otherwise commercialized on except as provided by rule of the commission.

(6) No wildlife shall be released from captivity except as provided in WAC 232-12-271, except that it is lawful to return to the waters from which caught, game fish caught and subsequently kept alive on stringers, in live wells or other containers while fishing. The release of fish into any waters of the state, including private, natural or man-made ponds requires a fish planting permit.

(7) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

(a) The specimens are confined to a secure facility,

(b) The specimens will not be transferred to any other location within the state, except to other AAZPA accredited facilities and transported by AAZPA accredited institutional members or their authorized agents with written approval of the director or as otherwise authorized in writing by the director,

(c) The specimens will not be sold or otherwise disposed of within the state without written approval of the director,

(d) The person will keep such records on the specimens and make such reports as the director may require, and

(e) The person complies with the other requirements of this section.

(8) Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992: A person holding live (~~specimens of wildlife listed in subsection (2) by operation of emergency rule filed June 19, 1992 [in the family Cervidae, all of the following species:]~~) Roosevelt and Rocky Mountain elk (~~((Cervus elaphus))~~), Mule Deer and Black-tailed deer (~~((Odocoileus hemionus))~~), White-tailed deer (~~((Odocoileus virginianus))~~) and Moose (~~((Alces alces))~~) may retain the specimens of such wildlife such person lawfully possessed prior to June 20, 1992 and the lawful progeny thereof provided such person complies with (~~subsections (8))~~) (a) through (~~((8))~~)(f) (~~hereunder~~) of this subsection and the other requirements of this section.

(a) The person reported to the director in writing the species, number and location of the specimens as required.

(b) The specimens are confined to a secure facility at the location reported,

(c) Live specimens are not propagated except at AAZPA accredited facilities with the written permission of the director or as otherwise authorized in writing by the director;

(d) Live specimens are not released, except with written permission of the director,

(e) Live specimens are not sold or transferred except:

(i) Live specimens in lawful possession prior to June 20, 1992 and lawful progeny may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA accredited facilities where in compliance with federal law,

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(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased;

(iv) AAZPA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AAZPA accredited facilities with the written permission of the director.

(9) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding live specimens of wildlife newly listed in subsection (2) by operation of this rule [Caribou (*Rangifer tarandus caribou*)], may retain the specimens of such wildlife the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens,

(b) The person complies with subsections (8)(b) through (8)(f) herein and the other requirements of this section.

(10) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(11) Escaped wildlife:

(a) Escaped wildlife will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of wildlife must be reported immediately to the department,

(c) The recapture or death of escaped wildlife must be reported immediately to the department.

(12) Secure facility:

(a) All captive wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of live wildlife specimens in captivity or ingress of resident wildlife ungulates (hoofed animals).

(b) For wildlife listed in subsection (2), the secure facility must comply with the fencing requirements in subsection (13) herein.

(13) Fencing requirements

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and captive wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

((†)) If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of captive wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level;

(iv) Corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent captive wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993 and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(14) Marking requirements

(a) All live specimens of wildlife identified in subsection (2) must be individually identified by the methods specified below:

(i) All live specimens of such wildlife shall be marked with USDA official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order, and

(ii) All live specimens of such wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) Where allowed, all lawful progeny of wildlife identified in subsection (2) must be tagged and tattooed by Decem-

ber 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(d) Where allowed, if wildlife identified in subsection (2) is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(e) Where allowed, live specimens of wildlife identified in subsection (2) shall be marked prior to importation.

(f) No unmarked wildlife identified in subsection (2) may be sold or otherwise transferred from the holding facility.

(15) Testing of specimens.

(a) Where allowed, prior to entry into the state of Washington, persons importing any member of the Genus Cervus which is identified in subsection (2) herein, must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington. Such testing shall be at the possessor's expense. Animals which are deemed by department of wildlife biologists upon examination to exhibit either: Behavioral (vocalization), morphological (size, rump patch, color) or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus *Cervus elaphus* identified in subsection (2) herein must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington), for each individual cervid to the director within 90 days of passage of this rule. Such testing shall be at the possessor's expense. Any animals identified as red deer or having nonindigenous genetic influence must be destroyed, removed from the state, or neutered within 180 days of passage of this rule.

(c) The director may require that specimens listed in subsection (2) lawfully in captivity be tested for brucellosis (*brucella abortus*), tuberculosis (*mycobacterium bovis* and *mycobacterium tuberculosis*), meningeal worm (*Paralophostromylus tenuis*), and muscle worm (*Elaphostromylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-035 as now or hereafter amended, and/or for other diseases or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

(16) Reporting

(a) A person holding wildlife listed in subsection (2) in captivity shall submit a completed report no later than March 30, 1993 and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

(17) Inspection

(a) All holding facilities for captive wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections may take place without warrant or prior notice but shall be conducted at reasonable times and locations.

(18) Notification and disposition of diseased animals.

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian, certified fish pathologist, or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of wildlife, quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife, quarantine, disinfection, or sterilization of facilities is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(19) Quarantine area

(a) Any facility holding wildlife listed in subsection (2) must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor of any wildlife must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport such wildlife to an approved quarantine facility.

(20) Seizure

(a) The department of wildlife may seize any unlawfully possessed wildlife.

(b) The cost of any seizure and/or holding of wildlife may be charged to the possessor of such animals.

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 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-12-271 Criteria for planting aquatic plants and releasing wildlife. (1) Release by persons other than the director. It is unlawful for persons other than the director to plant aquatic plants or release any species, subspecies, or hybrids of animals which do not already exist in the wild in Washington. If such species, subspecies, or hybrid

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does already exist in the wild in Washington, it may be released within its established range by persons other than the director, but only after obtaining a permit from the director.

(a) Application for a permit must be made on a form provided by the department. It must be submitted at least thirty days prior to acquisition of the wildlife or aquatic plants intended for release or planting, and must provide all information indicated.

(b) Permits will only be issued if the director determines there will be no adverse impact on the wildlife or wildlife habitat of the state.

(c) Each permit shall require that at least thirty days prior to planting or release of wildlife or aquatic plants they must be made available for inspection by the director. It shall be the responsibility of the applicant to show that the wildlife will not pose a disease threat. If the director is not satisfied that the wildlife or aquatic plants do not pose a disease threat, they shall not be released or planted in the state. Director approval for release or planting may be withdrawn for cause.

(d) Each permit shall require that an applicant intending to release wildlife in the state shall report immediately to the director the outbreak of any disease among the wildlife intended to be released. If the director determines that such outbreak presents a threat to the wildlife of the state, the director may immediately order such action as necessary including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the director.

(e) Each permit shall require that wildlife to be released shall not be branded, tattooed, tagged, fin clipped or otherwise marked for identification without approval of the director or as required in WAC 232-12-044.

(f) Legally acquired pheasant of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Callipepla* and *Colinus*; and mallards (*Anas platyrhynchos*) may be released without a permit for purposes of dog training, and hunting pursuant to WAC 232-12-044. Game birds of these species released for these purposes must be purchased from facilities that have been inspected by a certified veterinarian within the past twelve months. Rock doves may be released without permit for purposes of bird dog training.

(2) Release by the director. The director may plant aquatic plants or release animal species, subspecies, or hybrids which have been planted or released previously in Washington if they do not pose a disease threat and if planting or release will not cause adverse impact on the wildlife or wildlife habitat of the state. Before releasing any species, subspecies, or hybrid of animal not already existing in the wild in Washington, the director shall report to the commission on the planned release, stating the basis for determining that the planned release fulfills the criteria set forth herein. The director may release nonnative species, subspecies, or hybrids not previously released in Washington only if the director in his or her sole discretion has determined that:

(a) There is no reasonable expectation of adverse impact on the wildlife or wildlife habitat of the state and there is an adequate plan for evaluating such impact following the release;

(b) The commission has classified the species, subspecies, or hybrids to be released pursuant to RCW 77.12.020;

(c) Suitable habitat is available;

(d) The nonnative species, subspecies, or hybrids to be released are free of exotic pathogens;

(e) The release serves the public interest.

(3) This section does not apply to release of classified or unclassified fish or shellfish by persons who have caught or taken the fish or shellfish, provided the fish or shellfish are released into the water or on the tidelands at the approximate location where taken, except that fishing contest participants may release fish at a contest-designated location in the same body of water from which the fish were taken.

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

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons((f-))

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((f-)).

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((f-)).

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((f-)).

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. 18 - Dec. 31, 2003((+)); Oct. 23 - Dec. 31, 2004; Oct. 22 - 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.

Colville Indian Reservation: The 2003-04, 2004-05, 2005-06 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

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 (([Area]-[site])) Area 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 harvested over 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 unlaw-

ful to purchase an additional permit until the pheasants 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 10-11, 2004; April 9-10, 2005; April 8-9, 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.

Open to all hunters with a valid turkey tag: GMUs 105-124. Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

Permit Only((+)): GMUs 101, ((105, 108, 111, 113, 117, 121,)) 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005((+)).

Permit Area	Number of Permits
GMU 101	((200)) <u>250</u>
((GMU 105	100
GMU 108	200
GMU 111	100
GMU 113	100
GMU 117	400
GMU 121	800))
<u>GMU 124</u>	<u>100</u>
GMU 133	150
GMUs 145-186	((50)) <u>50</u>
GMUs 382, 568-588	75

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:

Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one ((1)) (1) per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Fall Season Bag and Possession Limit: One (1) turkey during the fall hunting season.

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 (T24N, R40E, E 1/2 of ((section) (Sec-))) section 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.

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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((f-)).

Daily Bag Limit: 2 band-tailed pigeons((f-)).

Possession Limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS((f-))

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((f-)).

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((f-)).

FALCONRY SEASONS**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag Limit: 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((f-)).

MOURNING DOVE - FALCONRY

Daily Bag ((f-Limit)) Limit: 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 ((f-Limit)) Limit: 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.

WSR 04-11-043

PERMANENT RULES

BATES TECHNICAL COLLEGE

[Filed May 13, 2004, 2:16 p.m.]

Date of Adoption: May 7, 2004.

Purpose: Amend and clarify for students, under student rights and responsibilities, prohibited conduct and disciplinary sanctions relating to alternative learning and technological equipment.

Citation of Existing Rules Affected by this Order: Amending WAC 495A-121-011 Definitions, 495A-121-041 Prohibited conduct, and 495A-121-044 Disciplinary sanctions.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 04-07-150 on March 23, 2004.

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.

May 9, 2004

Gwen K. Sailer

Vice-President

for Student Services

AMENDATORY SECTION (Amending WSR 00-11-147, filed 5/24/00, effective 6/24/00)

WAC 495A-121-011 Definitions. The definitions set forth in this section shall apply throughout this chapter. The following words and phrases shall mean:

(1) "Assembly" shall mean any activity engaged in by two or more persons the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any persons or group of persons.

(2) "Board of trustees" shall mean the five member board appointed by the governor of the state of Washington, District No. 28.

(3) "College" shall mean Bates Technical College, which includes the main campus, extension centers, and off-campus classes and activities, including alternative learning methods distributed by web, tape, television or other alternative means.

(4) "College community" shall mean all college employees designated as members of the administration by the board of trustees and students.

(5) "College facilities" shall mean and include any or all computer systems/networks or extension/alternative sites or real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "College president" shall mean the chief executive officer of the college appointed by the board of trustees.

(7) "Controlled substances" shall mean the definition of controlled substances as defined within RCW 69.50.101 as now law or hereafter amended.

(8) "Disciplinary action" shall mean and include oral warning, reprimand, probation, suspension, dismissal or any lesser sanction of any student by college officials.

(9) "Disciplinary official" shall mean the student/faculty disciplinary committee, the vice-president of student services or designee, and the president.

(10) "Drugs" shall mean a narcotic drug as defined in RCW 69.50.101 or a legend drug as defined in RCW 69.41-010.

(11) "Employee" shall mean any classified, faculty, administrator, exempt, student worker or volunteer person.

(12) "Harassment" shall mean any malicious act, which causes harm to any person's physical or mental well being.

(13) "Hate crimes" shall mean criminal acts in which victims are selected based on characteristics such as race, national origin, ethnicity, sex/gender, religion, sexual orientation or disability. Examples of behaviors that may constitute a hate crime include but are not limited to:

- (a) Threatening phone calls.
- (b) Hate mail.
- (c) Physical assault.
- (d) Threats of harm or violence.
- (e) Arson.
- (f) Vandalism.
- (g) Cross burnings.
- (h) Bombings and bomb threats.

(14) "Hazing" shall mean any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause bodily danger or physical harm, or serious mental or emotional harm to any student or person attending a public or private institution of higher education or other postsecondary educational institution in this state.

(15) "Instructor/faculty" shall mean professional staff members who are employed by the college in a temporary, full-time, tenured or probationary position as instructor, counselor, and/or librarian for the purpose of providing support services for students.

(16) "Liquor" shall mean the definition of liquor as defined in RCW 66.04.010.

(17) "Racial harassment" shall be defined as written, oral, graphic or physical conduct relating to an individual's race, color, or national origin that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of the individual to participate in or benefit from college's programs or activities. Examples of behaviors that constitute harassment based on race or national origin may include but are not limited to:

- (a) Harassment of students because they are immigrants, speak another language, or have a foreign accent.
- (b) Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin.
- (c) Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, or national origin.

(d) Depending on the circumstances and context, demeaning racial jokes, taunting, racial slurs, and derogatory racial "nicknames," innuendoes, or other negative or derogatory remarks of a racial nature or relating to national origin.

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(e) Depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or other racially/ethnically derogatory sentiments.

(f) Criminal offenses directed at persons because of their race or national origin.

(18) "Sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct directed at person because of his/her sex where:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing or employment; or

(b) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions or employment affecting such individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment. Examples of behaviors that may constitute harassment include but are not limited to:

(i) Unwelcome verbal harassment of a sexual nature or abuse;

(ii) Unwelcome pressure for sexual activity;

(iii) Unwelcome sexually motivated or inappropriate patting, pinching, or physical contact;

(iv) Unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's educational status;

(v) Unwelcome behavior, verbal or written words or symbols, directed at an individual because of gender;

(vi) The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs the student's full enjoyment of educational benefits, climate or opportunities.

(19) "Student" shall mean and include any person who is enrolled at the college or is in the process of enrolling at the college.

AMENDATORY SECTION (Amending WSR 00-11-147, filed 5/24/00, effective 6/24/00)

WAC 495A-121-041 Prohibited conduct. Disciplinary action may be taken for a violation of any provision of this student code or for a violation of other college rules and regulations, which may from time to time be properly enacted or for specific prohibited conduct including, but not limited to, the following:

(1) Smoking and use of tobacco products is prohibited in all classrooms, shop areas, the library and other areas designated by college officials.

(2) Using, possessing, consuming, or being under the influence of, or selling any liquor as defined in RCW 66.04.010, in violation of law or in a manner which disrupts a college activity.

(3) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 in a college facility or while participating in a college-related program or activity.

(4) Engaging in lewd, indecent, or obscene behavior.

(5) Where the student presents an imminent danger to college property or to himself/herself or to other students or

persons in college facilities on or off campus, or to the educational process of the college.

(6) Interference by force or violence with, or intimidation by threat of force or violence, of another student, employee or visitor who is in the peaceful discharge or conduct of his/her duties or studies (RCW 28B.10.570 through 28B.10.572).

(7) Conducting or participating in an assembly, which violates the guidelines of assembly as defined and set forth in these provisions.

(8) Any forms of academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding, and abetting academic dishonesty.

(9) Forgery of or unauthorized alteration of or access to any college document, record, funds, or instrument of identification, including electronic hardware, software and records.

(10) The intentional making of false statements and/or filing of false charges against the college and/or a member of the college community.

(11) Theft from college premises and/or property; theft of property of a member of the college community on college premises; or possession of property stolen from college premises and/or a member of the college community while on college premises.

(12) Causing, or attempting to cause, physical damage to property owned, controlled or operated by the college or to property owned, controlled or operated by another person while said property is located on college facilities.

(13) Failure to comply with the direction of college employees acting in the legitimate performance of their duties.

(14) Refusal to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of said employee's duties.

(15) Unlawful possession, transportation or storage of any firearm(s), explosives, dangerous chemicals or other weapons, devices or substances which can be used to inflict bodily harm or to damage real or personal property.

(16) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(17) Sexual harassment as defined and set forth in these provisions, of another student or employee.

(18) Racial harassment as defined and set forth in these provisions of another student or employee.

(19) Any repeated intentional conduct directed at another student or employee that has the purpose or effect of creating a hostile, intimidating or disruptive learning or working environment.

(20) Hazing in any form as described in RCW 28B.10-900.

(21) Illegal or attempted illegal entry of college owned or college controlled property.

(22) Violation of any computer use policies in effect on campus as well as conduct that violates the college's property rights with respect to computing resources including, but not limited to:

(a) Unauthorized copying, including:

(i) Copying college-owned or licensed software or data for personal or external use without prior approval;

(ii) Copying another computer user's software or data without permission of its owner, even if it is readily accessible by electronic means;

(iii) Knowingly accepting or using software or data which has been obtained by unauthorized means.

(b) Modifying or damaging, attempting to modify or damage computer equipment, software, data bases, or communication lines without permission;

(c) Disrupting or attempting to disrupt computer operations;

(d) Invading the privacy of an individual by using electronic means to ascertain confidential information, even if an individual or department inadvertently allows access to such information;

(e) Abusing or harassing another computer user through electronic means;

(f) Using the college's computing facilities in the commission of a crime;

(g) Allowing another individual to use one's computer identity/account or using another individual's computer identity/account. This includes, but is not limited to: Logging on to the account, accessing programs, and reading or altering computer records. Computer time belongs to the college; the college is the only entity, through computing services, authorized to allocate time on the mainframe computers.

(h) Using computer services without authorization.

(i) Using the internet for purposes other than college-approved activities.

(23) Disruption. While students have the right to freedom of expression, including the right to dissent or protest, this expression cannot interfere with the rights of others or disrupt the processes of the college. The following conduct will not be permitted:

(a) Disruption of classes, laboratories, offices, services, meetings, or ceremonies;

(b) Obstruction of free movement of people or vehicles;

(c) Conduct which threatens harm, incites violence, or endangers the health and safety of any person;

(d) Threats of disruption, including bomb threats;

(e) Damaging, defacing or abusing college facilities, equipment, or property;

(f) Inciting others to engage in prohibited conduct.

(24) Violation of parking regulations.

(25) Other conduct. Any other conduct or action in which the college can demonstrate a clear and distinct interest, and, which substantially threatens the educational process or other legitimate function of the college or the health or safety of any member of the college is prohibited.

AMENDATORY SECTION (Amending WSR 00-11-147, filed 5/24/00, effective 6/24/00)

WAC 495A-121-044 Disciplinary sanctions. Sanctions for violations of college regulations or conduct may be imposed independent of any action taken by civil authorities. In the case of minors, misconduct may be referred to parents or legal guardians. More than one sanction may be recommended. Sanctions may include, but are not limited to:

(1) "Disciplinary warning" shall mean oral notice of violation of college rules and regulations.

(2) "Reprimand" shall mean formal action after censuring a student for violation of college rules or regulations for failure to satisfy the college's expectations regarding conduct. The disciplinary official makes reprimands in writing to the student. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) "Disciplinary probation" shall mean formal action placing conditions upon the student's continued attendance. Notice will be made in writing, specifying the period of probation and the conditions of the probation. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college.

(4) "Restitution" shall mean compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

(5) "Discretionary sanctions" may include, but are not limited to, restricted computer systems/network access, work assignments, service to college or community, mandatory class/workshop attendance or other discretionary assignments such as educational interventions intended as learning experiences.

(6) "Loss of privileges" shall mean loss of specific college privileges for a specified period of time. These may include, but are not limited to, computer/internet access, student activities or club participation.

(7) "Summary suspension" shall mean temporary dismissal from the college for a period of time during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.

(8) "Suspension" shall mean temporary dismissal from the college and termination of student status.

(9) "Expulsion" shall mean dismissal from the college and termination of student status.

(10) "No contact" shall mean restriction from entering specific college areas and/or all forms of contact with certain individual(s).

WSR 04-11-045

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed May 13, 2004, 3:07 p.m., effective May 13, 2004]

Date of Adoption: May 13, 2004.

Purpose: The purpose of this rule is to show the modifications to chapters 251-30 and 356-60 WAC made by SB 5156 in 2003. This will bring the current WAC up to date with the current law.

Citation of Existing Rules Affected by this Order: Chapter 251-30 WAC, Combined fund drive and chapter 356-60 WAC, Combined fund drive; repealing 6 and amending 10.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 04-07-188 on March 24, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 356-60-010(10) and 251-30-010(10) were changed to specify the determination of reasonable uses is made by agency directors and institutional presidents. WAC 356-60-030 (7)(d) and 251-60-030 (7)(d) added language about people with disabilities to replace outdated references to handicapped 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 4, Amended 10, Repealed 6.

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 4, Amended 10, Repealed 6.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: In accordance with RCW 34.05.380 (3)(a), May 13, 2004, effective date is proposed to prevent further delay of enacting statutory provisions of SB 5156, effective July 27, 2003. Hearings for comments and discussion were held in March and May. No objections to the May 13, 2004, effective date were received. Efforts and planning for combined fund drive campaign for fall 2004 is now taking place.

Effective Date of Rule: May 13, 2004.

May 13, 2004

E. C. Matt

Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-12 issue of the Register.

WSR 04-11-046

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed May 13, 2004, 3:18 p.m., effective July 1, 2004]

Date of Adoption: May 13, 2004.

Purpose: These rules pertain to register designation, background check requirements and reduction in force for general government state employees. SB 5705 enables the department of services for the blind to conduct background checks on current employees in covered positions, applicants for covered positions, and for student interns and volunteers.

Citation of Existing Rules Affected by this Order: Amending WAC 356-26-030, 356-26-140, and 356-30-330.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 04-08-119 on April 7, 2004.

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 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 3, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 13, 2004

E.C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 01-19-032, filed 9/13/01, effective 10/14/01)

WAC 356-26-030 Register designation. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this

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register to seasonal positions will be as provided in WAC 356-30-130.

(ii) An employee's name shall not appear for classes at or below the range level of a class in which the employee is serving on a permanent full-time basis, except:

(A) When the employee has accepted an option beyond a reasonable commuting distance in lieu of separation due to reduction in force. The employee's name may appear for classes at the same or lower range levels when the availability would return the employee back to his/her previous work location.

(B) When the employee has accepted a position in lieu of separation due to a reduction in force, in a different class series.

(C) Any other exceptions shall be approved by the director or designee.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or a higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing

final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants. The names of employees in the department of social and health services or department of services for the blind who have been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, shall also be included on this register in accordance with subsection (4)(d)(ii) of this section.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(ii) An employee in the department of social and health services or department of services for the blind who has been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, may request placement on this register. The employee must meet the desirable qualifications and pass a qualifying exam for classes that are at the same salary level or lower than the position from which he/she was separated. Employees appointed from this register shall be required to serve a trial service period for classes in which they have not held permanent status. For three years from the date of separation from the position requiring the background check, an employee:

(A) May apply and have his/her name remain on this register for the appropriate classes.

(B) Shall continue to accrue seniority.

(C) Will maintain promotional rights from the position requiring the background check.

Upon appointment from this register the employee's name shall be removed from registers authorized by this subsection.

(5) Higher education reduction in force.

(a) Composition.

(i) This register shall contain the names of permanent employees ranked in order of seniority from higher education institutions or related boards laid off or scheduled for layoff and who have requested placement on this register. The employee's name shall appear for all classifications or equivalent classifications for which the employee held permanent status.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of the register.

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(i) An eligible's name will normally remain on this register for two years from the date of placement on the register.

(d) **Special provisions.**

(i) The employee must request placement on this register within thirty calendar days of the effective date of layoff or previously have requested placement on the inter-system employment register due to layoff. The employee may request placement on lower classes in the same class series or equivalent classes and must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination for classes in which the employee has held permanent status, or lower classes in the same class series, or equivalent classes. Employees appointed from this register shall be required to complete a trial service period of six months.

(6) **Service-wide reversion.**

(a) **Composition.**

(i) This register will contain the names of employees who while serving a trial service period in another agency or higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) **Method of ranking.**

(i) This register will be ranked according to total unbroken classified service.

(c) **Life of register.**

(i) An eligible's name will normally remain on this register for two years.

(d) **Special provisions.**

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(7) **Transfer.**

(a) **Composition.**

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) **Method of ranking.**

(i) This register will be unranked.

(c) **Life of register.**

(i) An eligible's name shall normally remain on this register for one year.

(d) **Special provisions.**

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(8) **Voluntary demotion.**

(a) **Composition.**

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) **Method of ranking.**

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) **Life of register.**

(i) An eligible's name shall normally remain on this register for one year.

(d) **Special provisions.**

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nulli-

fied; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(9) **Service-wide promotional.**

(a) **Composition.**

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) **Method of ranking.**

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) **Life of register.**

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) **Special provisions.**

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(10) **Reemployment.**

(a) **Composition.**

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) **Method of ranking.**

(i) This register shall be unranked.

(c) **Life of register.**

(i) An eligible's name will normally remain on this register for two years.

(d) **Special provisions.**

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(11) **Inter-system employment.**

(a) Composition. This register shall contain the names of permanent classified employees at higher education institutions who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(12) Open competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(c) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending WSR 02-07-050, filed 3/14/02, effective 5/1/02)

WAC 356-26-140 Background check requirements—Department of social and health services and department of services for the blind. (1) The department of social and health services and department of services for the blind shall conduct background checks on employees in covered positions and persons under final consideration for a covered position in accordance with WAC 356-30-012 or WAC 67-16-040.

AMENDATORY SECTION (Amending WSR 01-19-032, filed 9/13/01, effective 10/14/01)

WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(2) When employees have statutory and merit system rule rights to return to the classified service, such employees first shall be returned to the classification selected. If such return causes the total number of employees to exceed the number of positions to be filled in the classification, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measur-

ing the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

(i) The same layoff unit; and

(ii) Classification in which the "bumping" employee previously held permanent status; and

(iii) Position at the current salary range of the employee doing the bumping, or lower; and

(iv) Employee with the least seniority within the same category of full-time or part-time employment; and

(v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

(i) The agency intends to fill;

(ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;

(iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;

(iv) Is located within a reasonable commuting distance of the employee's permanent work location; and

(v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

PERMANENT

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(4) The agency shall submit the procedure to the director of personnel for approval.

(5) Vacancies will not be filled either by local list procedures or on a temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(6) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(7) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(8) Options to positions which are covered by WAC 356-30-012 or WAC 67-16-040 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force, have authorized a background check as provided for in WAC 356-30-012 or WAC 67-16-040 and are not disqualified for the available option as a result of the background check.

WSR 04-11-057

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 17, 2004, 2:30 p.m.]

Date of Adoption: April 12, 2004.

Purpose: Amends chapter 246-320 WAC to amend definitions and include a new section, WAC 246-320-370, which addresses SSB 6537, emergency care for sexual assault victims, which passed in 2002 legislative session.

Citation of Existing Rules Affected by this Order: Amending WAC 246-320-010 Hospital licensing definitions.

Statutory Authority for Adoption: RCW 70.41.350.

Other Authority: RCW 70.41.030.

Adopted under notice filed as WSR 03-22-083 on November 5, 2003.

Changes Other than Editing from Proposed to Adopted Version: Minor word changes were made to assure the rule reflects the authorizing statute.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

PERMANENT

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 1, Repealed 0.

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

May 17, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 99-04-052, filed 1/28/99, effective 3/10/99)

WAC 246-320-010 Definitions. For the purposes of this chapter and chapter 70.41 RCW, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Abuse" means injury or sexual abuse of a patient under circumstances indicating the health, welfare, and safety of the patient is harmed. Person "legally responsible" will include a parent, guardian, or an individual to whom parental or guardian responsibility is delegated (e.g., teachers, providers of residential care and treatment, and providers of day care):

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of healthcare organizations (JCAHO).

(3) "Administrative business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, 8:00 a.m. to 5:00 p.m., exclusive of recognized state of Washington holidays.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Airborne precaution room" means a room that is designed and equipped to care for patients known or suspected to be infected with microorganisms transmitted by airborne droplet nuclei (small-particle residue [five microns or smaller in size] of evaporated droplets containing microorganisms that remain suspended in the air and can be widely dispersed by air currents within a room or over a long distance).

(6) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.

(7) "Alteration":

(a) "Alteration" means any change, addition, remodel or modification in construction, or occupancy to an existing hospital or a portion of an existing hospital.

(b) "Major alteration" means any physical change within an existing hospital that changes the occupancy (as defined in state building code) and scope of service within a room or area, results in reconstruction to major portions of a floor or department, or requires revisions to building systems or services.

(c) "Minor alteration" means any physical change to an existing hospital which does not affect the structural integrity of the hospital building, which does not affect fire and life safety, and which does not add beds or facilities over those for which the hospital is licensed.

(8) "Ambulatory" means an individual physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(9) "Area" means a portion of a room or building that is separated from other functions in the room or portions of the building by a physical barrier or adequate space.

(10) "Assessment" means the: (a) Systematic collection and review of patient-specific data; (b) process established by a hospital for obtaining appropriate and necessary information about each individual seeking entry into a health care setting or service; and (c) information to match an individual's need with the appropriate setting and intervention.

(11) "Authentication" means the process used to verify that an entry is complete, accurate, and final.

(12) "Bathing facility" means a bathtub or shower, but does not include sitz bath or other fixtures designated primarily for therapy.

(13) "Birthing room" or "labor-delivery-recovery (LDR) room" or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped for the care of a woman, fetus, and newborn, and to accommodate her support people during the complete process of vaginal childbirth.

(14) "Child" means an individual under the age of eighteen years.

(15) "Clean" when used in reference to a room, area, or facility means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.

(16) "Communication system" means telephone, intercom, nurse call or wireless devices used by patients and staff to communicate.

(17) "Critical care unit or service" means the specialized medical and nursing care provided to patients facing an immediate life-threatening illness or injury. The care is provided by multidisciplinary teams of highly experienced and skilled physicians, nurses, pharmacists or other allied health professionals who have the ability to interpret complex therapeutic and diagnostic information and access to highly sophisticated equipment.

(18) "Department" means the Washington state department of health.

(19) "Detoxification" means the process of ridding the body of the transitory effects of intoxication and any associated physiological withdrawal reaction.

(20) "Dialysis facility" means a separate physical and functional nursing unit of the hospital serving patients receiving renal dialysis.

(21) "Dialysis station" means an area designed, equipped, and staffed to provide dialysis services for one patient.

(22) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(23) "Direct access" means access to one room from another room or area without going through an intervening room or into a corridor.

(24) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons legally qualified to administer such agent prior to administration of the agent.

(25) "Drugs" as defined in RCW 18.64.011(3) means:

(a) Articles recognized in the official U.S. pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection but not including devices or component parts or accessories.

(26) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(27) "Easily cleanable" means readily accessible and made with materials and finishes fabricated to permit complete removal of residue or dirt by accepted cleaning methods.

(28) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

(29) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

(30) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including, but not limited to, administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

(31) "Emergency triage" means the immediate patient assessment by a registered nurse, physician, or physician assistant to determine the nature and urgency of the person's medical need and the time and place care and treatment is to be given.

~~((30))~~ (32) "Facilities" means a room or area and equipment serving a specific function.

~~((31))~~ (33) "Failure or major malfunction" means an essential environmental, life safety or patient care function, equipment or process ceasing operation or capability of working as intended and any back up, reserve or replacement to the function, equipment or process has not occurred or is nonexistent. Such as, but not limited to, the:

(a) Normal electrical power ceases and the emergency generator(s) do not function;

(b) Ventilation system ceases to operate or reverses air flow and causes contaminated air to circulate into areas where it was not designated or intended to flow; or

(c) Potable water in the hospital becomes contaminated so it cannot be used.

~~((32))~~ (34) "Family" means individuals important to and designated by a patient who need not be relatives.

~~((33))~~ (35) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply is controlled by handles not less than four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply is controlled through a mixing valve designed and installed to be operated by the foot.

~~((34))~~ (36) "Governing authority/body" means the person or persons responsible for establishing the purposes and policies of the hospital.

~~((35))~~ (37) "Grade" means the level of the ground adjacent to the building. The ground must be level or slope downward for a distance of at least ten feet away from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((36))~~ (38) "He, him, his, or himself" means an individual of either sex, male or female, and does not mean preference for nor exclude reference to either sex.

~~((37))~~ (39) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, prenatal, natal, or postnatal needing special medical or nursing care.

~~((38))~~ (40) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;

(c) Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;

(d) ~~((Maternity homes))~~ Birthing centers, which come within the scope of chapter 18.46 RCW;

(e) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(f) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

(g) Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

~~((39))~~ (41) "Individualized treatment plan" means a written statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

- (a) Treatment goals, with stipulated time frames;
- (b) Specific services to be utilized;
- (c) Designation of individuals responsible for specific service to be provided;
- (d) Discharge criteria with estimated time frames; and
- (e) Participation of the patient and the patient's designee as appropriate.

~~((40))~~ (42) "Infant" means a baby or very young child up to one year of age.

~~((41))~~ (43) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

~~((42))~~ (44) "Inpatient" means a patient receiving services that require admission to a hospital for twenty-four hours or more.

~~((43))~~ (45) "Intermediate care nursery" means an area designed, organized, staffed, and equipped to provide constant care and treatment for mild to moderately ill infants not requiring neonatal intensive care, but requiring physical support and treatment beyond support required for a normal neonate and may include the following:

- (a) Electronic cardiorespiratory monitoring;
- (b) Gavage feedings;
- (c) Parenteral therapy for administration of drugs; and
- (d) Respiratory therapy with intermittent mechanical ventilation not to exceed a continuous period of twenty-four hours for stabilization when trained staff are available.

~~((44))~~ (46) "Interventional service facility" means a facility other than operating room (OR) where invasive procedures are performed.

~~((45))~~ (47) "Invasive procedure" means a procedure involving puncture or incision of the skin or insertion of an instrument or foreign material into the body including, but not limited to, percutaneous aspirations, biopsies, cardiac and vascular catheterizations, endoscopies, angioplasties, and implantations. Excluded are venipuncture and intravenous therapy.

~~((46))~~ (48) "JCAHO" means joint commission on accreditation of healthcare organizations.

~~((47))~~ (49) "Labor room" means a room in which an obstetric patient is placed during the first stage of labor, prior to being taken to the delivery room.

~~((48))~~ (50) "Labor-delivery-recovery (LDR) room," "birthing room," or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped for the care of a woman, fetus, and newborn and to accommodate her support people during the complete process of vaginal childbirth.

~~((49))~~ (51) "Licensed practical nurse," abbreviated LPN, means an individual licensed under provisions of chapter 18.78 RCW.

~~((50))~~ (52) "Long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

~~((51))~~ (53) "Maintainable" means able to preserve or keep in an existing condition.

~~((52))~~ (54) "Maintenance" means the work of keeping something in suitable condition.

~~((53))~~ (55) "Major permanent loss of function" means sensory, motor, physiological, or intellectual impairment not present on admission requiring continued treatment or lifestyle change. When this condition cannot be immediately determined, the designation will be made when the patient is discharged with continued major loss of function, or two weeks have elapsed with persistent major loss of function, whichever occurs first.

~~((54))~~ (56) "Medical staff" means physicians and may include other practitioners appointed by the governing authority to practice within the parameters of the governing authority and medical staff bylaws.

~~((55))~~ (57) "Medication" means any substance, other than food or devices, intended for use in diagnosing, curing, mitigating, treating, or preventing disease.

~~((56))~~ (58) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

~~((57))~~ (59) "Must" means compliance is mandatory.

~~((58))~~ (60) "Multidisciplinary treatment team" means a group of individuals from the various disciplines and clinical services who assess, plan, implement, and evaluate treatment for patients.

~~((59))~~ (61) "Neglect" means mistreatment or maltreatment; an act or omission evincing; a serious disregard of consequences of a magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation, such as lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness.

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

~~((60))~~ (62) "Neonate" or "newborn" means a newly born infant under twenty-eight days of age.

~~((61))~~ (63) "Neonatal intensive care nursery" means an area designed, organized, equipped, and staffed for constant

nursing, medical care, and treatment of high-risk infants who may require:

- (a) Continuous ventilatory support, twenty-four hours per day;
- (b) Intravenous fluids or parenteral nutrition;
- (c) Preoperative and postoperative monitoring when anesthetic other than local is administered;
- (d) Cardiopulmonary or other life support on a continuing basis.

((62)) (64) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in *Directory of Residency Training Programs* by the Accreditation Council for Graduate Medical Education, American Medical Association, 1998 or the *American Osteopathic Association Yearbook and Directory*, 1998.

((63)) (65) "Newborn nursery care" means the provision of nursing and medical services described by the hospital and appropriate for well and convalescing infants including supportive care, ongoing physical assessment, and resuscitation.

((64)) (66) "New construction" means any of the following:

- (a) New buildings to be licensed as a hospital;
- (b) Additions to an existing hospital;
- (c) Conversion of an existing building or portions thereof for use as a hospital;
- (d) Alterations to an existing hospital.

((65)) (67) "Nonambulatory" means an individual physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another.

((66)) (68) "Notify" means to provide notice of required information to the department by the following methods, unless specifically stated otherwise in this chapter:

- (a) Telephone;
- (b) Facsimile;
- (c) Written correspondence; or
- (d) In person.

((67)) (69) "Nursing unit" means a separate physical and functional unit of the hospital including a group of patient rooms, with ancillary, administrative, and service facilities necessary for nursing service to the occupants of these patient rooms.

((68)) (70) "Nutritional assessment" means an assessment of a patient's nutritional status conducted by a registered dietitian.

((69)) (71) "Nutritional risk screen" means a part of the initial assessment that can be conducted by any trained member of the multidisciplinary treatment team.

((70)) (72) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

((71)) (73) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

((72)) (74) "Operating room (OR)" means a room within the surgical department intended for invasive and non-invasive procedures requiring anesthesia.

((73)) (75) "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

((74)) (76) "Outpatient services" means services that do not require admission to a hospital for twenty-four hours or more.

((75)) (77) "Patient" means an individual receiving (or having received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital.

((76)) (78) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

((77)) (79) "Patient related technology" means equipment used in a patient care environment to support patient treatment and diagnosis, such as electrical, battery and pneumatic powered technology as well as support equipment and disposables.

((78)) (80) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((79)) (81) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

((80)) (82) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

((81)) (83) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, chapter 18.22 RCW, Podiatric medicine and surgery, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

((82)) (84) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

((83)) (85) "Pressure relationships" of air to adjacent areas means:

- (a) Positive (P) pressure is present in a room when the:
 - (i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or
 - (ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed;
- (b) Negative (N) pressure is present in a room when the:
 - (i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or
 - (ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H₂O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

~~((84))~~ (86) "Procedure" means a particular course of action to relieve pain, diagnose, cure, improve, or treat a patient's condition usually requiring specialized equipment.

~~((85))~~ (87) "Protective precaution room" means a room designed and equipped for care of patients with a high risk for contracting infections, such as bone marrow and organ transplant patients.

~~((86))~~ (88) "Protocols" and "standing order" mean written descriptions of actions and interventions for implementation by designated hospital personnel under defined circumstances and authenticated by a legally authorized person under hospital policy and procedure.

~~((87))~~ (89) "Psychiatric service" means the treatment of patients pertinent to the psychiatric diagnosis whether or not the hospital maintains a psychiatric unit.

~~((88))~~ (90) "Psychiatric unit" means a separate area of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in this section.

~~((89))~~ (91) "Reassessment" means ongoing data collection comparing the most recent data with the data collected on the previous assessment(s).

~~((90))~~ (92) "Recovery unit" means a special physical and functional area for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

~~((91))~~ (93) "Registered nurse" means an individual licensed under the provisions of chapter 18.79 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

~~((92))~~ (94) "Remodel" means the reshaping or reconstruction of a part or area of the hospital.

~~((93))~~ (95) "Restraint" means any method used to prevent or limit free body movement including, but not limited to, involuntary confinement, an apparatus, or a drug given not required to treat a patient's medical symptoms.

~~((94))~~ (96) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

~~((95))~~ (97) "Seclusion room" means a small, secure room specifically designed and organized for temporary placement, care, and observation of one patient and for an environment with minimal sensory stimuli, maximum security and protection, and visual observation of the patient by authorized personnel and staff. Doors of seclusion rooms are provided with staff-controlled locks.

~~((96))~~ (98) "Secretary" means the secretary of the department of health.

(99) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: Provided, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

~~((97))~~ (100) "Sensitive area" means a room used for surgery, transplant, obstetrical delivery, nursery, post-anesthesia recovery, special procedures where invasive techniques are used, emergency or critical care including, but not limited to, intensive and cardiac care or areas where immunosuppressed inpatients are located and central supply room.

~~((98))~~ (101) "Sexual assault" ~~((or "rape" mean consistent with applicable law and regulation and based on the hospital's definition))~~ has the same meaning as in RCW 70.125.030.

~~((99))~~ (102) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout without aerators including brush and handsfree soap dispenser.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(d) "Handsfree handwash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(e) "Handwash sink" means a plumbing fixture of adequate size and proper design for washing hands, with adjacent soap dispenser and single service hand drying device.

~~((100))~~ (103) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection or cleaning of used or contaminated supplies and equipment or collection or disposal of wastes.

~~((101))~~ (104) "Special procedure" means a distinct and/or special diagnostic exam or treatment, such as, but not limited to, endoscopy, angiography, and cardiac catheterization.

~~((102))~~ (105) "Staff" means paid employees, leased or contracted persons, students, and volunteers.

~~((103))~~ (106) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

~~((104))~~ (107) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

(a) Incision, excision, or curettage of tissue or an organ;

(b) Suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture;

(c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or

(d) An endoscopic examination with use of anesthetizing agents.

~~((105))~~ (108) "Surrogate decision-maker" means an individual appointed to act on behalf of another. Surrogates make decisions only when an individual is without capacity or has given permission to involve others.

~~((106))~~ (109) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

~~((107))~~ (110) "Toilet" means a room containing at least one water closet.

~~((108))~~ (111) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

- (a) Pharmacologic, surgical, or supportive;
- (b) Specific for a disorder; or
- (c) Symptomatic to relieve symptoms without effecting a cure.

~~((109))~~ (112) "Treatment room" means a hospital room for medical, surgical, dental, or psychiatric management of a patient.

~~((110))~~ (113) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

(114) "Water closet" means a plumbing fixture fitted with a seat and device for flushing the bowl of the fixture with water.

~~((111))~~ (115) "Will" means compliance is mandatory.

~~((112))~~ (116) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation will be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and other appropriate security features will be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

~~((113))~~ (117) "Work surface" means a flat hard horizontal surface such as a table, desk, counter, or cart surface.

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.

NEW SECTION

WAC 246-320-370 Emergency contraception. The purpose of this section is to ensure that all hospitals with emergency rooms provide emergency contraception as a treatment option to any woman who seeks treatment as a result of a sexual assault. Every hospital that provides emergency care must:

Develop and implement policies and procedures regarding the provision of twenty-four-hour/seven-day per week emergency care to victims of sexual assault;

Provide the victim of sexual assault with medically and factually accurate and unbiased written and oral information about emergency contraception;

Orally inform each victim in a language she understands of her option to be provided emergency contraception at the hospital; and

Immediately provide emergency contraception, as defined in WAC 246-320-010, to each victim of sexual assault if the victim requests it, and if the emergency contraception is not medically contraindicated.

WSR 04-11-066

PERMANENT RULES

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 18, 2004, 10:29 a.m., effective July 1, 2004]

Date of Adoption: May 18, 2004.

Purpose: Chapter 296-56 WAC, Safety standards for longshore, stevedore and related waterfront operations, the Occupational Safety and Health Administration (OSHA) found our rules requiring the use of personal flotation devices (PFD) to be less effective than the federal standard. The department is adopting changes that will make our rule at-least-as-effective-as the federal equivalent. Additional housekeeping changes were made.

Citation of Existing Rules Affected by this Order: Amending WAC 296-56-60115 Other protective measures and 296-56-60243 Fuel handling and 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 04-05-072 on February 17, 2004.

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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 2, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 18, 2004

Paul Trause

Director

PERMANENT

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60115 Other protective measures. (1) Protective clothing.

(a) Employees performing work that requires special protective clothing shall be directed by the employer to wear the necessary special protective clothing.

(b) When necessary, protective clothing previously worn shall be cleaned and disinfected before reissuance.

(2) Personal flotation devices.

(a) The employer shall provide, and shall direct the wearing of personal flotation devices for those employees, such as line handlers, who are engaged in work in which they may be pulled into the water:

(i) When such employees are working in isolation: or

(ii) Where physical limitations of available working space creates a hazard of falling into the water; or

(iii) Where the work area is obstructed by cargo or other obstacles so as to prevent employees from obtaining safe footing for their work.

(b) Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(i) Employees are not considered exposed to the danger of drowning when:

(A) ~~((The water depth is known to be less than chest deep on the exposed individual;~~

~~(B)))~~ Working behind standard height and strength guardrails;

~~((C)))~~ (B) Working inside operating cabs or stations which eliminate the possibility of accidental falling into the water;

~~((D)))~~ (C) Wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(ii) Prior to and after each use, personal flotation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(iii) To meet the requirement of (b) of this subsection, a personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard Table of Devices Equivalent to Personal Flotation Devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(c) Life rings.

(i) Along docks, walkways or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with 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.

(ii) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with line attached shall be provided in the immediate vicinity of the work.

(iii) Work assigned over water where the vertical drop from an accidental fall exceeds fifty feet, is subject to specific procedures approved by the department.

(iv) Lines attached to life rings shall be at least ninety feet (27.43 m) in length, at least one-quarter inch in diameter and have a minimum breaking strength of five hundred pounds.

(v) Life rings must be United States Coast Guard approved thirty inch size (76.2 cm).

(vi) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(3) Emergency facilities. When employees are exposed to hazardous substances which may require emergency bathing, eye washing or other facilities, the employer shall provide such facilities and maintain them in good working order.

(4) Employers shall instruct employees to report every injury, regardless of severity, to the employer.

(5) Stretchers.

(a) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear.

(b) Stretchers shall be kept close to vessels and shall be positioned to avoid damage to the stretcher.

(c) A blanket or other suitable covering shall be available.

(d) Stretchers shall have at least four sets of effective patient restraints in operable condition.

(e) Lifting bridles shall be of adequate strength, capable of lifting 1,000 pounds (454 kg) with a safety factor of five, and shall be maintained in operable condition. Lifting bridles shall be provided for making vertical patient lifts at container berths. Stretchers for vertical lifts shall have foot plates.

(f) Stretchers shall be maintained in operable condition. Struts and braces shall be inspected for damage. Wire mesh shall be secured and have no burrs. Damaged stretchers shall not be used until repaired.

(g) Stretchers in permanent locations shall be mounted to prevent damage and shall be protected from the elements if located out-of-doors. If concealed from view, closures shall be marked to indicate the location of the life saving equipment.

(6) Telephone or equivalent means of communication shall be readily available.

(7) Employees working on any bridge or structure leading to a detached vessel berthing installation shall wear United States Coast Guard approved personal flotation devices except where protected by railings, nets, or safety belts and lifelines.

(8) Life ladders. On all docks there shall be substantial built-in-place ladders, spaced at intervals not to exceed four hundred feet, to reach the lowest water use. When portable ladders are to be used, ladders may be bolted to the bullrail or dock structure, or ladders can be secured to an embedded eye bolt in a concrete dock surface. The immediate area where such ladders or fastenings are located shall be painted with a bright color or of a color which contrasts with the surrounding area. There shall be a ladder at each end of the dock.

PERMANENT

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60243 Fuel handling and storage. (1) Liquid fuel. ((See ~~WAC 296-24-475 through 296-24-47517.~~)

(a) Only designated persons shall conduct fueling operations.

(b) In case of spillage, filler caps shall be replaced and spillage disposed of before engines are started.

(c) Engines shall be stopped and operators shall not be on the equipment during refueling operations.

(d) Smoking and open flames shall be prohibited in areas used for fueling, fuel storage or enclosed storage of equipment containing fuel.

(e) Equipment shall be refueled only at designated locations.

(f) Liquid fuels not handled by pump shall be handled and transported only in portable containers designed for that purpose. Portable containers shall be metal, have tight closures with screw or spring covers and shall be equipped with spouts or other means to allow pouring without spilling. Leaking containers shall not be used.

(g) Flammable liquids shall only be dispensed in the open from a tank or from other vehicles equipped for delivering fuel to another vehicle if:

(i) Dispensing hoses do not exceed fifty feet (15.24 m) in length; and

(ii) Any powered dispensing nozzles are of the automatic-closing type.

(h) Liquid fuel dispensing devices shall be provided with an easily accessible and clearly identified shutoff device, such as a switch or circuit breaker, to shut off the power in an emergency.

(i) Liquid fuel dispensing devices, such as pumps, shall be mounted either on a concrete island or be otherwise protected against collision damage.

(2) Liquefied gas fuels. See WAC 296-24-475 through 296-24-47517.

(a) Fueling locations.

(i) Liquefied gas powered equipment shall be fueled only at designated locations.

(ii) Equipment with permanently mounted fuel containers shall be charged outdoors.

(iii) Equipment shall not be fueled or stored near underground entrances, elevator shafts or other places where gas or fumes might accumulate.

(b) Fuel containers.

(i) When removable fuel containers are used, the escape of fuel when containers are exchanged shall be minimized by:

(A) Automatic quick-closing couplings (closing in both directions when uncoupled) in fuel lines; or

(B) Closing fuel container valves and allowing engines to run until residual fuel is exhausted.

(ii) Pressure-relief valve openings shall be in continuous contact with the vapor space (top) of the cylinder.

(iii) Fuel containers shall be secured to prevent their being jarred loose, slipping or rotating.

(iv) Containers shall be located to prevent damage to the container. If located within a compartment, that compartment

shall be vented. Containers near the engine or exhaust system shall be shielded against direct heat radiation.

(v) Container installation shall provide the container with at least the vehicle's road clearance under maximum spring deflection, measured from the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(vi) Valves and connections shall be protected from contact damage. Permanent protection shall be provided for fittings on removable containers.

(vii) Defective containers shall be removed from service.

(c) Fueling operations. See WAC 296-24-47517.

(i) Fueling operations for liquefied gas fuels shall also comply with the requirements of subsection (1) of this section.

(ii) Using matches or flames to check for leaks is prohibited.

(iii) Containers shall be examined before recharging and again before reuse for the following:

(A) Dents, scrapes and gouges of pressure vessels;

(B) Damage to valves and liquid level gauges;

(C) Debris in relief valves;

(D) Leakage at valves or connections; and

(E) Deterioration or loss of flexible seals in filling or servicing connections.

(d) Fuel storage. See WAC 296-24-47517(6).

(i) Stored fuel containers shall be located to minimize exposure to excessive temperatures and physical damage.

(ii) Containers shall not be stored near exits, stairways or areas normally used or intended for egress.

(iii) Outlet valves of containers in storage or transport shall be closed. Relief valves shall connect with vapor spaces.

(e) Vehicle storage and servicing.

(i) Liquefied gas fueled vehicles may be stored or serviced inside garages or shops only if there are no fuel system leaks.

(ii) Liquefied gas fueled vehicles under repair shall have container shut-off valves closed unless engine operation is necessary for repairs.

(iii) Liquefied gas fueled vehicles shall not be parked near open flames, sources of ignition or unventilated open pits.

WSR 04-11-078

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 18, 2004, 4:17 p.m.]

Date of Adoption: May 18, 2004.

Purpose: This rule-making order repeals chapter 16-400 WAC, Fruit and vegetable inspection fees and chapter 16-458 WAC, Fruit and vegetable inspection district boundaries, and replaces them with a new clearly written chapter 16-390 WAC, WSDA Fruit and vegetable inspection districts, inspection fees and other charges, which contains increased hourly inspection rates, increased minimum inspection fees, increased phytosanitary inspection fees and adopts the hourly rates for audit time, administration time and applicable travel

time related to good agricultural practices (GAP) and good handling practices (GHP) audit verification certificates established by USDA/AMS/FPB/FVP in the Terminal Market Inspection Services Schedules of Fees for Fresh Fruit and Vegetable, 7 C.F.R. Part 51 Subpart 38, which became effective on January 15, 2004.

Citation of Existing Rules Affected by this Order: Repealing chapters 16-458 and 16-400 WAC in their entirety.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW, and chapter 25, Laws of 2003 1st sp.s. (ESSB 5404).

Adopted under notice filed as WSR 04-08-128 on April 7, 2004.

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 18, Amended 0, Repealed 12.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 18, Amended 0, Repealed 12.

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 18, Amended 0, Repealed 12.

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

May 18, 2004

Valoria Loveland

Director

Chapter 16-390 WAC

WSDA FRUIT AND VEGETABLE INSPECTION DISTRICTS, INSPECTION FEES AND OTHER CHARGES

NEW SECTION

WAC 16-390-005 What definitions are important to this chapter? "Certification" means the issuance of an official document confirming the inspection results for grade, classification, condition, and the absence or presence of plant pests or diseases and/or other defects.

"Customer assisted inspection program (CAIP)" means a quality and/or condition inspection performed by industry with verification and oversight by WSDA.

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the department or the director's designated representative.

"Grade and condition certificate" means a document issued by the director of a certification confirming the results of an inspection.

"Inspection" means a review or examination of fruits and vegetables in order to determine quality, condition,

and/or presence or absence of pests or diseases and/or other defects.

"Platform inspection" means any inspection and/or certification performed on a lot that has no defined per unit charges for the service.

NEW SECTION

WAC 16-390-010 How many WSDA fruit and vegetable inspection districts are there? The department has two fruit and vegetable inspection districts, which are:

(1) Fruit and vegetable inspection district two, which consists of Kittitas, Klickitat, Skamania, Yakima, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Benton, Franklin, Walla Walla, Columbia, Asotin, Whitman and Garfield counties; and

(2) Fruit and vegetable inspection district four, which consists of Grays Harbor, Jefferson, Clallam, Island, Mason, Kitsap, Pierce, Thurston, King, Snohomish, Skagit, Grant, Adams, Ferry, Pend Oreille, Stevens, Spokane, Lincoln, San Juan, Whatcom, Chelan, Douglas and Okanogan counties.

NEW SECTION

WAC 16-390-020 What are the fees for grade and condition certificates for fruit? WSDA fees for grade and condition certificates for all fruits are:

(1) A minimum charge of sixteen dollars.

(2) The fees for **federal-state grade and condition certificates** of all fresh market apples, pears, and soft fruits in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Fruit	Fees per CWT or Fraction Thereof
Apples	\$0.155
Apricots, cherries, nectarines and peaches	\$0.21
Pears	\$0.12
Plums, prunes, other soft fruits, grapes and berries	\$0.16

(3) The fees for **state grade and condition certification** of all fresh market apples, and pears that are in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Fruit	Fees per CWT or Fraction Thereof
Apples	\$0.145
Pears	\$0.11

(4) The department charges a fee of two dollars and fifty cents per ton net weight (or fraction thereof) for all apples, pears, stone fruits, berries, and grapes in bulk or in containers that are inspected for processing.

(5) The department charges a fee of thirty-two dollars per hour, with a minimum certificate charge of sixteen dol-

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lars, when an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality.

NEW SECTION

WAC 16-390-030 What are the fees for grade and condition certificates for vegetables? WSDA fees for grade and condition certificates for all vegetables are:

- (1) A minimum charge of sixteen dollars.
- (2) The fees for federal-state grade and condition certificates for all fresh market vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Vegetables	Fees per CWT or Fraction Thereof
Asparagus	\$0.21
Cantaloupes and corn	\$0.125
Onions	\$0.08
Potatoes	\$0.06
In-state processing potatoes Complete inspection	\$0.06 Rate shall be reduced for the level of service required
Tomatoes	\$0.19

- (3) The fee for state grade and condition certification of all fresh market asparagus in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags is listed in the following table:

Type of Vegetable	Fee per CWT or Fraction Thereof
Asparagus	\$0.19

- (4) For the inspection of vegetables not listed, the department charges a fee of thirty-two dollars per hour.

- (5) The department charges a fee of two dollars fifty cents per ton net weight (or fraction thereof) for the inspection of vegetables to be processed, whether in bulk or in containers.

- (6) When an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality, the department charges the rate of thirty-two dollars per hour, with a minimum certificate charge of sixteen dollars.

NEW SECTION

WAC 16-390-040 What are the fees for grade and condition certificates for fruits and vegetables inspected under the customer assisted inspection program (CAIP)? WSDA fees for grade and condition certificates for all fruits and vegetables issued under the customer assisted inspection program (CAIP) are:

- (1) A minimum charge of sixteen dollars.
- (2) The fees for federal-state grade and condition certificates for all fresh market fruits and vegetables in containers (wrapped, place pack, face and fill), bags, master contain-

ers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are:

Type of Fruit or Vegetable	Fees per CWT or Fraction Thereof
Fresh potatoes	Three and one-half cents per cwt., with a minimum charge of thirty-two dollars per hour for each staff hour worked.
All other fresh market fruits and vegetables	Three-fourths of the cwt. rates specified in WAC 16-390-020(2) and 16-390-030(2) but not less than the equivalent rate of thirty-two dollars per staff hour worked. If the cwt. rate results in an inspection fee that is less than the equivalent of thirty-two dollars per staff hour worked, the department will assess additional certification charges. For example, if an inspection takes three staff hours (\$96.00) to complete and the cwt. rate results in a fee of \$85.00, the department will assess additional certification charges of \$11.00.

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NEW SECTION

WAC 16-390-060 What are the fees for inspecting beans, peas, lentils, hay and straw? Inspection fees for beans, peas, lentils, hay, and straw are found in the following rule sections:

WAC Section	Title
WAC 16-239-071	Straight time rate.
WAC 16-239-0902	Fees for official sampling and inspecting without weighing and fees for official sampling only.
WAC 16-239-0904	Fees for other official weighing services.
WAC 16-239-0905	Fees for inspection of submitted samples.
WAC 16-239-0906	Fees for factor analysis.
WAC 16-239-0909	Fees for other stowage examination services.
WAC 16-401-023	Schedule of fees and charges—Establishing hourly rates.

NEW SECTION

WAC 16-390-100 What are the fees for fruit and vegetable certificates? As shown in the following table, WSDA certificate fees vary with the type of certificate requested:

Type of Certificate Requested	Fee
Consolidation certificates	Fees are specified in WAC 16-390-020 and 16-390-030 with an added charge of three dollars for each additional lot.
Condition certificates for previously inspected lots	Fee is two-thirds of the fee charged for grade and condition certificates, with a minimum charge of sixteen dollars.
Condition certificates for lots not previously inspected for quality or grade with a request that the certificate carry out-bound car, truck, or state lot number	Fees are based upon the applicable grade and condition certificate schedules.
Out-of-state products reported on state certificates	Fees are based either upon the applicable grade and condition certificate schedule or a charge of thirty-two dollars per hour whichever is greater.
A state condition certificate or quality control inspection for previously certified controlled atmosphere storage apple lots	A state condition certificate or quality control inspection may be issued without additional charge.
Sanitary and quarantine certificates for fruits and vegetables	Sixteen dollars for issuing a certificate, plus the hourly rates specified in WAC 16-390-200(1) when the shipment is not covered by federal-state or state certificates.
Container weight, or check loading certificates	Fee is charged at the rates specified in WAC 16-390-200(1).

NEW SECTION

WAC 16-390-150 What requirements apply to shipping permits and certificates of compliance for fruits and vegetables? (1) Each shipment of apples, apricots, Italian prunes, peaches, pears, dark sweet cherries, Rainier cherries and asparagus must be covered by a shipping permit. All other sweet cherries, whether certified or not, must have a shipping permit indicating freedom from cherry fruit fly larvae.

(2) Shipments of apricots, cherries, peaches, prunes, and asparagus to processors do not require a shipping permit.

(3) A permit or certificate of compliance may be issued without additional charge if the lot is certified.

(4) If the lot has not been certified, a permit or certificate of compliance may be issued based upon the following charges:

(a) The minimum charge for a permit or certificate of compliance is two dollars fifty cents.

(b) Two-thirds of the rate for federal-state or state grade and condition certificates applies.

(c) A permit to ship apples and/or pears to a by-product plant outside the state is three dollars.

NEW SECTION

WAC 16-390-200 What are the fees for platform inspection services? (1) Fees for platform inspections, taking samples, extra time, phytosanitary and/or quarantine inspection, and all other platform services are charged at the rate of thirty-two dollars per hour.

(2) When a platform inspector is working full time at one house and is also doing certification inspections, the inspector must allow credit, according to the limits outlined in the schedule for such inspections, for the time spent on the inspection at the rate of thirty-two dollars per hour.

(a) Platform fees will not be assessed if the certificate cwt. fee divided by the respective hourly rates is equal to or exceeds the number of hours worked.

(b) Platform fees will be assessed if the certificate cwt. fee divided by the respective hourly rates is less than the number of hours worked. The amount assessed will be sufficient to make the total fee equal to the number of hours worked multiplied by the thirty-two dollars per hour rate.

NEW SECTION

WAC 16-390-210 What is the fee for supervising fumigations? (1) The minimum fee for supervising fumigation shall be equivalent to one and one-half hours specified in WAC 16-390-200(1) for the master fumigation certificate. Additional certificates issued from this master certificate will cost sixteen dollars each.

(2) The department will charge for any additional stand-by time at the rate specified in WAC 16-390-200(1).

(3) In facilities that are either temporary or without adequate devices for maintaining acceptable treatment temperatures, fumigations must not start after:

- (a) 3:00 p.m. from October 1 to May 31; or
- (b) 10:00 p.m. from June 1 to September 30.

NEW SECTION

WAC 16-390-220 What is the fee for a field or orchard inspection? The fee for field or orchard inspections made at the applicant's request to determine the presence or absence of disease or insect infestation, or for some other reason is:

(1) Two dollars and fifty cents per acre or fraction thereof; or

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(2) At the platform inspection rate specified in WAC 16-390-200(1).

NEW SECTION

WAC 16-390-230 What is the fee for an apple pest certification? The fee for apple pest certification, using the survey method, on all fresh apples produced in Washington state or marketed under Washington state grades and standards, is \$.0075 per cwt. or fraction thereof.

NEW SECTION

WAC 16-390-240 What is the fresh produce audit verification program? A Federal-state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures, to help determine if "good agricultural practices" and "good handling practices" are maintained.

NEW SECTION

WAC 16-390-242 What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program? Charges assessed by the department for good agricultural practices (GAP) and good handling practices (GHP) audit verification certificates issued under the fresh produce audit verification program are as follows:

(1) Audit time, administration time and applicable travel time is charged at the hourly rate established by USDA/AMS/FPB/FVP the Schedule of Fees for Fresh Fruit and Vegetable Terminal Market Inspection Services, 7 CFR Part 51 Subpart 38, which became effective on January 15, 2004.

(2) Mileage related to GAP and GHP audit services is charged at the rate established by the office of financial management (OFM) at the time the service was performed.

NEW SECTION

WAC 16-390-245 What requirements apply to certifications using USDA positive lot identification? (1) Certification fees using USDA positive lot identification are based upon the rates specified in WAC 16-390-020, 16-390-030, 16-390-040, 16-390-100, 16-390-200, 16-390-210, 16-390-250 and 16-390-260.

(2) The department may add an additional charge of ten percent if an inspector is required to be on-site when no other inspections are requested.

(3) The department responds to requests for positive lot identification services in the following order:

(a) First priority is given to those situations where positive lot identification is a mandatory condition of a sales transaction.

(b) All other requests will be honored based upon adequate notice to the inspection service and the availability of inspectors.

NEW SECTION

WAC 16-390-250 What miscellaneous inspection and certification fees does WSDA charge? (1) Department services provided to other agencies, commissions, and organizations are charged at the rate of thirty-two dollars per hour.

(2) The charge for mileage related to inspection and certification services is at the rate established by the office of financial management (OFM) at the time the service was performed.

(3) The department may charge for telegrams, facsimile, or electronic transmission of inspection documents at the rate of four dollars per transmission in addition to any Western Union charges made directly to the applicant.

(4) The cost of extra copies of original documents is four dollars per set.

(5) The department may charge twenty-five cents per copy for Xerox copies of inspectors' notes, certificates or related documents.

(6) When, through no fault of the inspection service, it is necessary to retype or reissue a document, the cost of retyping or reissuing the document is four dollars per set.

NEW SECTION

WAC 16-390-260 Does the department assess extra charges for the inspection and certification services it provides? The department does assess extra charges on services provided according to the following:

(1) The minimum inspection charge for each commodity and requested document is sixteen dollars.

(2) If, through no fault of the inspection service, excess time is required over the maximum time allowed (as supported by unit rates for each commodity and requested document) the excess time is charged at the rate of thirty-two dollars per hour.

(3)(a) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, a rate equivalent to forty-two dollars will be charged for actual hours spent in performance of duties. Such charges include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

(b) The following are state legal holidays:

Holiday	Date
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day following Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25

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(4) Additional hourly or overtime charges will not be assessed when the per unit inspection charge in any one day equals or exceeds the basic hourly and/or overtime charge.

NEW SECTION

WAC 16-390-270 Can the department waive fruit and vegetable inspection fees? The department may waive inspection fees for fruits and vegetables donated to bona fide nonprofit organizations if the shipping containers are conspicuously labeled or marked "not for resale."

NEW SECTION

WAC 16-390-280 What requirements apply to the payment and collection of fruit and vegetable fees and charges? (1) All fees and charges for services rendered are due within thirty days after the date of the billing statement you receive from the department.

(2) If your payment is not received within thirty days, service may be withheld until your delinquent account is paid.

(3) If your account is delinquent, the department may require that you pay cash for subsequent services.

(4) The department assesses a penalty of eighteen percent per annum on all delinquent account balances.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-400-007 Definition.
- WAC 16-400-008 Reduction of inspection fees levied under this chapter.
- WAC 16-400-010 Grade and condition certificates—Fruits.
- WAC 16-400-040 Grade and condition certificates—Vegetables.
- WAC 16-400-045 Grade and condition certificates—Customer assisted inspection program (CAIP) certification charges—Fruits and vegetables.
- WAC 16-400-060 Certificate charges—Other agricultural commodities.
- WAC 16-400-100 Certificates.
- WAC 16-400-150 Shipping permits and certificates of compliance—Fruits and vegetables.
- WAC 16-400-210 Other charges.
- WAC 16-400-270 Copies.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-458-075 Fruit and vegetable district two.
- WAC 16-458-085 Fruit and vegetable district four.

WSR 04-11-087

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 18, 2004, 4:55 p.m.]

Date of Adoption: May 14, 2004.

Purpose: To correct WAC cross-references in WAC 388-825-070 and 388-825-090 and to correct an incorrect description of service in WAC 388-825-090.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-070 and 388-825-090.

Statutory Authority for Adoption: RCW 71A.12.030 and 71A.10.020.

Other Authority: 2001-03 Supplemental Budget - ESSB 6387 (chapter 371, Laws of 2002).

Adopted under notice filed as WSR 04-08-072 on April 5, 2004.

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 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

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

May 14, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-070 What happens if I do not spend the funds paid directly to me for employment/day programs as specified in WAC ((388-825-065)) 388-825-064? The department will stop sending these funds directly to you and has the right to recover any funds sent directly to you if it

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is determined that these funds were not spent as required in WAC ((388-825-065)) 388-825-064.

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-090 When will DDD recover direct payment funds sent to me for employment/day program services? DDD may recover funds, known as an overpayment, when:

- (1) You did not spend the direct payment funds on employment/day program services as specified in WAC ((388-825-065)) 388-825-064; or
- (2) You were no longer eligible for services from the division of developmental disabilities in the month in which the ((SSP was)) direct payment funds were issued; or
- (3) Your assessed need has changed.

WSR 04-11-091
PERMANENT RULES
GAMBLING COMMISSION

[Order 431—Filed May 18, 2004, 5:05 p.m., effective July 1, 2004]

Date of Adoption: May 14, 2004.

Purpose: Promotions, the amendment is not intended to change current requirements under this rule, it was rewritten to make it clearer and easier to understand.

Citation of Existing Rules Affected by this Order: Amending WAC 230-12-045.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 04-07-103 on March 17, 2004, with a published date of April 7, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 18, 2004
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 413, filed 5/16/02, effective 7/1/02)

WAC 230-12-045 Gambling promotions ((~~for gambling activities—Conditions—Restrictions~~)). ((~~Licenseses may conduct promotions connected with authorized gam-~~

~~bling activities under the following conditions and restrictions:~~

~~Definitions:~~

~~(1) Gambling promotions are directly connected to a gambling activity. A promotion may offer cash, merchandise, and/or discounted coupons to encourage a player to begin or continue play in a gambling activity.~~

~~(2) Promotional contests of chance are defined in RCW 9.46.0356. These contests are designed for a business to advertise or promote its goods, wares, merchandise, or services. These contests must be open to all customers and there must always be a free method of entry.~~

~~Conditions:~~

~~(3) The following conditions apply to promotions:~~

~~(a) All players must have an equal opportunity to participate;~~

~~(b) A promotion may provide an initial opportunity to engage in a gambling activity for free or at a discount; and~~

~~(c) All rules or restrictions governing the promotions shall be conspicuously displayed in the gaming area and referred to on any promotional coupon or advertisement.~~

~~Restrictions:~~

~~(4) The following restrictions apply to promotions:~~

~~(a) Any promotion offered to an individual player shall not exceed five hundred dollars in actual cost, per item;~~

~~(b) Promotions shall not consist of schemes in which the prize or end result is an additional opportunity to engage in a gambling activity regulated by the Washington state gambling commission; and~~

~~(c) Gambling activities and related promotions shall not be combined in any way with promotional contests of chance, as defined in RCW 9.46.0356.) Licenseses may conduct gambling promotions to encourage players to participate in a gambling activity under the following conditions and restrictions:~~

(1) The following conditions apply:

(a) All players must have an equal opportunity to participate;

(b) Licensee must establish criteria to determine how promotional items will be distributed to players. The criteria must not include distribution based on an element of chance, such as a drawing or spinning wheel, except as authorized under WAC 230-20-242.

(c) All rules or restrictions must be conspicuously displayed in the gaming area and included on promotional materials or advertisements.

(2) The following restrictions apply:

(a) Promotional items must not exceed a cost of five hundred dollars per item;

(b) Promotional items awarded based on the outcome of a gambling activity must not be an additional opportunity to engage in a gambling activity regulated by the commission;

(c) Gambling activities and related gambling promotions must not be combined in any way with a promotional contest of chance, as defined in RCW 9.46.0356.

WSR 04-11-092
PERMANENT RULES
GAMBLING COMMISSION

[Order 430—Filed May 18, 2004, 5:07 p.m., effective July 1, 2004]

Date of Adoption: May 13, 2004.

Purpose: This rule allows electronic facsimiles of cards to be used in house-banked card games. The commission considered DigiDeal's petition for rule change and adopted an amendment that will allow electronic facsimiles of cards to be used for all card games, not just house-banked card games (for example, poker games). The commission's closed circuit surveillance requirements for house-banked card games must also be met for all games played at the device, including non-house-banked card games.

Citation of Existing Rules Affected by this Order: Amending WAC 230-40-070.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 04-07-147 on March 23, 2004, with a published date of April 7, 2004:

Changes Other than Editing from Proposed to Adopted Version: Language added as subsection (1)(H)[c](iv) to clarify house-banking digital surveillance requirements must be followed.

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 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: July 1, 2004.

May 18, 2004
 Susan Arland
 Rules Coordinator

AMENDATORY SECTION (Amending Order 405, filed 7/13/01, effective 1/1/02)

WAC 230-40-070 Licensee to furnish all cards, chips and other services. Each public card room and Class A social card room licensee shall furnish all chips and cards in connection with all card games conducted on its premises at no additional charge to the players, except as provided in WAC 230-40-050(6).

Standards for chips and cards.

All chips and cards shall be of generally conventional size and design, and include safeguards that maximize the integrity of the card games. The following standards and procedures apply to this section:

(1) The licensee shall furnish chips and cards that meet the following requirements:

(a) **Chips.** Chips must include the house name or logo, clearly denote the chip value, be produced by a licensed manufacturer, and purchased from a licensed manufacturer or distributor: Provided, That the director may exempt Class A, B, C, and E licensees with five tables or less from this provision if chips are readily identifiable as having been furnished by that particular licensee and values of chips are clearly posted in the card room: Provided further, That Class D licensees are exempt from the provisions set forth in this subsection; and

(b) **Cards.** The deck or decks of cards must include the house name or logo, be produced by a licensed manufacturer, and be purchased from a licensed manufacturer or distributor: Provided, That Class A, B, C, D, and E licensees with five tables or less are exempt from this provision. These licensees shall comply with all other requirements related to the type of games being played.

(c) **Electronic facsimiles of cards.** Electronic card facsimiles may be approved by the director for use in ((house-banked)) card rooms for all authorized card games subject to the following conditions:

(i) The system shall:

(A) Produce accurate facsimiles of one or more standard decks of playing cards;

(B) Randomly shuffle the cards prior to each round of play or shoe loading;

(C) Contain a backup system for recording and display of at least five previous rounds of play;

(D) Contain security protocols which prevent unauthorized access;

(E) Provide a means of testing of computer software;

(F) Meet any additional technical standards required by the commission;

(G) Be operated only under card room internal controls specific to each system; and

(H) Be tested by a licensed game testing laboratory for compliance with these requirements.

(ii) The system shall be operated by card room personnel and shall not be designed to allow the player to play against the device.

(iii) The costs of initial laboratory testing and any additional testing required by the commission shall be paid for by the manufacturer.

(iv) The closed circuit television system requirements set forth in WAC 230-40-825 must be followed for all card games.

Bank services.

(2) The licensee shall sell its chips to all players desiring to buy them and redeem all chips at the value for which they were sold. The licensee shall collect the money taken in on chips sold and fees collected and shall keep these funds separate and apart from all other money received by the licensee.

Selling chips for cash or check.

(3) Chips shall be sold for cash only and a licensee shall not extend credit of any nature to a person purchasing chips: Provided, That a licensee may accept a check in accordance

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with WAC 230-12-053 and 230-40-845. Each receipt by a person of a quantity of chips from the licensee shall be a separate transaction for the purpose of this rule. Checks received for chips retained by the licensee after close of business shall be deposited by the licensee not later than the second day following receipt upon which the licensee's bank is open for business.

Protecting the integrity of cards and chips.

(4) The licensee shall safeguard all chips and cards to assure integrity of games and banking services. Licensees shall not allow:

(a) Playing cards that have been shaved, sanded, cut, carved, or otherwise marked in any manner which may make certain cards identifiable to players other than as allowed by the rules of the particular game.

(b) Any cards or chips which are not furnished by the licensee to be used in any card game conducted upon its premises; or

(c) Any other person to buy or sell chips for use in card games upon its premises.

WSR 04-11-100

PERMANENT RULES

DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed May 19, 2004, 8:40 a.m., effective June 30, 2004]

Date of Adoption: April 16, 2004.

Purpose: The rule amendment is being adopted to ensure public safety by requiring the demonstration of minimal competency before being allowed to practice without direct physician supervision.

Citation of Existing Rules Affected by this Order: Amending WAC 246-918-120 Remote site—Utilization—Limitations, geographic.

Statutory Authority for Adoption: RCW 18.71A.020.

Other Authority: Chapter 18.71A RCW.

Adopted under notice filed as WSR 04-05-044 on February 12, 2004.

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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 30, 2004.

April 22, 2004

D. Maniece

Executive Director

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-120 Remote site—Utilization—Limitations, geographic. (1) No licensee shall be utilized in a remote site without approval by the commission or its designee. A remote site is defined as a setting physically separate from the sponsoring or supervising physician's primary place for meeting patients or a setting where the physician is present less than twenty-five percent of the practice time of the licensee.

(2) Approval by the commission or its designee may be granted to utilize a licensee in a remote site if:

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for timely communication between the primary or alternate physician and the licensee exists;

(c) The responsible sponsoring or supervising physician spends at least ten percent of the practice time of the licensee in the remote site. In the case of part time or unique practice settings, the physician may petition the commission to modify the on-site requirement providing the sponsoring physician demonstrates that adequate supervision is being maintained by an alternate method. The commission will consider each request on an individual basis;

(d) The names of the sponsoring or supervising physician and the licensee shall be prominently displayed at the entrance to the clinic or in the reception area.

(3) No physician assistant holding an interim permit shall be utilized in a remote site setting.

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WSR 04-10-062
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 30, 2004, 2:33 p.m., effective May 1, 2004]

Date of Adoption: April 27, 2004.

Purpose: Amending chapters 388-71 WAC, Home and community services and programs; chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool; and adding a new section to chapter 388-515 WAC, Alternative living—Institutional medical, to establish the medically needy (MN) in-home waiver program. The department is adopting rules to establish eligibility criteria, applicable income standards, specific waiver services, and amending other sections as needed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0194, 388-71-0202, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0440, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0510, 388-71-05665, 388-71-0700, 388-71-0708, 388-71-0915, 388-71-0960, 388-71-1105, 388-72A-0060, 388-72A-0065, and 388-72A-0100.

Statutory Authority for Adoption: ESHB 2459, section 206 (6)(b), chapter 276, Laws of 2004; RCW 74.09.700, 74.09.575.

Other Authority: *Townsend v. DSHS*, United States District Court, Western District of Washington, No. C 00-0944Z.

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: Adoption of emergency rules are necessary to comply with ESHB 2459, section 206 (6)(b), chapter 276, Laws of 2004, and United States District Court, Western District of Washington, No. C 00-0944Z, stipulated agreement and order staying proceedings, requiring the implementation of an in-home medically needy Medicaid waiver program.

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 4, Amended 21, 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 4, Amended 21, Repealed 0.

Effective Date of Rule: May 1, 2004.

April 27, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0194 Home and community services—Nursing services. (1) Upon department or designee referral, a registered nurse will consult about or visit a community options program entry system (COPES) client, Medically Needy Residential Waiver (MNRW) client, Medically Needy In-home Waiver (MNIW) 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) File review;
- (e) Evaluation.

(2) The frequency and scope of the nursing service will be based on individual client need.

(3) 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.

(4) The registered nurse providing this service will not perform skilled treatment except in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. The need for any skilled medical or nursing treatments will be referred to a health care provider, a home health agency or ((a)) other appropriate resource.

(5) 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.

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 WSR 04-04-042, filed 1/29/04, effective 2/29/04)

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.

"**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 388-500-0005.

"**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).

"**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 disabling 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; and
- (4) Chore personal services when these services began before August 1, 2001.

"**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), Medically Needy Waiver Services, or Medicaid personal care client when the person:

- (1) Meets or exceeds the qualifications as defined under WAC 388-71-0500 through ((388-71-05640)) 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 388-500-0005; and

(2) Medically needy as defined under WAC 388-500-0005.

"Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-500-0005.

"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 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 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 that are age appropriate for children under age eighteen or 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 388-71-0205.

"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 for chore personal care service, a client's spouse, father, mother, son, or daughter.

"Service plan" means a plan for long-term care service delivery as described under WAC 388-71-0205.

"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, Medically Needy In-home Waiver, and Medicaid personal care home and community-based services.

Medically needy (MN) medical programs provide medical coverage for people whose income is more than the categorically needy (CN) standards. While MN medical coverage is more limited than CN, MN programs pay for many of the services also covered under CN. See chapter 388-529 WAC for the MN scope of care.

"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 03-13-052, filed 6/12/03, effective 7/13/03)

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), authorized under RCW 74.39A.030.

(2) Medicaid personal care services (MPC), authorized under RCW 74.09.520.

(3) Chore personal care services, a state-only funded program authorized under RCW 74.39A.110.

(4) Medically Needy Residential Waiver, authorized under RCW 74.09.700 and (~~(74.39A.041)~~) 74.39.041.

(5) Medically Needy In-home Waiver, authorized under RCW 74.09.700 and 74.39.041.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0410 What services may I receive under HCP? You may receive the following HCP services:

(1) For COPES, MNIW, MPC or chore: Assistance in your own home with personal care tasks and household tasks, as defined in WAC 388-71-0202, and as applicable, assistance with personal care tasks while you are out of the home accessing community resources or working; and

(2) For all HCP programs except MNIW: 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.

(3) For COPEs, MNIW, or MPC: Personal care assistance when temporarily traveling out of state, as long as:

(a) Your individual 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 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0415 What other services may I receive under the ~~((COPEs program))~~ waiver-funded programs?

In addition to the services listed in WAC 388-71-0410, you may be eligible for other services under the COPEs (~~((Medically Needy Residential waiver))~~), MNIW, or MNRW 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.

Clients receiving waiver services in their own home through COPEs or MNIW may be eligible for the additional services outlined in subsections (1) through (10) below.

(1) For COPEs in-home clients or Medically Needy In-home clients, adult day care if you meet the eligibility requirements under WAC (~~((388-15-652))~~) 388-71-0708 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))~~) 388-551-2120) and are in addition to those available services;

(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; 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.

(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 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.

(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~~

~~(e) In addition to and does not replace the services required by DSHS contract in residential settings)) Nurse delegation services if:~~

~~(a) You are living in your own home;~~

~~(b) You are eligible for COPEs; and~~

~~(c) You are receiving personal care from a registered or certified nursing assistant who has completed nurse delegation core training;~~

~~(d) Your medical condition is considered stable and predictable by the delegating nurse; and~~

~~(e) Services are provided in compliance with WAC 246-840-901 through 246-840-970.~~

Clients receiving services in a residential setting through COPEs or MNRW may be eligible for the additional services outlined in subsections (11) through (14) below.

(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.

~~(14) ((Nurse delegation services if:~~

~~(a) You are living in your own home;~~

~~(b) You are eligible for COPEs; and~~

~~(c) You are receiving personal care from a registered or certified nursing assistant who has completed Nurse Delegation Core Training;~~

~~(d) Your medical condition is considered stable and predictable by the delegating nurse; and~~

~~(e) Services are provided in compliance with WAC 246-840-901 through 246-840-970)) 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.~~

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

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 the services are authorized in your written service plan and meet the program criteria.

(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 chore personal care;

(7) Services to assist other household members not eligible for services;

(8) Yard care.

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0425 Who can provide HCP services? The following types of providers may provide COPEs, MPC, MNIW, MNRW, or chore services:

(1) For in-home clients, individual providers, who must meet the requirements outlined in WAC 388-71-0500 through ~~((388-71-0580))~~ 388-71-05909;

(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, Medically Needy In-home, or Medically Needy Residential Waiver services listed in WAC 388-71-0415.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-71-0440 Am I eligible for MPC-funded services? To be eligible for MPC-funded services you must:

- (1) Have unmet need for substantial assistance with at least one direct personal care task listed in WAC 388-71-0202; or have unmet needs for minimal assistance with three direct personal care tasks; and
- (2) Be certified as Title 19 noninstitutional categorically needy, as defined in WAC 388-500-0005.
- (3) Be assessed by department staff or designee using a department approved comprehensive assessment and have a determination of unmet needs for HCP services.

AMENDATORY SECTION (Amending WSR 04-01-090, filed 12/16/03, effective 1/16/04)

WAC 388-71-0465 Are there waiting lists for HCP services? For:

(1) COPES waiver services, the department will create a waiting list in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access in the following manner:

- (a) Nursing home residents wanting COPES 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 department's comprehensive assessment will be ranked higher on the wait list over clients with a 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.

(2) 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 or Medically Needy In-home Waiver, the department will create ((a)) waiting ((list)) lists for each waiver in accordance with caseload limits determined by legislative funding. Wait listed clients will gain access 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 department's 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 03-13-052, filed 6/12/03, effective 7/13/03)

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. 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~~);

(a) For Medically Needy Residential Waiver (MNRW), in WAC 388-515-1540;

(b) For Medically Needy In-home Waiver (MNIW), in WAC 388-515-1550.

(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 03-13-052, filed 6/12/03, effective 7/13/03)

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 noninstitutional 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 receiving Medically Needy In-home Waiver services, you may have earned income allowances per WAC 388-515-1550.

(4) If you are receiving COPEs waiver services, you may have earned income allowances per WAC 388-515-1505.

(5) If you are not Medicaid eligible due to your earned income and resources, 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 01-11-019, filed 5/4/01, effective 6/4/01)

WAC 388-71-0510 How does a person become an individual provider? In order to become an individual provider, a person must:

(1) Be eighteen years of age or older;

(2) Provide the social worker/case manager/designee with:

(a) Picture identification; and

(b) A Social Security card; or

(c) Authorization to work in the United States.

(3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW;

(a) Preliminary results may require a thumb print for identification purposes;

(b) An FBI fingerprint-based background check is required if the person has lived in the state of Washington less than three years.

(4) Sign a home and community-based service provider contract/agreement to provide services to a COPEs, MNIW, or Medicaid personal care client.

AMENDATORY SECTION (Amending WSR 04-02-001, filed 12/24/03, effective 1/24/04)

WAC 388-71-05665 What definitions apply to WAC 388-71-05670 through 388-71-05909? "Client" means an individual age eighteen or older, receiving in-home services through Medicaid personal care, COPEs, MNIW, or Chore programs. ~~((As applicable, the term client also means the client's legal guardian or other surrogate decision maker.))~~

"**Competency**" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"**DSHS**" refers to the department of social and health services.

"**Learning outcomes**" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes are generally identified with a specific lesson plan or curriculum.

"**Routine interaction**" means contact with clients that happens regularly.

AMENDATORY SECTION (Amending WSR 00-22-018, filed 10/20/00, effective 10/31/00)

WAC 388-71-0700 What are the requirements for nursing facility eligibility, assessment, and payment? (1) If you are a Medicaid client or paying privately, the nursing facility cannot admit you unless the physician, hospital, department, or department designee screens you for the presence of a serious mental illness or a developmental disability as required under WAC 388-97-247.

(2) You are eligible for nursing facility care if the department:

(a) Assesses you and determines that you meet the functional criteria for nursing facility level of care as defined in WAC ((388-71-0435(4))) 388-72A-0055(4); and

(b) Determines that you meet the eligibility requirements set through WAC 388-513-1315.

(3) If you are Medicaid eligible and the nursing facility admits you without a request for assessment from the department, the nursing facility will not:

(a) Be reimbursed by the department; or

(b) Allowed to collect payment, including a deposit or minimum stay fee, from you or your family/representative for any care provided before the date of request for assessment.

(4) If you are eligible for Medicaid-funding nursing facility care, the department pays for your services beginning on the date:

(a) Of the request for a department assessment; or

(b) Nursing facility care actually begins, whichever is later.

(5) If you become financially eligible for Medicaid after you have been admitted, the department pays for your nursing facility care beginning on the date of:

(a) Request for assessment or financial application, whichever is earlier; or

(b) Nursing facility placement; or

(c) When you are determined financially eligible, whichever is later.

(d) Exception: Payment back to the request date is limited to three months prior to the month that the financial application is received.

AMENDATORY SECTION (Amending WSR 03-06-024, filed 2/24/03, effective 7/1/03)

WAC 388-71-0708 Adult day care—Eligibility. (1) COPEs or MNIW clients may be eligible for adult day care as a ((COPEs)) waiver service if they are assessed as having an unmet need for one or more of the following core services identified in WAC 388-71-0704:

- (a) Personal care services;
 - (b) Routine health monitoring with consultation from a registered nurse;
 - (c) General therapeutic activities; or
 - (d) Supervision and/or protection for clients who require supervision or protection for their safety.
- (2) COPEs or MNIW clients are not eligible for adult day care if they:
- (a) Can independently perform or obtain the services provided at an adult day care center;
 - (b) Have unmet needs that can be met through the COPEs program more cost effectively without authorizing day care services;
 - (c) Have referred care needs that:
 - (i) Exceed the scope of authorized services that the adult day care center is able to provide;
 - (ii) Can be met in a less structured care setting; or
 - (iii) Are being met by paid or unpaid caregivers.
 - (d) Live in a nursing home, boarding home, adult family home, or other licensed institutional or residential facility; or
 - (e) Are not capable of participating safely in a group care setting.

AMENDATORY SECTION (Amending WSR 01-11-018, filed 5/4/01, effective 6/4/01)

WAC 388-71-0915 Am I medically eligible to receive private duty nursing services? In order to be medically eligible for PDN, the community nurse consultant (CNC) must assess you and determine that you:

- (1) Be assessed by a CNC as requiring care in a hospital or meeting nursing facility level of care, as defined in WAC ((388-71-0435(4))) 388-72A-0055(4).
- (2) Have a complex medical need that requires four or more hours of continuous skilled nursing care which can be safely provided outside a hospital or nursing facility; and
- (3) Are technology-dependent daily, which means you require at least one of the following:
 - (a) A mechanical ventilator or other respiratory support at least part of each day;
 - (b) Tracheostomy tube care/suctioning;
 - (c) Intravenous/parenteral administration of medications; and
 - (d) Intravenous administration of nutritional substances.
- (4) Require services that are medically necessary.

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.

AMENDATORY SECTION (Amending WSR 01-11-018, filed 5/4/01, effective 6/4/01)

WAC 388-71-0960 Can I receive services in addition to PDN? In addition to PDN services, you may be eligible to receive personal care and other household services through COPEs, MNIW, or Medicaid personal care (MPC), from a contracted home care agency or contracted individual provider (IP), for unmet personal care needs not performed by your family/informal support system.

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-1105 Am I eligible to receive volunteer chore services? You may receive volunteer chore services if you are:

- (1) Eighteen years of age or older;
- (2) Living at home unless you are moving from a residential facility to home and need assistance moving;
- (3) Unable to perform certain household or personal care tasks due to functional or cognitive impairment;
- (4) Financially unable to purchase services from a private provider;
- (5) Not receiving services under COPEs, MNIW, MPC, or chore personal care because you:
 - (a) Do not meet the eligibility requirements; or
 - (b) Decline these services.
- (6) In need of assistance from volunteer chore in addition to or in substitution of paid services under COPEs, MNIW, MPC, or chore personal care.

NEW SECTION

WAC 388-72A-0053 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 388-72A-0055 for COPEs, WAC 388-72A-0057 for Medically Needy Residential Waiver, WAC 388-72A-0058 for Medically Needy In-home Waiver, WAC 388-72A-0060 for MPC, or WAC 388-72A-0065 for Chore. Functional eligibility for all HCP programs is determined through an assessment as provided under WAC 388-72A-0025. Your eligibility begins upon the date of the department's service authorization.

NEW SECTION

WAC 388-72A-0057 Am I eligible for medically needy residential waiver (MNRW)-funded services? You are eligible for MNRW-funded services if you live in a residential setting as defined in WAC 388-71-0600 and 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 deter-

mine if your income and resources fall within the limits set in WAC 388-515-1540.

(3) You are not eligible for Medicaid personal care services (MPC) or COPES.

(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 MNRW 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;

(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:

(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:

(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:

(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-0058 Am I eligible for medically needy in-home waiver (MNIW)-funded services? You are eligible for MNIW-funded services if you live in your own home as defined in WAC 388-71-0202 and 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;

(3) You are not eligible for Medicaid personal care services (MPC) or COPES;

(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 MNIW 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:

(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:

(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:

(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.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

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 noninstitutional 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 three 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) 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 one or more of the following(~~(as defined in WAC 388-72A-0040)~~):

(a) Extensive assistance plus one person physical assistance in toileting;

(b) Extensive assistance plus one person physical assistance 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.

(c) Extensive assistance plus one person physical assistance in transfer;

(d) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

(e) Physical help limited to transfer plus one person physical assist in bathing;

(f) Supervision plus one person physical assist in eating;

or

(g) Daily assistance required in medication management;

or

(h) 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.

(i) Extensive assistance plus one person physical assistance in dressing.

(j) Extensive assistance plus one person physical assistance in personal hygiene.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

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~~) have been continuously on the Chore program since August 2001 and not be eligible for MPC (~~or~~), COPEs, MNIW, or 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.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

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, 388-72-0056, and 388-72-0057 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; or
- (7) In-home nurse delegation.

NEW SECTION

WAC 388-515-1550 Medically needy in-home waiver (MNIW) effective May 1, 2004. This section describes the financial eligibility requirements for waiver services under the Medically Needy In-home Waiver (MNIW) and the rules used to determine a client's responsibility in the total cost of care.

(1) To be eligible for MNIW, a client must:

(a) Not meet financial eligibility for Medicaid personal care or the COPEs program;

(b) Be eighteen years of age or older;

(c) Meet the SSI-related criteria described in WAC 388-475-0050(1);

(d) Require 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, 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) Have attained institutional status as described in WAC 388-513-1320;

(g) Have been determined to be in need of waiver services as described in WAC 388-71-0442;

(h) Be able to live at home with community support services and choose to remain at home;

(i) Not be 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) Meet the resource and income requirements described in subsections (2) through (6) of this section.

(2) The department determines a client's nonexcluded resources under MNIW as described in WAC 388-513-1350 (1) through (4)(a) and 388-513-1360;

(3) Nonexcluded resources, after disregarding excess resources described in subsection (4) of this section, 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; or

(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 spenddown liability;

(iii) Have not previously been used to reduce excess resources;

(iv) Have not been used to reduce client responsibility toward cost of care; and

(v) Are amounts for which the client remains liable.

(5) The department determines a client's countable income under MNIW 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, not used to reduce excess resources in subsection (4) of this section;

(e) Allows an income deduction for a nonapplying spouse, equal to the one person medically needy income level (MNIL) less the nonapplying spouse's income, if the nonapplying spouse is living in the same home as the applying person.

(6) A client whose countable income exceeds the MNIL may become eligible for MNIW:

(a) When they have or expect to have medical expenses to offset their income which is over the MNIL; and

(b) Subject to availability in WAC 388-71-0465.

(7) The portion of a client's countable income over the MNIL is called "excess income."

(8) A client who has or will have "excess income" is not eligible for MNIW 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) The following medical expenses may be used to meet spenddown if not already used in subsection (4) of this section to disregard excess resources or to reduce countable income as described in subsection (5)(d) of this section:

(a) 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; and

(iii) Necessary medical care covered under the state's Medicaid plan.

(b) The cost of waiver services authorized during the base period.

(c) 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 spenddown liability;

(iii) Have not been used to reduce client responsibility toward cost of care; and

(iv) Are amounts for which the client remains liable.

(10) Eligibility for MNIW is effective the first full month the client has met spenddown.

(11) In cases where spenddown has been met, medical coverage and MNIW begin the day services are authorized.

(12) A client who meets the requirements for MNIW chooses a three or six month base period. The months must be consecutive calendar months.

(13) 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 in the order listed:

(a) An earned income deduction of the first sixty-five dollars plus one-half of the remaining earned income;

(b) Personal needs allowance (PNA) in an amount equal to the one-person MNIL described in WAC 388-478-0070 (1)(a);

(c) Medicare and health insurance premiums not used to meet spenddown or reduce excess resources;

(d) Incurred medical expenses described in subsection (4) of this section not used to meet spenddown or reduce excess resources.

WSR 04-11-001

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 04-100—Filed May 5, 2004, 1:18 p.m.]

Date of Adoption: May 5, 2004.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000C.

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: Impacts to ESA-listed upriver spring chinook have been achieved in non-Indian fisheries, based on the current run size forecast of 200,000. 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: Immediately.

May 5, 2004

J. P. Koenings

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000C Columbia River gillnet seasons below Bonneville. (04-77)

WSR 04-11-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-101—Filed May 5, 2004, 1:20 p.m., effective May 6, 2004, 12:01 a.m.]

Date of Adoption: May 5, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900D; 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: Impacts to ESA-listed upriver spring chinook have been achieved in non-Indian fisheries, based on the current run size forecast of 200,000. 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: May 6, 2004, 12:01 a.m.

May 5, 2004

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900F Exceptions to statewide rules—Deep River (Wahkiakum Co.) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. May 6, 2004 until further notice, it is unlawful to fish for or possess salmon, steelhead or shad in those waters of Deep River.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 6, 2004:

WAC 232-28-61900D Exceptions to statewide rules—Columbia River. (04-93)

WSR 04-11-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-102—Filed May 5, 2004, 1:22 p.m., effective May 8, 2004, 12:01 a.m.]

Date of Adoption: May 5, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900A and 232-28-61900G; 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 run size forecast for upriver spring chinook has been downgraded to 200,000 fish, compared to the preseason forecast of 360,700 fish. Non-Indian impacts to listed upriver spring chinook in fisheries downstream of Lower Granite Dam have been achieved based on the current run size of 200,000. 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: May 8, 2004, 12:01 a.m.
May 5, 2004
J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Snake River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through May 31, 2004, in those waters of the Snake River from Southway Bridge crossing the Snake River at Lewiston/Clarkston upstream to the Heller Bar concrete boat ramp below the confluence of the Grande Ronde River, it is lawful to fish for and possess salmon. Daily limit of two hatchery chinook salmon, minimum size 12 inches in length.

(a) It is unlawful to use barbed hooks when fishing for all species.

(b) It is unlawful to use any hook larger than 5/8 inch (point of hook to shank) when fishing for all species.

(c) Night closure is in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 8, 2004:

WAC 232-28-61900A Exceptions to statewide rules—Snake River. (04-84)

The following section of the Washington Administrative Code is repealed effective June 1, 2004:

WAC 232-28-61900G Exceptions to statewide rules—Snake River.

**WSR 04-11-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-104—Filed May 5, 2004, 4:40 p.m., effective May 5, 2004, 11:59 p.m.]

Date of Adoption: May 5, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-04000L.

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 harvestable quota of salmon available for the troll fleet has been taken. These rules are adopted at the recommendation of the Pacific Fish-

eries Management Council. 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: May 5, 2004, 11:59 p.m.

May 5, 2004
J. P. Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 5, 2004:

WAC 220-24-04000L All-citizen commercial salmon troll. (04-81)

**WSR 04-11-013
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed May 6, 2004, 3:12 p.m.]

Date of Adoption: May 5, 2004.

Purpose: To update the categorically needy income level (CNIL) SSI-related standards based on a change in federal rules. This rule will now include the SSI standards since these are being removed from WAC 388-478-0055 How much do I get from my supplemental security income (SSI) and state supplemental payments (SSP)? This rule was first adopted on an emergency basis effective January 1, 2004, under WSR 04-02-012.

Also removing the information for essential spouses since we no longer have any in Washington state.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-478-0080.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Other Authority: Section 1924 of the Social Security Act (42 U.S.C. 1396R-5).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline

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for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Under Section 1924 of the Social Security Act and as directed by the Federal Centers for Medicaid and Medicare Services, the department must continue these new standards that have been in effect since January 1, 2004. The department has filed a notice of intent to adopt the emergency rule as permanent, and is in the process of developing the draft rule, which will be reviewed by interested public stakeholders.

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 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: Immediately.

May 5, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-10-116, filed 4/30/02, effective 5/31/02)

WAC 388-478-0080 Supplemental security income (SSI) standards; SSI-related categorically needy income level (CNIL); and countable resource standards. (1) The SSI payment standards beginning January 1, 2004 are:

(a) Living alone (in own home or alternate care, does not include nursing homes or medical situations)

<u>Individual</u>	<u>\$564</u>
<u>Individual with an ineligible spouse</u>	<u>\$564</u>
<u>Couple</u>	<u>\$846</u>

(b) Shared living (in the home of another)

<u>Individual</u>	<u>\$376</u>
<u>Individual with an ineligible spouse</u>	<u>\$376</u>
<u>Couple</u>	<u>\$564</u>

(c) Living in an institution

<u>Individual</u>	<u>\$30</u>
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(2) See WAC 388-478-0055 for the amount of the state supplemental payments (SSP) for SSI recipients.

(3) The SSI-related CNIL standard ((is the same as the SSI monthly payment standard based upon the area of the state where the person lives)) varies in area 1 and area 2 for a

single person. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. ~~((Area 2 is))~~ All other counties ~~((Beginning January 1, 2002, the CNIL monthly income standards are as follows))~~ are area 2. The SSI-related CNIL standards are:

	Area 1	Area 2
(a) Single person	\$570.90	\$(550.45)) <u>564.00</u>
(b) ((A legally married couple who are both eligible))	((836.90))	((817.00))
<u>Married couple - both eligible</u>	<u>846.00</u>	<u>846.00</u>
(c) <u>Supplied shelter -single person</u>	((367.05)) <u>376.00</u>	((367.05)) <u>376.00</u>
(d) <u>Supplied shelter couple - both eligible</u>	<u>564.00</u>	<u>564.00</u>

~~((2))~~ (4) The countable resource standards for ((the)) SSI and SSI-related CN medical ((program)) programs are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000

WSR 04-11-014

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-103—Filed May 6, 2004, 3:49 p.m.]

Date of Adoption: May 6, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500N; and amending WAC 220-56-325.

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 regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the areas closed under this rule. 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.

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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.

May 6, 2004

J. P. Koenings

Director

NEW SECTION

WAC 220-56-32500P Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, the following area shall be defined as a shrimp fishing district: Port Townsend Shrimp District—All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Hudson (including Kilisut Harbor).

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section:

(a) All waters of the Port Townsend Shrimp District south of a line from Kala Point to Walan Point are open to the harvest of all shrimp, except Spot shrimp.

(b) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

3) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 11.

4) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10.

5) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1, 8-2 and Marine Area 9 outside of the Port Townsend Shrimp District, except as provided for in this section:

(a) Effective 5:00 a.m. through 9:00 p.m., Friday, May 14, 2004, open to the harvest of all shrimp harvest of all shrimp species.

(b) It is unlawful to fish for or possess shrimp from those waters of Marine Area 12 (Hood Canal) south of the Hood Canal floating bridge except as provided for in this section:

(a) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: May 15, 19, 22, and 26, 2004.

(b) No shrimp fishers may set gear before 9:00 a.m. or leave shrimp fishing gear in the water after 1:00 p.m. each day of the fishery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500N Shrimp—Areas and seasons (04-90)

WSR 04-11-021

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed May 10, 2004, 4:57 p.m., effective May 15, 2004, 12:01 a.m.]

Date of Adoption: May 10, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H; 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: An abundant return of spring chinook salmon is forecast for the Columbia River during the year 2004. This abundance of fish will ensure that brood stock escapement goals are met at the Carson and Little White Salmon hatcheries. In addition and more specifically, approximately 10,000 spring chinook salmon are predicted to return to the Icicle River ensuring that the Leavenworth National Fish Hatchery will be able to collect the 1,000 - 1,200 fish needed for brood stock. The remaining salmon in the Icicle River will be available for harvest by both the Yakima [Yakama] Indian Nation and nontribal anglers. There is insufficient time to promulgate permanent regulations.

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: May 15, 2004, 12:01 a.m.

May 10, 2004

J. P. Koenings

Director

by Larry Peck

EMERGENCY

NEW SECTION

WAC 232-28-61900H Exceptions to statewide rules—Icicle River (Chelan Co.) Notwithstanding the provisions of WAC 232-28-619, effective May 15, 2004 through July 31, 2004 it is lawful to fish for salmon in those waters of the Icicle River from 500 feet downstream of the Leavenworth National Fish Hatchery Rack down river to a point 400 feet up-stream of the mouth of the Icicle River. Daily limit two salmon greater than 12 inches in length. Night closure and non-buoyant lure restrictions in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective one hour after sunset on July 31, 2004:

WAC 232-28-61900H Exceptions to statewide rules—Icicle River (Chelan Co.)

**WSR 04-11-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-106—Filed May 10, 2004, 4:59 p.m., effective May 11, 2004, 6:00 a.m.]

Date of Adoption: May 10, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100T; and amending WAC 220-32-051.

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: Sets second week of treaty Indian spring season commercial fishery. Harvestable numbers of salmon are available under the guideline of 9%. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on May 7, 2004. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

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: May 11, 2004, 6:00 a.m.

May 10, 2004

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-32-05100T Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, Klickitat River, and Drano Lake except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. May 11 to 6:00 p.m. May 14, 2004

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gillnets. No mesh restriction

2) Open Periods: 6:00 a.m. May 11 to 6:00 p.m. May 31, 2004

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: 6:00 a.m. May 11 to 6:00 p.m. May 31, 2004 only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River, Drano Lake, Wind River, and White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets may be used in Drano Lake.

4) Allowable sale includes: salmon, steelhead, walleye, shad, and carp. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Commercial sales of platform and hook and line caught fish are allowed during commercial gillnet openings. Fish may also be sold from Washington tributaries during the open Yakama Nation fishing periods within those areas, as described in item #3.

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5) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

7) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

8) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. May 31, 2004:

WAC 220-32-05100T Columbia River salmon seasons above Bonneville Dam.

WSR 04-11-044

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-108—Filed May 13, 2004, 3:05 p.m.]

Date of Adoption: May 12, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100Q; and amending WAC 220-52-051.

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 2004 state/tribal Strait of Juan de Fuca shrimp harvest management plan requires adoption of harvest seasons, harvest reporting areas, and the prohibition on nighttime fishing contained in this emergency rule. Commercial shrimp trawl quotas are available in the area opened under this rule as long as by-catch criteria for soft-shelled crab are met. 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 12, 2004

J. P. Koenings

Director

NEW SECTION

WAC 220-52-05100R Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Marine Fish-Shellfish Management and Catch and Reporting Areas 23C and 29, are open to harvest of all shrimp species immediately until further notice.

(b) All waters of Shrimp Management Areas 1B, 1C, Crustacean Management Regions 2, 3, 4 and 6 are open to the harvest of all non-spot shrimp species immediately until further notice, except as provided in this section:

i) In Marine Fish/Shellfish Management and Catch Reporting Area 22A, closed through June 15 in waters inside and bounded by a line projected from Blakely Marina on the northwest corner of Blakely Island to Upright Head on Lopez Island following the shoreline southerly on Lopez Island to intersect a line projected due west from Bald Bluff on Lopez Island.

ii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

iii) Those waters defined in this section as 23A-E, 23A-W and 23A-C are closed.

(c) All waters of Shrimp Management Area 1A are closed to shrimp fishing until further notice, except that portion of Marine Fish/Shellfish Management and Catch Reporting Area 22A in San Juan Channel south the 48.30.50' North latitude line and north of a line from Cattle Pass to Davis Point is open to the harvest of all non-spot shrimp species immediately until further notice.

(d) The shrimp accounting week is Monday through Sunday.

(e) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(f) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50°N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A within Shrimp Management Area 1B: Open 5:00 a.m. May 16, 2004, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100Q	Puget Sound shrimp pot and beam trawl fishery—Season (04-86)
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WSR 04-11-050

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-110—Filed May 14, 2004, 1:07 p.m., effective May 15, 2004, 12:01 a.m.]

Date of Adoption: May 13, 2004.

Purpose: Amend personal use fishing 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: Through May 11, nearly 2,500 spring chinook have been trucked to Lake Scanewa for sport fishing opportunity and reintroduction efforts. 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: May 15, 2004, 12:01 a.m.

May 15 [14], 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules—Lake Scanewa (Lewis County). Notwithstanding the provisions of WAC 232-28-619, effective May 15 through May 31, 2004, it is lawful to fish for salmon in those waters of Lake Scanewa (Cowlitz Falls Reservoir) from Cowlitz Falls Dam to the listed boundaries in the Cispus and Cowlitz rivers arms. Special daily limit of six salmon, of which no more than two may be adults, and all of which must be adipose fin-clipped. Minimum size is 8 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 1, 2004:

WAC 232-28-61900I Exceptions to statewide rules—Lake Scanewa.

**WSR 04-11-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-109—Filed May 14, 2004, 3:27 p.m., effective May 18, 2004, 12:01 a.m.]

Date of Adoption: May 14, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-03000U; and amending WAC 220-52-030.

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: Based on historical catches and on-site inspection, there should be adequate clams to support a six-week season. Biotoxin levels currently fall below the regulatory threshold. 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: May 18, 2004, 12:01 a.m.

May 14, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-03000U Commercial razor clams. Notwithstanding the provisions of WAC 220-52-030, effective 12:01 a.m. May 18 through 11:59 p.m. June 30, 2004, it is lawful to dig for and possess razor clams for commercial purposes in those waters and beaches of Razor Clam Area 1 lying south of the Willapa Bay Ship Channel, west of Ellen Sands and north of the tip of Leadbetter Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 1, 2004:

WAC 220-52-03000U Commercial razor clams.

EMERGENCY

WSR 04-11-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-111—Filed May 14, 2004, 3:29 p.m., effective May 15, 2004,
 12:01 a.m.]

Date of Adoption: May 14, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-24-04000M; and amending WAC 220-24-040.

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: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. 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: May 15, 2004, 12:01 a.m.

May 14, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-24-04000M All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open May 15 through May 18, 2004. The Cape Flattery and Columbia River Control Zones are closed.

(2) Landing and possession limit of 125 chinook per boat for the whole opening.

(3) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon. It is unlawful to possess coho salmon.

(4) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land and deliver within the Salmon Management and Catch Reporting Areas 1, 2, 3 or 4.

(6) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(7) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(9) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 19, 2004:

WAC 220-24-04000M All-citizen commercial salmon troll.

WSR 04-11-056
EMERGENCY RULES
HORSE RACING COMMISSION

[Filed May 17, 2004, 10:47 a.m.]

Date of Adoption: May 13, 2004.

Purpose: To adopt emergency rules to allow the commission to comply with ESSB 6481 which became effective April 1, 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 260-14-040 Wagering and 260-48-700 Interjurisdictional common pool wagering.

Statutory Authority for Adoption: RCW 67.16.020.

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: On April 1, 2004, Governor Locke signed into law ESSB 6481 which took effect immediately. ESSB 6481 (1) authorizes advance deposit wagering in Washington; (2) allows full card simulcast to satellite locations (OTB); (3) removes the day and hour limitation for simulcast wagering for the class 1 racing association and the OTBs; and (4) prohibits the commissioners from wagering on horse races they regulate.

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 2, 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: Immediately.

May 17, 2004

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending Order 73.3, filed 6/28/73)

WAC 260-14-040 Wagering. (1) No commission employee shall make any wager at a facility under the jurisdiction of the commission.

(2) No ((regulatory)) commission employee shall make any wager on the outcome of any horse race ((at a meeting at which he is employed)) under the jurisdiction of the commission. Commission employee means both regulator employee and employee as defined in WAC 260-14-010.

(3) No commissioner ((or employee)) shall make any wager ((except through authorized parimutuel betting)) on

the outcome of any horse race at a meeting under the jurisdiction of the commission.

AMENDATORY SECTION (Amending WSR 99-06-026, filed 2/23/99, effective 3/26/99)

WAC 260-48-700 ((Interjurisdictional)) Multi-jurisdictional common pool wagering. (1) ((definitions)) Definitions.

(a) The host association is the association conducting a licensed parimutuel meeting from which authorized contests or entire performances are simulcast.

(b) The guest association is the association that offers licensed parimutuel wagering on contests conducted by the host association.

(2)(a) Except as otherwise authorized by the commission, a request for simulcasting must be filed on a form provided by the commission not later than 7 business days before the first simulcast race covered by the request. The executive secretary may approve a request for simulcasting, subject to rescission of the approval by the commission at its next regular meeting.

(b) The application must include at a minimum:

(i) The simulcast agreement between the host and guest association;

(ii) The approval by the horsemen's association represented at the host and guest site;

(iii) The alternate jurisdiction approval;

(iv) When acting as the host site, approval also requires a list of all locations that will be receiving and/or wagering on the races under the guest site; and

(v) The executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

(3) A class 1 racing association shall not be allowed to simulcast until the following are filed with the commission.

(a) A written agreement with the local horsemen's group.

(b) A description of how simulcast purse monies are to be maintained.

(c) A description of how breeder awards are to be maintained.

(d) A monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

(4) The approval of any particular simulcasting or wagering on particular simulcast races or programs is not binding on the commission for other requests for approval of simulcasting or wagering on simulcast races or programs.

(5) In determining whether to approve ((an interjurisdiction)) a multi-jurisdictional common pool which does not include the host track or which includes contests from more than one association, the commission shall consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the commission.

(6) No class 1 racing association shall enter a contractual agreement that is in violation of, or may be construed as

waiving any provision of chapter 67.16 RCW, Title 260 WAC and any federal, state or local law.

(7) The mutuel manager or the mutuel manager's designee shall be present on association grounds at all times that the class 1 racing association is accepting wagers on simulcast races. He/she shall be responsible for communicating all errors or omissions regarding simulcast wagering to the ~~((board of stewards or the commissions on duty mutuel inspector))~~ executive secretary.

(8) There shall be a facsimile machine located in each mutuel area or tote room and a direct, private telephone line to be located in the tote room. Phone access to the tote room shall not require routing through the switchboard.

(9) Every class 1 racing association shall file with the commission an annual report of its simulcast operations including financial data as specified by the commission.

(10) Not less than 30 minutes prior to the commencement of transmission of the performance of parimutuel contests for each day or night, the guest association shall initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.

(11) ~~((The audio or the video signals must be present at the start of a wagering event in order for wagering to begin and shall continue to be displayed to the public during the entire wagering card.~~

(12) ~~In the event of the loss of both the audio and video signals the class 1 association mutuel manager shall ensure that wagering and racing information is provided through the public address system or totalisator information screens.~~

(13) ~~If a guest association is unable to establish or to maintain the audio or video signal from the host association, the guest association may continue to accept wagers while attempting to establish the signal provided:~~

(a) ~~An announcement is made to the public informing them of the technical difficulties;~~

(b) ~~The totalisator system licensee transmits the odds on the affected race to the video department to be displayed to the patrons; and~~

(c) ~~The totalisator system licensee locks all wagering on the affected race at zero minutes to post to ensure the integrity and transfer of the wagering pools.~~

(14) ~~Wagering may not take place without the presence of both the audio and the video signals on a performance day following a performance day in which either the audio or the video was missing.~~

(15) ~~If the host association loses the ability to transmit the audio or video signal, the host association:~~

(a) ~~Shall notify all receiving locations of the technical difficulties being experienced;~~

(b) ~~May continue to accept wagers from the receiving location on that days races; and~~

(c) ~~May not accept wagers from the receiving locations for subsequent race days until the technical difficulties have been corrected.~~

(16) ~~The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interjurisdiction common pool need not be identical to the similar information permitted or required to be displayed under these rules.~~

~~(17))~~ Washington intratrack breakage and minus pools shall be prorated based on amounts wagered.

~~((18))~~ (12) The commission may permit adjustment of the takeout from the parimutuel pool so that the takeout rate in this jurisdiction is identical to that at the host jurisdiction, or identical to that of other jurisdictions participating in a merged pool.

~~((19))~~ (13) Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

~~((20))~~ (14) Where takeout rates in the merged pool are not identical, the net price calculation may be the method by which the differing takeout rates are applied.

~~((21))~~ (15) Parimutuel pools may be combined for computing odds and calculating payouts but will be held separate for auditing and all other purposes.

Chapter 260-49 WAC

ADVANCE DEPOSIT WAGERING

NEW SECTION

WAC 260-49-010 Definitions. For the purposes of this chapter, unless otherwise indicated by the context in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Account" shall mean an account for advance deposit wagering with a complete record of credits, wagers and debts established by an account holder and managed by an authorized advance deposit wagering facility.

(2) "Account holder" shall mean a natural person, at least twenty-one years of age for whom an authorized advance deposit wagering facility has opened an account.

(3) "Advance deposit wagering" means a form of parimutuel wagering in which an individual deposits money in an account with an entity authorized by the commission to conduct advance deposit wagering and then the account funds are used to pay for parimutuel wagers made in person, by telephone, or through communication by other electronic means.

(4) "Authorized advance deposit wagering facility" means an entity licensed by the commission, pursuant to this chapter, to conduct advance deposit wagering including such entity's facility location, equipment and staff involved in the management, servicing and operation of advance deposit wagering.

(5) "Applicant" is a natural person, at least twenty-one years of age, who has submitted an application to establish an account with an advance deposit wagering facility.

(6) "Application" shall mean the form or forms and other required submissions received from an applicant for the purpose of opening an account.

(7) "Class 1 racing association" shall mean any person or entity holding a current and valid license under RCW 67.16.200 to engage in horse racing.

(8) "Commission" means the Washington horse racing commission.

(9) "Communications by other electronic means" includes communications by any electronic communication

device or combination of devices including, but not limited to, the following: Personal computers, the internet, private networks, interactive televisions and wireless communication technologies or other technologies approved by the commission.

(10) "Confidential information" shall include the following:

(a) The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

(b) The amount of money wagered by a particular account holder on any race or series of races;

(c) The account number and secure personal identification code of a particular account holder;

(d) The identities of particular entries on which the account holder is wagering or has wagered; and

(e) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of an authorized advance deposit wagering facility that would identify the account holder to anyone other than the commission, the authorized advance deposit wagering facility, the regulatory authority in the state that regulates the authorized advance deposit wagering facility or as otherwise required by state or federal law.

(11) "Credits" shall mean all deposits of money into an account.

(12) "Debits" shall mean all withdrawals of money from an account.

(13) "Deposit" shall mean a payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.

(14) "Foreign jurisdiction" shall mean a jurisdiction of a foreign country or political subdivision thereof.

(15) "Natural person" shall mean any person, at least twenty-one years of age, but does not include any corporation, partnership, limited liability company, trust, or estate.

(16) "Principal residence address" shall mean that place where the natural person submitting an application for an account resides at least fifty percent of the time during the calendar year.

(17) "Proper identification" shall mean a form of identification sufficient to ensure that the person making a transaction is an account holder.

(18) "Qualified subscriber based service" and "closed-loop subscriber based system" shall mean any information service or system that uses:

(a) A device or combination of devices:

(i) Authorized by the commission and operated exclusively for placing, receiving, or otherwise making a parimutuel horse racing wager; and

(ii) By which a person must subscribe to in order to be able to place, receive or otherwise make a parimutuel horse racing wager;

(b) An effective system to verify an applicant's identification, residence and age; and

(c) Appropriate data security standards to prevent unauthorized access by any person who has not subscribed or who is less than twenty-one years of age.

(19) "Secure personal identification code" shall mean an alpha and/or numeric character code chosen by an account holder as a means by which the authorized advance deposit wagering facility may verify a wager or account transaction as authorized by the account holder.

(20) "Source market fee" shall mean the part of a wager made on any race by a person whose principal residence address is in Washington that is returned to the class 1 racing association.

(21) "Source market fee area" means the state of Washington.

(22) "Withdrawal" shall mean a payment of money from an account by an authorized advance deposit wagering facility to the account holder.

NEW SECTION

WAC 260-49-020 Requirements to conduct authorized advance deposit wagering. (1) The advance deposit wagering rules set forth in this chapter shall apply to the establishment and operation of accounts by an authorized advance deposit wagering facility for applicants whose principal residence address is in the state of Washington.

(2) Advance deposit wagering for applicants whose principal residence address is in the state of Washington may only be conducted by an authorized advance deposit wagering facility licensed by the commission pursuant to WAC 260-49-030 or 260-49-040.

(3) A class 1 racing association must obtain commission approval of its contract with an authorized advance deposit wagering facility.

(4) An authorized advance deposit wagering facility must be licensed by the commission prior to accepting accounts for individuals whose primary residence is in Washington.

(5) The commission may suspend or revoke a license to operate an authorized advance deposit wagering facility, withdraw approval of a contract between a class 1 racing association and an advance deposit wagering facility and/or impose fines, if the authorized advance deposit wagering facility, its officers, directors, or employees violate chapter 67.16 RCW or Title 260 WAC.

(6) An authorized advance deposit wagering facility located within Washington shall not establish and/or operate advance deposit wagering accounts for people whose principal residence is outside of the state of Washington, including residents of foreign jurisdictions unless:

(a) Wagering on that same type of live racing is lawful in the jurisdiction which is the natural person's principal residence; and

(b) The authorized advance deposit wagering facility complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. §§ 3001 to 3007, and the laws of the applicant's jurisdiction.

(7) The authorized advance deposit wagering facility shall provide a bond or irrevocable letter of credit in an amount set by the commission for the purpose of ensuring that payments to the commission and to the Washington account holders are made. In the alternative, a facility may provide other means of assurance of such payment including,

but not limited to, evidence of bond(s), irrevocable letter(s) of credit or other forms of financial guarantees posted and in good standing with regulatory authorities in other jurisdictions, which shall be subject to the approval of the commission. Any bond, or any other form of credit acceptable to the commission provided by the facility shall run to the Washington horse racing commission as obligee, and shall be for the benefit of the commission and any account holder who suffers a loss by reason of the facility's violation of chapter 67.16 RCW or these rules. The bond, or any other form of credit acceptable to the commission shall be conditioned on the obligor as licensee faithfully complying with chapter 67.16 RCW and these rules. The bond shall be continuous and may be canceled by the surety only upon the surety giving written notice to the executive secretary of its intent to cancel the bond. The notice of cancellation shall not be effective until thirty days after the notice is received by the executive secretary. In the event of cancellation of the bond, or any other form of credit acceptable to the commission the facility shall file a new bond, or any other form of credit acceptable to the commission by the effective date of the cancellation notice.

(8) Persons whose primary residence is within Washington shall not participate in advance deposit wagering unless such activity is conducted through an authorized advance deposit wagering facility.

(9) The content and frequency of reports from an authorized advance deposit wagering facility shall be at the discretion of the commission.

(10) No class 1 racing association shall enter into a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(11) Every class 1 racing association approved under this section shall file with the commission a monthly statement showing amounts contributed to and balances in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

(12) In determining whether to approve an application under this section, the commission shall consider the following factors:

(a) The impacts on all entities conducting business as part of the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts of the state where the authorized advance deposit wagering facility is located are sufficient for compliance with applicable laws and for the protection of the public and to ensure the integrity of all operations and financial transactions under the agreement between the class 1 racing association and the authorized advance deposit wagering facility; and

(c) Any other factor the commission identifies on the record as relevant to its approval.

NEW SECTION

WAC 260-49-030 Authorized advance deposit wagering facility license for a class 1 racing association.

(1) A class 1 racing association licensed under chapter 67.16 RCW and chapter 260-13 WAC may apply for a license from the commission to operate an advance deposit wagering facility in accordance with chapter 67.16 RCW and these rules.

(2) An application to operate an authorized advance deposit wagering facility must be filed on a form provided by the commission.

(3) As part of the application, the class 1 racing association shall submit a detailed plan of how its proposed advance deposit wagering facility would operate. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and advance deposit wagering facility will operate;

(b) Programs for responsible wagering;

(c) A plan for verification of an applicant's identity, age and residence when establishing an account;

(d) Establish a dispute resolution process for account holders who file a claim against the authorized advance deposit wagering facility;

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live; and

(h) Any additional information required by the commission.

(4) The commission may require changes in a proposed plan of operations as a condition of granting a license.

(5) The commission may conduct investigations or inspections or request additional information from the class 1 racing association, as it deems appropriate in determining whether to license the class 1 racing association to operate an authorized advance deposit wagering facility.

(6) A license authorizes only the class 1 racing association to establish and manage an advance deposit wagering facility. The class 1 racing association shall not subcontract operation of the authorized advance deposit wagering facility to another person or entity.

(7) No subsequent changes in the advance deposit wagering facility's plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(8) The commission, or its staff, will be given access to review and audit all records and financial information of a class 1 racing association related to the conduct of advance deposit wagering, including resident and nonresident accounts. This information shall be made available to the commission or its staff by the class 1 racing association at its location at reasonable hours. The commission may require the class 1 racing association to annually submit to the commission audited financial statements of the advance deposit wagering facility.

NEW SECTION

WAC 260-49-040 Authorized advance deposit wagering facility license for nonclass 1 racing associa-

tions. (1) Prior to accepting applications from Washington residents for advance deposit wagering accounts, the operator of an advance deposit wagering facility must have:

(a) An agreement with a class 1 racing association, which has been approved by the commission; and

(b) A license from the commission to conduct authorized advance deposit wagering.

(2) If the advance deposit wagering facility is located within the state of Washington, the operator of the advance deposit wagering facility shall not establish any advance deposit wagering accounts nor conduct advance deposit wagering until licensed by the commission.

(3) The operator of an advance deposit wagering facility applying for a license to conduct advance deposit wagering must provide the following information as part of the application:

(a) The applicant's legal name;

(b) If the applicant is a corporation, the date and place of incorporation, and the names, addresses, and dates of birth of its shareholders, directors and officers; if a shareholder is a corporation, the date of incorporation, the place of incorporation, and the names, addresses, and dates of birth of its shareholders, directors and officers must be provided. If the applicant is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in this subsection shall be required from the directors of the membership organization, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(c) If the applicant is a general or limited partnership, the names and addresses, and dates of birth of the partners; if a partner is a corporation, the date of incorporation, the place of incorporation and the names, addresses and dates of birth of its directors and officers must be provided;

(d) The commission reserves the right to request fingerprints as part of the license application process;

(e) Information from the applicant that demonstrates whether the applicant has the financial resources to operate the advance deposit wagering facility;

(f) A copy of the written agreement between the class 1 association and the advance deposit wagering facility and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(g) Written approval to conduct advance deposit wagering from the appropriate regulatory authority in the state where the advance deposit wagering facility is located;

(h) A description of how the state where the facility is located regulates and monitors the account wagering facility for compliance with applicable law and protection of the public; and

(i) Any other information required by the commission.

(4) The written agreement between the class 1 racing association and the advance deposit wagering facility must contain substantially the following terms:

(a) A description of the fee structure and fees to be paid to the class 1 racing association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law or rule.

(5) Approval of an agreement under this section shall be in effect for a period of twelve months from the date of approval, unless rescinded by the commission.

(6) The commission's approval of a specific agreement under this section is not binding on the commission as to any other agreement.

(7) As part of the application for licensure as an operator of an advance deposit wagering facility, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate and the regular hours of operation;

(b) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live;

(c) Programs for responsible wagering;

(d) A dispute resolution process for account holders who file a claim against the authorized advance deposit wagering facility;

(e) The process for an account holder to make withdrawals from the account holder's account;

(f) Washington operators of advance deposit wagering facilities must include the requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington; and

(g) Any other issues as required by the commission.

(8) The commission may require changes to an advance deposit wagering facility's proposed plan of operations as a condition of granting a license. No subsequent material changes in the plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(9) The operator of an advance deposit wagering facility applying for a license shall provide to the commission the number of Washington accounts on file with its business as of 1:00 p.m. PST April 1, 2004, and the total wagering activity since that time until the date of the application for license in Washington. Any operator of an advance deposit wagering facility authorized by the commission to conduct advance deposit wagering shall pay the source market fee on all advance deposit wagers for all accounts since 1:00 p.m. PST April 1, 2004, that have Washington as the principal resident address.

(10) The commission may conduct investigations or inspections or request additional information from the applicant for a license under this section as it deems appropriate in determining whether to approve the license application.

(11) The operator of an advance deposit wagering facility accepting a license from the commission recognizes and accepts the jurisdiction of the state of Washington as provided in RCW 4.28.185. The commission, or its staff, will be given access to review and audit all records and financial information of the operator of an advance deposit wagering facility, including all Washington account information. If the operator of the advance deposit wagering facility is located in Washington, the commission, or its staff, shall have access to all accounts (resident and nonresident) maintained in Wash-

ington. This information shall be made available to the commission or its staff by the operator of the advance deposit wagering facility at the operator's location upon notice from the commission or commission staff at all reasonable times. The commission may require the operator annually submit to the commission audited financial statements of the advance deposit wagering facility.

NEW SECTION

WAC 260-49-050 Establishing an account. (1) An established account is necessary to place advance deposit wagers. An account may only be established at an authorized advance deposit wagering facility.

(a) To establish an account, an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

- (i) The applicant's full legal name;
- (ii) Principal residence address;
- (iii) Telephone number;
- (iv) Proper identification or certification demonstrating that the applicant is at least twenty-one years of age; and
- (v) Any additional information required by the commission.

(b) Each application submitted shall be verified with respect to name, principal residence address, and date of birth by either an independent service provider or another means which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by an independent service provider. If there is a discrepancy between the application submitted and the information provided by the verification described above or if no information on the applicant is available from such verification process, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If the applicant's information cannot be verified, the authorized advance deposit wagering facility shall not establish an account.

(2) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the operator of the advance deposit wagering facility provided the operator informs the account holder in writing prior to the change.

(3) The applicant shall supply a secure personal identification code when the account holder is placing an advance deposit wager. The account holder has the right to change this code at any time.

(4) The holder of the account shall receive at the time the account is approved:

- (a) Unique account identification number;
- (b) Copy of the advance deposit wagering rules and such other information and material that is pertinent to the operation of the account;
- (c) Notice that the account holder must be at least twenty-one years of age, and that individuals under the age of twenty-one may not have access to the account;
- (d) Such other information as the authorized advance deposit wagering facility or the commission may deem appropriate.

(5) Accounts shall only be accepted in the name of a natural person.

(6) The account is nontransferable between natural persons.

(7) The authorized advance deposit wagering facility may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.

(8) Any disputes between an account holder and an authorized advance deposit wagering facility shall follow the dispute resolution procedures contained in the authorized advance deposit wagering facility's plan of operations as approved by the commission. If the authorized advance deposit wagering facility fails to resolve the dispute, the commission may take appropriate action including claims against the bond or other form of financial security.

(9) The authorized advance deposit wagering facility shall state in all advertising in the state of Washington that residents under the age of twenty-one are not permitted to open, own or have access to an advance deposit wagering account.

(10) If the authorized advance deposit wagering facility is located in Washington, no account shall be established for any natural person under the age of twenty-one.

NEW SECTION

WAC 260-49-060 Operation of an account. (1) The authorized advance deposit wagering facility may refuse deposits to an account for what it deems good and sufficient reason.

(2) The authorized advance deposit wagering facility may suspend any account or close any account at any time provided that when an account is closed, they shall, within seven calendar days, return to the account holder all moneys then on deposit by sending a check to the last known principal residence address.

(3) Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder may be made in the following forms:

(i) Cash, which may be deposited at financial or retail outlets designated by the authorized advance deposit wagering facility;

(ii) Check, money order or negotiable order of withdrawal given or sent to an authorized advance deposit wagering facility;

(iii) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, if the use of the card has been approved by the authorized advance deposit wagering facility;

(iv) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account; or

(v) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the authorized advance deposit wagering facility.

(4) Debits to an account shall be made as follows:

(a) Upon receipt by the authorized advance deposit wagering facility of an advance deposit wager, the authorized advance deposit wagering facility shall debit the account in the amount of the wager;

(b) For fees for service or other transaction-related charges by the authorized advance deposit wagering facility;

(c) The authorized advance deposit wagering facility may close accounts in which there has been no activity for at least six months, returning funds remaining therein to the account holder at his/her last known principal residence address; or

(d) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws.

(5) Account holders may communicate instructions concerning advance deposit wagers to the advance deposit wagering facility in person, by mail, telephone, or other electronic means.

(6) The authorized advance deposit wagering facility shall not accept wagers from an account holder in an amount in excess of the account balance.

(7) Moneys deposited with the authorized advance deposit wagering facility for the purpose of advance deposit wagering shall not bear any interest to the account holder.

(8) Notwithstanding any other rules, the authorized advance deposit wagering facility may at any time declare the advance deposit wagering closed for receiving wagers on any parimutuel pool, race, group of races, or closed for all wagering. Any time advance deposit wagering is closed other than coincident with the start of a race, a written report must be filed with the commission within forty-eight hours. Any time the authorized advance deposit wagering facility is closed during its normal hours of operation a written report must be filed with the commission within forty-eight hours.

(9) The authorized advance deposit wagering facility has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(10) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and his/her personal identification code.

(11) Payment on winning parimutuel wagers and credits for advance deposit wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

(12) The authorized advance deposit wagering facility shall provide written or electronic statements of an individual's account activity at any time upon the request of the account holder.

(13) No employee or agent of the authorized advance deposit wagering facility shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the authorized advance deposit wagering facility, except to the account holder as required by these rules, the commission, and as otherwise required by state or federal law, or Title 260 WAC.

NEW SECTION

WAC 260-49-070 Distribution of source market fee.

(1) A source market fee shall be paid monthly for the source market fee area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering facility shall, at least monthly, distribute ninety percent of the source market fee directly to the class 1 racing association and the remaining ten percent directly to the commission. The class 1 racing association shall distribute two and one-half percent of the total source market fee to the breeders' award fund. The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus and one-half of one percent of the total source market fee to the class C purse fund.

(3) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule. The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission.

NEW SECTION

WAC 260-49-080 Reserved. *(For future use - multi-class 1 racing association source market fee distribution.)*

NEW SECTION

WAC 260-49-090 Licensing fees to operate advance deposit wagering. (1) Application fees.

(a) A nonrefundable application fee of five thousand dollars must be submitted with all license applications to conduct authorized advance deposit wagering.

(b) The applicant will be billed and shall be responsible for any costs involved in the background checks, investigation, and review of the application in excess of five thousand dollars.

(2) An annual license fee of one thousand dollars shall be payable to the commission on issuance of the original license. Thereafter, the annual renewal license fee shall be one thousand dollars due on or before January 1 of each year. The licensee will be billed and shall be responsible for any costs in excess of one thousand dollars associated with the review and investigation of the annual renewal application.

NEW SECTION

WAC 260-49-100 Enforcement and penalties. (1) Any enforcement of this chapter shall be referred to the commission, who shall have sole authority for its enforcement.

The commission shall have authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The commission may suspend or revoke a license to operate an advance deposit wagering facility, withdraw approval of a contract between a class 1 racing association and an advance deposit wagering facility and/or impose fines, if the licensee:

(a) Violates any of the requirements of chapter 67.16 RCW or these rules;

(b) Fails to provide a bond or letter of credit or evidence thereof in another jurisdiction to the satisfaction of the commission;

(c) Fails to make payments in a timely manner as required by these rules;

(d) Fails to comply with any conditions on the license imposed by the commission;

(e) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required payments to other state regulatory agencies;

(f) Poses a threat to the effective regulation of wagering or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of wagering activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(g) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule, then within thirty days after receiving a written request therefor from the commission or its staff;

(h) Commits, or has committed, any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or approval of agreements.

(3) The commission shall afford a licensee the opportunity for an adjudicative proceeding prior to suspending or revoking a license or imposing fines, and shall provide a class 1 racing association and/or an authorized advance deposit wagering facility a hearing on refusal of approval or withdrawal of approval of the agreement between the association and the facility.

(4) The commission shall have authority to ensure compliance with these regulations, including, but not limited to, injunctive relief and the imposition of fines, suspensions and revocation of license and repayment of outstanding source market fees.

WSR 04-11-061

EMERGENCY RULES

WASHINGTON STATE PATROL

[Filed May 18, 2004, 9:11 a.m.]

Date of Adoption: May 14, 2004.

Purpose: To clarify and amend rules defining the dates of fireworks purchase, possession, and discharge. To add rules for the issuance of fines and citations.

Citation of Existing Rules Affected by this Order: Amending WAC 212-17-060 and new sections WAC 212-17-480, 212-17-485, 212-17-490, 212-17-495, 212-17-500, 212-17-505, 212-17-510, 212-17-515, 212-17-520, 212-17-525, 212-17-530, 212-17-535, and 212-17-540.

Statutory Authority for Adoption: Chapters 43.43 and 70.77 RCW.

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: These rules need to be in effect by June 28, 2004, the date on which fireworks sales begin, in accordance with RCW 70.77.395. Since the rules pertain to fireworks discharge, they are necessary for public safety.

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 13, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The rule changes must be in effect by the start of fireworks sales.

Effective Date of Rule: Immediately.

May 17, 2004

Lowell Porter

Chief

AMENDATORY SECTION (Amending Order FPS 88-01, filed 3/31/88)

WAC 212-17-060 Public purchase and use of fireworks. (1) The public may purchase (~~common~~) consumer fireworks only from licensed retail fireworks stands between noon, June 28th and (~~noon~~) 9:00 p.m., July (~~6th~~) 5th, and noon to 11:00 p.m. from December 27th through December 31st of each year. Purchase or discharge is prohibited between the hours of 11:00 p.m. and 9:00 a.m. Possession and discharge of fireworks is lawful during this period only, except as provided in subsection (~~(2)~~) (3) of this section.

(2) The public may use or discharge consumer fireworks between the hours of noon and 11:00 p.m. on June 28th, between the hours of 9:00 a.m. and 11:00 p.m. from June 29th through July 3rd, between the hours of 9:00 a.m. and

EMERGENCY

midnight on July 4th, and between the hours of 9:00 a.m. and 11:00 p.m. on July 5th. The public may also use or discharge fireworks from 6:00 p.m. on December 31st until 1:00 a.m. on January 1st of the subsequent year.

(3) Religious organizations or private organizations or adult persons may be authorized to purchase common fireworks or such audible ground devices as firecrackers, salutes, and chasers, as defined in WAC 212-17-040 (3) and (4) from licensed manufacturers, importers, or wholesalers for use on prescribed dates and locations for religious or specific purposes, when a permit is obtained from the fire chief or other designated local official. Application shall be on forms provided by the director of fire protection and shall contain the following information: (a) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks; (b) the date and time of the proposed discharge; (c) the location of the proposed discharge; (d) the quantity and type of fireworks desired to be purchased and discharged; (e) the reason or purpose of the discharge; and (f) the signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not." Upon approval by the fire official, the applicant may submit a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein. The applicant shall retain the approval and have it available for inspection by any public official at the actual discharge of the fireworks.

((2)) (4) The purchase or receipt of mail-order fireworks through any medium of either interstate or intrastate commerce is prohibited unless the purchaser has first obtained an importers license or has complied with the provisions of subsection ((2)) (3) of this section.

NEW SECTION

WAC 212-17-480 Fines and penalties. These rules establish the basis and process by which citations and penalties will be determined and issued for violations of chapter 70.77 RCW and chapter 212-17 WAC.

Each violation(s) is classified and penalty(ies) assessed according to violation type and instance.

NEW SECTION

WAC 212-17-485 Definitions. (1) "Citation" means a document issued by the office of the state fire marshal pursuant to chapter 70.77 RCW to issue a civil penalty for a violation of RCW 70.77.480 through 70.77.520. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(2) "Formal hearing" is a hearing before a hearings officer where the laws, rules, and evidence are presented, considered, and a proposed opinion issued.

(3) "Hazard" means a condition which could result in fire loss injury or damage to a person or property.

(4) "Hearings request" means the written request for a formal hearing to contest a civil penalty.

(5) "Instance" means the number of times a person has been cited. These are identified as 1st, 2nd, and 3rd instances.

(6) "Local fire authority" means the local fire official having authority.

(7) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations, (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

(8) "Type" means the classification of violation, i.e., least, minimal, moderate, or severe. These are identified as Type I, II, III, or IV.

(9) "Violation types" shall mean:

(a) "Least violation" means a Type I violation which poses very little hazard or threat;

(b) "Minimal violation" means a Type II violation which poses a minor hazard or threat;

(c) "Moderate violation" means a Type III violation which poses a significant hazard or threat;

(d) "Severe violation" means a Type IV violation which poses a substantial hazard or threat.

NEW SECTION

WAC 212-17-490 General rules. (1) These rules establish civil penalty criteria for Types I, II, III, and IV violations and the instances for each type of violation.

(2) These rules apply to persons who violate the requirements of chapter 70.77 RCW and/or chapter 212-17 WAC.

(3) Each separate instance of noncompliance with chapter 70.77 RCW and/or chapter 212-17 WAC shall be considered a separate violation.

(4) Each day that a violation continues shall be considered a separate violation.

(5) The distribution, sale, use, manufacture, or possession of any amount of illegal fireworks is prohibited and subject to citation and penalty.

(6) In addition to the issuance of citations and penalties under these rules, the state fire marshal and/or a local fire marshal acting in accordance with chapter 70.77 RCW and/or chapter 212-17 WAC:

(a) May confiscate any amount of illegal fireworks; and

(b) May confiscate other fireworks possessed by persons violating chapter 70.77 RCW and/or chapter 212-17 WAC.

(7) In addition to the issuance of citations, penalties, and the confiscation of fireworks, the state fire marshal may also revoke, suspend, or deny any fireworks license provided for under chapter 70.77 RCW to any person who fails to pay a penalty(ies) assessed under these rules.

(8) The penalty for each violation shall range from \$0 to \$1000 per day and occurrence.

NEW SECTION

WAC 212-17-495 Violation types, instances, and penalty assessments. Penalties shall be assessed according to violation type.

The types of violations are:

(1) Least—Type I;

- (2) Minimal—Type II;
- (3) Moderate—Type III;
- (4) Severe—Type IV.

NEW SECTION

WAC 212-17-500 Hearings. (1) Any person may request a hearing regarding the assessment of a civil penalty.

(2) Hearings requests shall be filed with the office of the state fire marshal within fourteen days from the date of the service of civil penalty.

(3) Any person who requests a hearing shall be entitled to a hearing.

NEW SECTION

WAC 212-17-505 Informal conference. The office of the state fire marshal will provide an opportunity for a person to informally discuss a civil penalty that has been assessed against them. An informal conference may be requested prior to a request for a formal hearing; however a formal hearing shall be requested within fourteen days of the date of service of the notice of civil penalty.

The request for an informal conference may be in any form; and

(1) Shall be addressed to the office of the state fire marshal; and

(2) Shall clearly state the subject to be discussed.

(3) An informal conference concerning civil penalties shall not exceed the fourteen days allowed for filing a formal hearing request.

(4) If the parties agree, an informal conference may be held by telephone.

(5) As the result of an informal conference, the state fire marshal may, for good cause, amend, withdraw, or reduce a civil penalty.

NEW SECTION

WAC 212-17-510 Formal hearing. (1) A person may request a formal hearing at any time before or after an informal conference, as long as the fourteen-day period for requesting a hearing has not lapsed.

(2) The office of the state fire marshal will arrange for a hearings officer to conduct the formal hearing.

(3) The office of the state fire marshal will set a date, time, and location for the formal hearing.

(4) The office of the state fire marshal will notify, by letter, the person requesting the hearing (or their designated representative) of the date, time, location and the hearings officer conducting the formal hearing.

(5) The hearings officer will hear the case and render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapter 34.05 RCW.

(6) The formal hearing shall be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person that requested the hearing to be represented by legal council.

(c) Testimony shall be taken under oath.

(d) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(e) Hearsay evidence is admissible if it meets statutory standards for being reliable and trustworthy.

(7) The proposed opinion and order shall be reviewed by the state fire marshal and, if accepted, finalized and issued as a final order.

NEW SECTION

WAC 212-17-515 Penalty adjustments. (1) The assessment of adjustment of penalties for amounts other than those set by chapter 70.77 RCW shall be done only by the state fire marshal through a hearings process either formally or informally.

(2) The assessment of penalties for not being in conformance with chapter 70.77 RCW and/or chapter 212-17 WAC may be made only after considering:

(a) The gravity and magnitude of the violation;

(b) The person's previous record;

(c) Such other considerations as the state fire marshal may consider appropriate.

(3) During a formal hearing or informal conference, the office of the state fire marshal may modify or adjust the citation, cited violations, or penalties assessed in order to meet the requirements of these rules and to ensure uniformity and consistency in their application statewide.

NEW SECTION

WAC 212-17-520 Payment of civil penalty. (1) The penalty shall be paid to the office of the state fire marshal immediately after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) The attorney general may bring an action in the name of the Washington state patrol, through the director of fire protection, in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 70.77 RCW.

NEW SECTION

WAC 212-17-525 Type I violations. Type I violations are subject to penalties ranging from a warning to seventy-five dollars a day depending upon the instance and in accordance with WAC 212-17-490.

Examples of Type I violations include, but are not limited to:

(1) Failure to post "no smoking" signs at the retail fireworks stand;

(2) Failure to provide required fire extinguishing equipment at the retail fireworks stand;

(3) Failure to maintain a clean, orderly area with twenty feet of the retail sales area;

(4) Failure to keep a copy of the retail fireworks stand license at the retail stand while the stand is open;

(5) Possession of illegal fireworks worth less than fifty dollars.

NEW SECTION

WAC 212-17-530 Type II violations. Type II violations are subject to penalties ranging from a warning to one hundred fifty dollars a day depending upon the instance and in accordance with WAC 212-17-490.

Examples of Type II violations include, but are not limited to:

- (1) Failure to have a person eighteen years of age or over inside the retail stand during business hours;
- (2) Possession of more than fifty dollars but less than one hundred dollars of illegal fireworks;
- (3) Discharge of less than fifty dollars worth of illegal fireworks;
- (4) Smoking or the ignition of fireworks within fifty feet of any fireworks stand.

NEW SECTION

WAC 212-17-535 Type III violations. Type III violations are subject to penalties ranging from seventy-five dollars to two hundred fifty dollars a day depending upon instance and in accordance with WAC 212-17-490.

Examples of Type III violations include, but are not limited to:

- (1) Possession of one hundred dollars or more of illegal 1.4G fireworks.
- (2) Sale of any amount of illegal 1.4G fireworks without the necessary licenses issued by the office of the state fire marshal and/or where required, a permit from the local authority having jurisdiction.
- (3) The purchase of fireworks by a Washington state retail fireworks stand operator from an unlicensed wholesaler.
- (4) Manufacturing or altering fireworks without the necessary state license and local permit.
- (5) Storage of any amount of 1.3G fireworks without the necessary licenses issued by the department of labor and industries and the Bureau of Alcohol, Tobacco and Firearms, and a permit from the local authority having jurisdiction.
- (6) Use of fireworks in a manner that presents a danger to life or property.

NEW SECTION

WAC 212-17-540 Type IV violations. Type IV violations are subject to penalties ranging from one hundred twenty-five dollars to one thousand dollars a day depending on instance and in accordance with WAC 212-17-490.

Examples of Type IV violations include, but are not limited to:

- (1) Possession of fifty dollars or more of 1.3G fireworks without the necessary license issued by the office of the state fire marshal and the required permit from the local authority having jurisdiction.
- (2) Conducting a public fireworks display without the necessary license issued by the office of the state fire marshal and the required permit from the local authority having jurisdiction.
- (3) Purchase of any amount of 1.3G fireworks without the necessary licenses issued by the office of the state fire

marshal and/or where required, the local authority having jurisdiction.

(4) Conducting a public display using illegal or unauthorized fireworks.

(5) Intentional or indiscriminate use of fireworks which injure someone or cause more than two hundred fifty dollars in property damage.

(6) Wholesale sales of fireworks without a valid Washington state wholesalers license.

(7) Importing, or causing to be imported, fireworks into the state of Washington without a valid Washington state importers license.

WSR 04-11-072**EMERGENCY RULES****DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-112—Filed May 18, 2004, 3:45 p.m.]

Date of Adoption: May 18, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900Y.

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: Major construction projects to renovate park facilities necessitated closure of public fishing access to the lake since April 24th, the traditional lowland lakes opening day. The city of Sammamish will restore public access to Pine Lake on May 29. 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: May 29, 2004, 12:01 a.m.

May 18, 2004

Evan Jacoby

for Jeff Koenings

Director

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 29, 2004:

WAC 232-28-61900Y Exceptions to statewide rules—Pine Lake (King County) (04-78)

WSR 04-11-073

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-114—Filed May 18, 2004, 3:47 p.m., effective May 20, 2004, 12:01 a.m.]

Date of Adoption: May 18, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900F; 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; and 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: This emergency regulation is needed to reopen Deep River. ESA listed spring chinook are expected to have cleared the 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 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: May 20, 2004, 12:01 a.m.

May 18, 2004

J. P. Koenings

Director

by Larry Peck

REPEALER

The following section of the Washington Administrative code is repealed effective 12:01 a.m. May 20, 2004:

WAC 232-28-61900F Exceptions to statewide rules—Deep River (Wahkiakum Co.) (04-101)

WSR 04-11-074

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-113—Filed May 18, 2004, 3:49 p.m.]

Date of Adoption: May 18, 2004.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100T and 220-32-05100U; and amending WAC 220-32-051.

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: Sets third week of treaty Indian spring season commercial fishery. Harvestable numbers of salmon are available under the guideline of 9%. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on May 17, 2004. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

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.

May 18, 2004

J. P. Koenigs

Director

by Larry Peck

NEW SECTION

WAC 220-32-05100U Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, Klickitat River, and Drano Lake except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. May 19 to 6:00 p.m. May 21, 2004

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gillnets. No mesh restriction

2) Open Periods: immediately to 6:00 p.m. May 31, 2004

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: immediately to 6:00 p.m. May 31, 2004 only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River, Drano Lake, Wind River, and White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets may be used in Drano Lake.

4) Allowable sale includes: salmon, steelhead, walleye, shad, and carp. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Commercial sales of platform and hook and line caught fish are allowed during commercial gillnet openings. Fish may also be sold from Washington tributaries during the open Yakama Nation fishing periods within those areas, as described in item #3.

5) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

7) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at

the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

8) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100T Columbia River salmon seasons above Bonneville Dam. (04-106)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. May 31, 2004:

WAC 220-32-05100U Columbia River salmon seasons above Bonneville Dam.

**WSR 04-11-075
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-115—Filed May 18, 2004, 3:51 p.m., effective May 20, 2004, 7:00 p.m.]

Date of Adoption: May 18, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000D; 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: This resumes the select area fisheries set at the February 5, 2004, compact hearing. The select area fisheries in Deep River and Blind Slough/Knappa Slough 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. No additional impacts to ESA-listed upriver spring chinook in these fisheries are expected. This rule is consistent with actions of the Columbia River compact hearings of May 17, 2004, and conforms to Washington and Oregon state rules. 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: May 20, 2004, 7:00 p.m.

May 18, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-01000D 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/Knappa 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) Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on headline.

b) Dates:

7:00 p.m. Mondays to 7:00 a.m. Tuesdays May 20 through June 15, 2004

7:00 p.m. Thursdays to 7:00 a.m. Fridays May 20 through June 18, 2004

Both Blind Slough and Knappa Slough are open.

c) Allowable Sale: Salmon, sturgeon, shad.

d) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) Deep River Select Area

a) Area: Deep River boat launch upstream to the Highway 4 Bridge.

b) Dates:

7:00 p.m. Mondays to 7:00 a.m. Tuesdays May 20 through June 15, 2004

7:00 p.m. Thursdays to 7:00 a.m. Fridays May 20 through June 18, 2004

c) Gear: 8-inch maximum mesh size.

d) Allowable sale: salmon, sturgeon, shad

e) Miscellaneous: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

f) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. June 18, 2004:

WAC 220-33-01000D Columbia River gillnet seasons below Bonneville.

**WSR 04-11-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-116—Filed May 18, 2004, 3:53 p.m., effective May 20, 2004, 12:01 a.m.]

Date of Adoption: May 18, 2004.

Purpose: Amend personal use rules.

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: Adult spring chinook straying from the select area fishery sites are entering the Ellochoman [Elochoman] and Grays rivers. These fish are not needed for brood stock. 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: May 20, 2004, 12:01 a.m.

May 18, 2004

J. P. Koenigs

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900J Exceptions to statewide rules—Elochoman and Grays rivers. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective May 20 through July 31, 2004, it is lawful to fish for salmon and steelhead in those waters of the Elochoman River from the mouth to Elochoman Hatchery Bridge located about 400 feet below the upper hatchery rack. Special daily limit of six salmon, of which no more than two may be adults all of which must be adipose fin-clipped. Minimum size is 12 inches in length

(2) Effective May 20 through July 31, 2004, it is lawful to fish for salmon in those waters of the Grays River from the mouth to South Fork and West Fork Grays from the mouth to the hatchery intake/footbridge. Special daily limit of six salmon, of which no more than two may be adults, and all of which must be adipose fin-clipped. Minimum size is 12 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2004:

WAC 232-28-61900J Exceptions to statewide rules—Elochoman and Grays rivers

**WSR 04-11-077
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-117—Filed May 18, 2004, 3:55 p.m., effective May 20, 2004, 5:00 a.m.]

Date of Adoption: May 18, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500P, and amending WAC 220-56-325.

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 regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in Marine Areas 8-1, 8-2 and 9. Nonsport shrimp quota is available, however, a depth restriction is needed to protect spot shrimp. 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

EMERGENCY

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: May 20, 2004, 5:00 a.m.

May 18, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-32500Q Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section:

(a) All waters of the Port Townsend Shrimp District south of a line from Kala Point to Walan Point are open Thursdays and Saturdays of each week to the harvest of all shrimp, except Spot shrimp.

(b) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10.

3) Effective 5:00 a.m., Thursday, May 20, 2004, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1 and 8-2, Marine Area 9 outside of the Port Townsend Shrimp District, and Marine Area 11, except as provided for in this section:

(a) Open to the harvest of all shrimp species except spot shrimp, and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

4) It is unlawful to fish for or possess shrimp from those waters of Marine Area 12 (Hood Canal) south of the Hood Canal floating bridge except as provided for in this section:

(a) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: May 22, and 26, 2004.

(b) No shrimp fishers may set gear before 9:00 a.m. or leave shrimp fishing gear in the water after 1:00 p.m. each day of the fishery.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 a.m. May 20, 2004:

WAC 220-56-32500P Shrimp—Areas and seasons (04-103)

WSR 04-11-080

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 18, 2004, 4:44 p.m., effective May 19, 2004]

Date of Adoption: May 12, 2004.

Purpose: The Division of Employment and Assistance Programs is amending the Washington telephone assistance program (WTAP) rules to:

1. Establish WTAP payment limits for reimbursable services while streamlining the billing process; and

2. Add community service voice mail as a WTAP benefit as provided for by 2003 legislative session (chapter 134, Laws of 2003) effective July 1, 2003.

This filing extends the emergency rules filed as WSR 04-03-097 while the department completes adoption of the permanent rules. A public hearing on the proposed rules, filed as WSR 04-07-089, was held on May 11, 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 388-273-0025, 388-273-0030, and 388-273-0035.

Statutory Authority for Adoption: RCW 74.08.090, 80.36.440, chapter 134, Laws of 2003.

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; and 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 extent of reimbursement to telephone companies must be limited for services provided on and after June 1, 2003, in order to ensure the WTAP fund remains within budget. Without this change, more than 120,000 households now using the program may lose telephone services as it would be unaffordable - restricting their ability to contact emergency services, doctors, social workers, employers and others. Community service voice mail has been added as a WTAP benefit by 2003 legislative session, chapter 134, Laws of 2003, effective July 1, 2003. The department is in the process of amending these rules by regular adoption but cannot complete this process before the existing emergency rules expire. A public hearing on the proposed rules, filed as WSR 04-07-089, was held on May 11, 2004.

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 2, 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 3, Repealed 0.

Effective Date of Rule: May 19, 2004.

May 12, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-18-106, filed 9/3/02, effective 10/4/02)

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

(a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;

(b) Waiver of deposit requirements on local telephone service; ~~(and)~~

(c) Fifty percent discount on service connection fees through June 30, 2003. Effective July 1, 2003, fifty percent discount for the first connection; and for a second or subsequent connection when you ask for service at a new address. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent; or

(d) Effective July 1, 2003, a community service voice mail box offered by a community agency that has been contracted with the department of community, trade and economic development to provide the service.

(2) WTAP benefits are limited to one residential line per household.

(3) ~~((The deposit waiver and the discount on connection fees are available once per service year. "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.~~

(4)) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30, except if you qualified for telephone assistance through using the community services voice mail programs, you will receive one additional service year of benefits(-

(5)) "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

(4) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, customer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0030 How you can apply for WTAP.

(1) You can apply for (~~(WTAP))~~ telephone benefits by contacting the local telephone company.

(2) The telephone company contacts us to verify that you are eligible for benefits under WAC 388-273-0020 before they add WTAP to your telephone account.

(3) You will know you are receiving WTAP benefits when you have a WTAP credit on your telephone bill.

(4) Effective July 1, 2003, you can apply for community service voice mail by contacting your local community service voice mail provider.

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0035 What we reimburse the local telephone company. (1) Within available funding limits, we reimburse local telephone companies for fully documented administrative and program expenses associated with WTAP. The reimbursable expenses are limited to:

(a) Program services provided to eligible households June 1, 2003 and beyond, and after eligibility for WTAP is verified;

(i) Monthly flat rate service.

We reimburse the local telephone company an amount equal to the monthly flat rate of the incumbent local exchange carrier providing service in the customer's exchange area, minus the WTAP assistance rate set by the commission, and minus the amount of federal lifeline program reimbursement available to an eligible telecommunications carrier. An "incumbent local exchange carrier" is a telephone company in the U.S. that was providing local service when the Telecommunications Act of 1996 was enacted, and is required to file tariffs with the commission. For all exchange areas, the WTAP reimbursement shall be limited to not more than nineteen dollars for each eligible household.

(ii) Connection fee.

We reimburse the local telephone company an amount equal to one-half the connection fee rate or twenty-two dollars, whichever is less.

(iii) Waiver of local deposit.

We reimburse the local telephone company an amount up to two times the WTAP assistance rate.

(b) Correct, verifiable billing items;

(c) ~~((Invoices))~~ One monthly invoice and supporting documentation submitted ((within ninety days)) and received by WTAP by the fifteenth day following the month the expense occurred;

(d) Items charged in error that have been corrected within ~~((sixty))~~ thirty days from the date we return the report of invoicing error to the local phone company;

(e) Salaries and benefits for time required to implement and maintain WTAP, with the exception that time required for the correction of billing, case number and client identification errors is not an allowable expense;

(f) Travel expenses for attending hearings, meetings, or training pertaining to WTAP;

- (g) Expenses for supplies and materials for implementing and maintaining WTAP;
- (h) Postage and handling for delivery of WTAP material;
- (i) Administrative charge for change of service orders specified by tariffs; and
- (j) Pre-approved documented indirect costs associated with implementing and maintaining WTAP.

EMERGENCY

WSR 04-11-005
OFFICE OF THE GOVERNOR
 [Filed May 5, 2004, 3:31 p.m.]

May 4, 2004

James W. Hearn
 13251 S.E. 43 Road Street
 Bellevue, Washington 98006-2111

Dear Mr. Hearn:

Thank you for your letter of March 19, 2004 pertaining to a sports fishing rule adopted by the Fish and Wildlife Commission, which included a moratorium on retention of wild steelhead. This rule took effect May 1, 2004. Your letter asks that the Governor make an exception to the statutory provisions (RCW 34.05.330) that outline the procedures for an appeal to the Governor regarding an agency's denial of a petition to repeal a rule.

The process that must be followed in an appeal of an agency's decision is clearly outlined in the statute. There is no provision for a Governor to make an exception from this process. It is my understanding that you have not petitioned the agency to amend or repeal the changes to the rule of concern to you. Until you petition the agency, and the agency responds to your petition, the Governor cannot by law provide an independent assessment of the agency's action.

Sincerely,

Jennifer Joly
 General Counsel

WSR 04-11-006
NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD
 [Memorandum—Filed May 5, 2004,]

2004 Regular Board Meeting Schedule

All meetings of the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board will be held in the boardroom of the Washington State Investment Board, 2100 Evergreen Park Drive S.W., Olympia, WA, from 9:30 a.m. - 3:00 p.m.

Wednesday, January 28, 2004	<i>Canceled</i>
Wednesday, February 25, 2004	<i>Canceled</i>
Wednesday, March 24, 2004	
Wednesday, April 28, 2004	
Wednesday, May 26, 2004	
Wednesday, June 23, 2004	
Wednesday, July 28, 2004	
Wednesday, August 25, 2004	
Wednesday, September 22, 2004	

Wednesday, October 27, 2004
 Wednesday, November 10, 2004
 Thursday, December 9, 2004

WSR 04-11-012
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Memorandum—April 30, 2004]

To ensure a quorum, the South Puget Sound Community College board of trustees has changed their regular meeting in May and June. The dates changed from May 13, 2004, 3:00 p.m. to May 12, 2004, 10:00-11:30 a.m. and from June 10, 2004, to June 17, 2004, 3-4:30 p.m., both in Building 25-Boardroom on the campus of South Puget Sound Community College.

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 04-11-015
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE
 [Memorandum—May 5, 2004]

The board of trustees of Shoreline Community College will hold a special meeting on May 7, 2004, beginning at 8:00 a.m. in the Central Conference Room of the Administration Building 1000.

We will also notify local area media of this special meeting.

The purpose of this special meeting is for the board of trustees to discuss the performance of a public employee. The board will convene into executive session, at which time no Shoreline Community College employee will be present. The board will reconvene into the open public meeting to adjourn.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@shoreline.edu if you have further questions or need additional clarification.

WSR 04-11-016
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF SERVICES
FOR THE BLIND
 [Memorandum—May 6, 2004]

The date and location for the next Washington State Department of Services for the Blind State Rehabilitation Council and Community meeting is on Saturday, June 19, 2004, at 9 a.m. - 4 p.m., at the Red Lion River Inn, North 700 Division, Spokane, WA 99202.

Please call Marla Oughton direct at (206) 721-6430 or toll-free at (800) 552-7103 should you have any questions.

WSR 04-11-017**NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE**

[Memorandum—May 6, 2004]

The board of trustees of Bates Technical College has moved its regularly scheduled meeting of May 19, 2004, to the Clyde Hupp Board Room at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405. The regular meeting will begin at 2:00 p.m. with a study session to review the proposed budget.

WSR 04-11-018**NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**

[Memorandum—May 7, 2004]

MEETING NOTICE: July 8, 2004
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98504
1:00 p.m. to 5:00 p.m.

MEETING NOTICE: July 9, 2004
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98504
9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

WSR 04-11-029**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 11, 2004, 4:41 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-24 MAA.
Subject: Maternity support services/infant case management—Reimbursement rate revisions.

Effective Date: May 10, 2004.

Document Description: **Retroactive to dates of service on and after October 1, 2003**, MAA is revising the maximum allowable fees for the maternity support services/infant case management (MSS/ICM) program.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

May 10, 2004

Ann Myers, Manager

Rules and Publications Section

WSR 04-11-030**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 11, 2004, 4:42 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 241.

Subject: Registering and enforcing foreign country support orders.

Effective Date: May 7, 2004.

Document Description: This notice explains to DCS staff how to register and enforce support orders entered in foreign countries.

To receive a copy of the interpretive or policy statement, contact Beth Heston, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail eheston@dshs.wa.gov.

May 7, 2004

Beth Heston

WSR 04-11-031**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—May 12, 2004]

**NOTICE OF SPECIAL MEETING
BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE**

2405 East College Way
Mount Vernon, WA 98273

Tuesday, May 11, 2004

3:30 p.m.

Board Room

Chairperson, Jess del Bosque, has called a special meeting of the board of trustees for Tuesday, May 11, 2004, 3:30 p.m., 2405 East College Way, Mount Vernon, WA. This meeting is being held as a study session for the board of trustees to discuss and review the proposed 2004-05 operating

budget and the proposed 2004-05 services and activities budget.

WSR 04-11-047

**NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD**

[Memorandum—May 12, 2004]

Special Meeting of the LEOFF Plan 2 Retirement Board

A special meeting of the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board has been scheduled for Tuesday, June 22, 2004, beginning at 5:00 p.m. The meeting will take place at 1069 Adams Street S.E., Olympia, WA 98501. The board will be discussing strategic planning and performance measures.

Please feel free to contact Jeralyn Faulhaber at (360) 586-2324 or by e-mail at jeralyn.faulhaber@leoff.wa.gov should you have any questions.

WSR 04-11-048

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER**

[Memorandum—May 12, 2004]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Tuesday, May 18, 2004, at 2:00 p.m. in Room 3AB of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 04-11-049

DEPARTMENT OF ECOLOGY

[Filed May 14, 2004, 1:05 p.m.]

PUBLIC NOTICE OF ISSUANCE

**REISSUANCE OF THE FRESH FRUIT PACKING INDUSTRY
NPDES WASTEWATER DISCHARGE GENERAL PERMIT**

INTRODUCTION: The Washington State Department of Ecology (the department) proposes to reissue the fresh fruit packing industry national pollutant discharge elimination system waste discharge general permit (the permit). This permit regulates the discharge of process and storm water from fresh fruit packing facilities to waters of the state, land application, and publicly owned treatment works. It is being reissued in accordance with the requirements of chapter 90.48 RCW and chapter 173-226 WAC.

IDENTIFICATION OF FACILITIES AND GEOGRAPHIC AREA COVERED: For the purposes of this permit, the state's fresh fruit packing industry is defined as those commercial facilities which receive, pack, store, and/or ship either hard or soft fruit. Every new or existing fresh fruit packing facility within

the state which engages in any of these activities and has a wastewater discharge must apply for coverage under this permit according to the waste discharge general permit program, chapter 173-226 WAC. Although the industry is located primarily in the state's centralized fruit growing region along the Columbia, Yakima, Wenatchee, and Okanogan rivers, the permit is valid for the entire state of Washington (the state).

HOW TO APPLY FOR COVERAGE UNDER THE GENERAL PERMIT: Every new or existing fresh fruit packing facility with a wastewater discharge shall submit to the appropriate Department of Ecology regional office a completed and signed Application for Coverage form which has been specifically developed by ecology for this permit. Current permittees shall have submitted an Application for Coverage prior to expiration of the existing permit. Coverage under the existing permit is administratively extended until the new permit is issued for facilities that have submitted an application for renewal prior to the existing permit's expiration date. New facilities shall submit an Application for Coverage and proof of compliance with the State Environmental Policy Act (SEPA) at least one hundred and eighty days prior to any wastewater discharge. Individual permits will still be applied in those instances where ecology determines the general permit is not appropriate for that facility. Dischargers authorized by the general permit may request to be excluded from coverage under the general permit by applying for and, upon department approval, being issued an individual permit. Any facility required to apply for and obtain coverage under either this general permit or an individual NPDES/state waste discharge permit, with exception to those stipulated in WAC 173-216-050, and found not to have done so within the time limits given will be deemed to be in violation of the state Water Pollution Control Act and/or the federal Clean Water Act, and shall be subject to the enforcement sanctions provided in such acts for unlawfully discharging without a permit.

PUBLIC HEARINGS, COMMENTS, CHANGES IN THE PERMIT: The department held public hearings concerning permit reissuance on May 10, 2004, in Yakima and May 11, 2004, in Wenatchee. No testimony was given at either hearing. Two written comments were received prior to the May 12, 2004, comment period deadline. None of the comments resulted in changes to the draft permit. A summary of ecology's response to these comments is available to public review as an appendix to the fact sheet.

TENTATIVE DETERMINATION TO ISSUE THE GENERAL PERMIT: Ecology has tentatively determined to reissue this permit to discharge to public waters, subject to certain effluent limitations, best management practices, and special permit conditions. This notice will be published in the State Register, the Yakima Herald-Republic, and the Wenatchee Daily World on June 2, 2004. It will also be mailed to all current permittees and interested parties. The permit is tentatively scheduled to be issued on June 15, 2004, and will become effective on July 2, 2004.

PERMIT APPEALS: Pursuant to the provisions of chapter 43.21B RCW and chapter 173-226 WAC, any person who objects to the terms and conditions of this general permit as it applies to the fresh fruit packing industry may file an appeal of the permit by July 15, 2004, or within thirty days of the

publication of this notice. Appeals should be sent to the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Central Regional Office, Attn: General Permit Manager, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902. Any appeal of the permit must contain the following in accordance with the rules of the hearings board: (1) The appellant's name and address, (2) a description of the substance of the permit that is the subject of the appeal, (3) the date of the permit, (4) a clear and concise statement of facts upon which the appellant relies to sustain his or her statement of error, (5) a clear, separate, and concise statement of every error alleged to have been committed, and (6) a statement setting forth the relief sought.

Pursuant to the provisions of chapter 43.21B RCW and chapter 173-226 WAC, any person who objects to the terms and conditions of this general permit as it applies to coverage for an individual discharger may file an appeal of that coverage, as specified above, within thirty days of the effective date of coverage of that discharger.

Consideration of an appeal of this general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that same discharger. Appeal of this permit coverage of an individual discharger shall not affect any other individual dischargers. If the terms and conditions of this general permit are found to be inapplicable to any discharger(s), the matter shall be remanded to the department for consideration of issuance of an individual permit or permits.

FURTHER INFORMATION: The proposed general permit, fact sheet, Application for Coverage, small business economic impact statement and summary, responsiveness summary, and other related documents are on file and may be inspected and copied between the hours of 8:00 a.m. and 4:30 p.m., weekdays at the ecology location below. Copies of these documents will be sent to interested parties upon request. For further information contact Steven Huber, General Permit Manager, Washington State Department of Ecology, Central Regional Office, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902, phone (509) 454-7298, fax (509) 575-2809, e-mail shub461@ecy.wa.gov.

The Department of Ecology is an equal opportunity agency and does not discriminate on the basis of race, creed, color, disability, age, religion, national origin, sex, marital status, disabled veteran's status, Vietnam Era veteran's status or sexual orientation.

If you have special accommodation needs or required this document in alternative format, please contact Cindy Huwe at (509) 457-7105 (voice) or 800-833-6388 (TDD).

WSR 04-11-053
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—May 14, 2004]

Following are the details for an upcoming participant outcomes data consortium (PODC) meeting. The PODC is

composed of representatives from the State Board for Community and Technical Colleges, Office of Superintendent of Public Instruction, Workforce Training and Education Coordinating Board, Employment Security, and Eastern Washington University.

On June 2, 2004, at 1 p.m. to 3 p.m., at the Workforce Training and Education Coordinating Board, 128 10th Street S.W., 6th Floor, Olympia, Main Conference Room. Agenda: (1) Evaluation of State Board for Community and Technical Colleges proposal for an Education Data Service Center; (2) allocation of Education Data Service Center costs between participating agencies; and (3) simplification of PODC rules and processes.

WSR 04-11-081
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 18, 2004, 4:46 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-23 MAA.
 Subject: Prescription drug program: Prior authorization updates.

Effective Date: May 7, 2004.

Document Description: **Effective for the week of June 1, 2004, and after**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

- Changes in drugs requiring prior authorization;
- Additions to the expedited prior authorization (EPA) list; and
- Deletions from the expedited prior authorization (EPA) list.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

May 12, 2004
 Ann Myers, Manager
 Rules and Publications Section

WSR 04-11-101
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Memorandum—May 19, 2004]

The board of trustees of Shoreline Community College will hold a study session on May 26, 2004, from 2:00 p.m. to 4:00 p.m. in the board room of the Administration Building 1000, just prior to the board meeting.

We will also notify local area media of this study session.

The purpose of this study session is for the board of trustees to discuss the budget for 2004-2005.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@shoreline.edu if you have further questions or need additional clarification.

WSR 04-11-102

NOTICE OF PUBLIC MEETINGS

OFFICE OF THE

INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)

[Memorandum—May 18, 2004]

After reviewing various options to use meeting time efficiently and to maintain a quorum for the May IAC meeting, IAC Chair Val Ogden has asked our office to notify interested parties of a change in the meeting's format. Revised staff recommendations for IAC consideration at the session are presented below.

TIME AND PLACE: The meeting will be held at the time and place previously announced, 10 a.m., Friday, May 21, 2004, Room 172 of the Natural Resources Building, Olympia, Washington. Several IAC board members will participate by telephone conference call. The meeting is now scheduled to end not later than 11 a.m.

AGENDA: As indicated in the previously published agenda, the IAC board will review and act on consent calendar items. In the interest of time, agenda item #2 (management reports) will not be presented although staff will be available to respond to questions. The primary item of business will be agenda item #3, to receive and act on recommendations regarding the Thurston County ORV sports park.

PUBLIC PARTICIPATION: Brief written or in-person comments will be accepted. There will be a speakerphone in the meeting room at the Natural Resources Building, open for all to listen. Persons can fill out a regular testimony card so the chair will be aware if someone wants to testify from this location. Written comments are encouraged and will be accepted through May 20, 2004. (To ensure materials can be copied and transmitted to IAC board members, written materials should be in the IAC office by not later than noon on May 20th.)

WSR 04-11-120

DEPARTMENT OF AGRICULTURE

[Filed May 19, 2004, 11:56 a.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster® or Rodeo®) and imazapyr (Habitat®), surfactants (R-11™, X-77™, Agri-Dex™, Class Act Next Genera-

tion™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2004, and October 31, 2004. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, crushing, or covering.

For more information, including locations of possible applications sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923. Or write: WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington State Department of Ecology twenty-four hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).



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.

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4-25-510	PREP	04-08-033	16-170-020	NEW	04-08-062	16-170-150	NEW	04-08-062
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4-25-540	PREP	04-08-033	16-170-030	NEW	04-08-062	16-170-155	NEW	04-08-062
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4-25-721	PREP	04-08-033	16-170-080	NEW-P	04-05-119	16-230-410	PREP	04-03-004
4-25-730	PREP	04-08-033	16-170-080	NEW	04-08-062	16-230-420	PREP	04-03-004
4-25-735	PREP	04-08-033	16-170-090	NEW-P	04-05-119	16-230-430	PREP	04-03-004
4-25-745	PREP	04-08-033	16-170-090	NEW	04-08-062	16-230-440	PREP	04-03-004
4-25-746	PREP	04-08-033	16-170-100	NEW-P	04-05-119	16-230-450	PREP	04-03-004
4-25-750	PREP	04-08-033	16-170-100	NEW	04-08-062	16-230-460	PREP	04-03-004
4-25-756	PREP	04-11-033	16-170-110	NEW-P	04-05-119	16-230-470	PREP	04-03-004
4-25-782	PREP	04-11-033	16-170-110	NEW	04-08-062	16-230-600	PREP	04-03-004
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4-25-790	PREP	04-08-033	16-170-115	NEW	04-08-062	16-230-610	PREP	04-03-004
4-25-791	PREP	04-08-033	16-170-120	NEW-P	04-05-119	16-230-615	PREP	04-03-004
4-25-792	PREP	04-08-033	16-170-120	NEW	04-08-062	16-230-620	PREP	04-03-004
4-25-793	PREP	04-08-033	16-170-125	NEW-P	04-05-119	16-230-625	PREP	04-03-004
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4-25-831	PREP	04-08-033	16-170-135	NEW-P	04-05-119	16-230-645	PREP	04-03-004
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TABLE

Table of WAC Sections Affected

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16-230-670	PREP	04-03-004	16-231-405	PREP	04-03-004	16-232-068	PREP	04-03-004
16-230-673	PREP	04-03-004	16-231-410	PREP	04-03-004	16-232-071	PREP	04-03-004
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16-230-860	PREP	04-03-004	16-231-610	PREP	04-03-004	16-232-300	PREP	04-03-004
16-230-861	PREP	04-03-004	16-231-613	PREP	04-03-004	16-232-305	PREP	04-03-004
16-230-862	PREP	04-03-004	16-231-615	PREP	04-03-004	16-232-310	PREP	04-03-004
16-230-863	PREP	04-03-004	16-231-620	PREP	04-03-004	16-232-315	PREP	04-03-004
16-230-864	PREP	04-03-004	16-231-700	PREP	04-03-004	16-250-155	PREP	04-06-074
16-230-866	PREP	04-03-004	16-231-705	PREP	04-03-004	16-250-155	AMD-P	04-11-093
16-230-868	PREP	04-03-004	16-231-710	PREP	04-03-004	16-252-155	PREP	04-06-074
16-231-100	PREP	04-03-004	16-231-715	PREP	04-03-004	16-252-155	AMD-P	04-11-093
16-231-105	PREP	04-03-004	16-231-720	PREP	04-03-004	16-301-250	AMD	04-06-019
16-231-107	PREP	04-03-004	16-231-725	PREP	04-03-004	16-301-265	AMD	04-06-019
16-231-110	PREP	04-03-004	16-231-800	PREP	04-03-004	16-301-270	AMD	04-06-019
16-231-115	PREP	04-03-004	16-231-805	PREP	04-03-004	16-301-310	AMD	04-06-019
16-231-119	PREP	04-03-004	16-231-810	PREP	04-03-004	16-301-325	AMD	04-06-019
16-231-125	PREP	04-03-004	16-231-815	PREP	04-03-004	16-301-330	AMD	04-06-019
16-231-130	PREP	04-03-004	16-231-820	PREP	04-03-004	16-301-335	AMD	04-06-019
16-231-135	PREP	04-03-004	16-231-825	PREP	04-03-004	16-301-365	AMD-P	04-05-118
16-231-140	PREP	04-03-004	16-231-830	PREP	04-03-004	16-301-365	AMD	04-08-043
16-231-145	PREP	04-03-004	16-231-835	PREP	04-03-004	16-301-375	AMD-P	04-05-118
16-231-149	PREP	04-03-004	16-231-840	PREP	04-03-004	16-301-375	AMD	04-08-043
16-231-153	PREP	04-03-004	16-231-900	PREP	04-03-004	16-301-380	AMD-P	04-05-118
16-231-156	PREP	04-03-004	16-231-905	PREP	04-03-004	16-301-380	AMD	04-08-043
16-231-159	PREP	04-03-004	16-231-910	PREP	04-03-004	16-301-395	AMD-P	04-05-118
16-231-162	PREP	04-03-004	16-231-912	PREP	04-03-004	16-301-395	AMD	04-08-043
16-231-165	PREP	04-03-004	16-231-915	PREP	04-03-004	16-301-396	NEW-P	04-05-118
16-231-168	PREP	04-03-004	16-231-920	PREP	04-03-004	16-301-396	NEW	04-08-043
16-231-171	PREP	04-03-004	16-231-925	PREP	04-03-004	16-301-410	AMD-P	04-05-118
16-231-174	PREP	04-03-004	16-231-930	PREP	04-03-004	16-301-410	AMD	04-08-043
16-231-177	PREP	04-03-004	16-231-935	PREP	04-03-004	16-301-415	AMD-P	04-05-118
16-231-180	PREP	04-03-004	16-232-001	PREP	04-03-004	16-301-415	AMD	04-08-043
16-231-183	PREP	04-03-004	16-232-005	PREP	04-03-004	16-301-420	AMD-P	04-05-118
16-231-200	PREP	04-03-004	16-232-007	PREP	04-03-004	16-301-420	AMD	04-08-043
16-231-205	PREP	04-03-004	16-232-010	PREP	04-03-004	16-301-430	AMD-P	04-05-118
16-231-210	PREP	04-03-004	16-232-015	PREP	04-03-004	16-301-430	AMD	04-08-043
16-231-215	PREP	04-03-004	16-232-020	PREP	04-03-004	16-301-435	AMD-P	04-05-118
16-231-220	PREP	04-03-004	16-232-025	PREP	04-03-004	16-301-435	AMD	04-08-043
16-231-225	PREP	04-03-004	16-232-027	PREP	04-03-004	16-301-440	AMD-P	04-05-118
16-231-230	PREP	04-03-004	16-232-030	PREP	04-03-004	16-301-440	AMD	04-08-043
16-231-235	PREP	04-03-004	16-232-035	PREP	04-03-004	16-301-450	REP-P	04-05-118
16-231-300	PREP	04-03-004	16-232-041	PREP	04-03-004	16-301-450	REP	04-08-043
16-231-305	PREP	04-03-004	16-232-044	PREP	04-03-004	16-301-455	REP-P	04-05-118
16-231-310	PREP	04-03-004	16-232-047	PREP	04-03-004	16-301-455	REP	04-08-043
16-231-315	PREP	04-03-004	16-232-050	PREP	04-03-004	16-301-460	REP-P	04-05-118
16-231-320	PREP	04-03-004	16-232-053	PREP	04-03-004	16-301-460	REP	04-08-043
16-231-325	PREP	04-03-004	16-232-056	PREP	04-03-004	16-301-465	REP-P	04-05-118
16-231-330	PREP	04-03-004	16-232-059	PREP	04-03-004	16-301-465	REP	04-08-043
16-231-335	PREP	04-03-004	16-232-062	PREP	04-03-004	16-301-470	REP-P	04-05-118

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-301-470	REP	04-08-043	16-390-280	NEW	04-11-078	16-450-044	NEW	04-05-117
16-301-475	REP-P	04-05-118	16-400-007	REP-P	04-08-128	16-450-046	NEW	04-05-117
16-301-475	REP	04-08-043	16-400-007	REP	04-11-078	16-450-048	NEW	04-05-117
16-301-480	REP-P	04-05-118	16-400-008	REP-P	04-08-128	16-450-050	NEW	04-05-117
16-301-480	REP	04-08-043	16-400-008	REP	04-11-078	16-450-060	NEW	04-05-117
16-301-485	REP-P	04-05-118	16-400-010	REP-P	04-08-128	16-450-070	NEW	04-05-117
16-301-485	REP	04-08-043	16-400-010	REP	04-11-078	16-458-075	REP-P	04-08-128
16-302-385	AMD-P	04-05-120	16-400-040	REP-P	04-08-128	16-458-075	REP	04-11-078
16-302-385	AMD	04-08-044	16-400-040	REP	04-11-078	16-458-085	REP-P	04-08-128
16-302-685	AMD	04-06-018	16-400-045	REP-P	04-08-128	16-458-085	REP	04-11-078
16-303-340	AMD	04-06-029	16-400-045	REP	04-11-078	16-459-001	REP	04-05-117
16-319-041	AMD	04-06-028	16-400-060	REP-P	04-08-128	16-459-00101	REP	04-05-117
16-324-375	AMD-X	04-07-170	16-400-060	REP	04-11-078	16-459-010	REP	04-05-117
16-324-393	AMD-X	04-07-170	16-400-100	REP-P	04-08-128	16-459-020	REP	04-05-117
16-324-398	AMD-X	04-07-170	16-400-100	REP	04-11-078	16-459-030	REP	04-05-117
16-324-720	REP-X	04-07-170	16-400-150	REP-P	04-08-128	16-459-040	REP	04-05-117
16-324-730	REP-X	04-07-170	16-400-150	REP	04-11-078	16-470	PREP	04-09-080
16-324-740	REP-X	04-07-170	16-400-210	REP-P	04-08-128	16-470-105	AMD-C	04-05-025
16-324-750	REP-X	04-07-170	16-400-210	REP	04-11-078	16-470-105	AMD	04-09-027
16-328	PREP	04-09-082	16-400-270	REP-P	04-08-128	16-470-750	NEW-E	04-08-082
16-333	PREP	04-09-081	16-400-270	REP	04-11-078	16-470-755	NEW-E	04-08-082
16-350-040	AMD-P	04-07-171	16-401	PREP	04-04-108	16-470-760	NEW-E	04-08-082
16-350-040	AMD	04-11-025	16-401	PREP	04-06-082	16-470-765	NEW-E	04-08-082
16-350-045	AMD-P	04-07-171	16-401	PREP	04-09-079	16-470-770	NEW-E	04-08-082
16-350-045	AMD	04-11-025	16-401-070	NEW-P	04-07-172	16-470-775	NEW-E	04-08-082
16-390-005	NEW-P	04-08-128	16-401-070	NEW	04-11-026	16-481	PREP	04-09-078
16-390-005	NEW	04-11-078	16-402	AMD-P	04-06-083	16-512-002	REP	04-07-128
16-390-010	NEW-P	04-08-128	16-402	PREP	04-07-045	16-512-005	AMD	04-07-128
16-390-010	NEW	04-11-078	16-402	AMD	04-09-084	16-512-006	NEW	04-07-128
16-390-020	NEW-P	04-08-128	16-402-010	AMD-P	04-06-083	16-512-010	AMD	04-07-128
16-390-020	NEW	04-11-078	16-402-010	AMD	04-09-084	16-512-020	AMD	04-07-128
16-390-030	NEW-P	04-08-128	16-402-020	AMD-P	04-06-083	16-512-030	REP	04-07-128
16-390-030	NEW	04-11-078	16-402-020	AMD	04-09-084	16-512-040	AMD	04-07-128
16-390-040	NEW-P	04-08-128	16-402-030	NEW-P	04-06-083	16-512-050	AMD	04-07-128
16-390-040	NEW	04-11-078	16-402-030	NEW	04-09-084	16-528-004	NEW	04-10-057
16-390-060	NEW-P	04-08-128	16-402-040	NEW-P	04-06-083	16-528-005	NEW	04-10-057
16-390-060	NEW	04-11-078	16-402-040	NEW	04-09-084	16-528-010	AMD	04-10-057
16-390-100	NEW-P	04-08-128	16-402-100	NEW-E	04-07-046	16-528-020	AMD	04-10-057
16-390-100	NEW	04-11-078	16-402-100	NEW-P	04-11-111	16-528-030	REP	04-10-057
16-390-150	NEW-P	04-08-128	16-402-110	NEW-E	04-07-046	16-528-040	AMD	04-10-057
16-390-150	NEW	04-11-078	16-402-110	NEW-P	04-11-111	16-528-110	AMD	04-10-058
16-390-200	NEW-P	04-08-128	16-402-120	NEW-E	04-07-046	16-528-150	AMD	04-10-058
16-390-200	NEW	04-11-078	16-402-120	NEW-P	04-11-111	16-528-220	REP	04-10-058
16-390-210	NEW-P	04-08-128	16-402-130	NEW-E	04-07-046	16-530-005	NEW-P	04-03-111
16-390-210	NEW	04-11-078	16-402-130	NEW-P	04-11-111	16-530-006	NEW-P	04-03-111
16-390-220	NEW-P	04-08-128	16-449-001	REP	04-05-117	16-530-010	AMD-P	04-03-111
16-390-220	NEW	04-11-078	16-449-010	REP	04-05-117	16-530-020	AMD-P	04-03-111
16-390-230	NEW-P	04-08-128	16-449-020	REP	04-05-117	16-530-030	REP-P	04-03-111
16-390-230	NEW	04-11-078	16-449-030	REP	04-05-117	16-530-040	AMD-P	04-03-111
16-390-240	NEW-P	04-08-128	16-450-005	NEW	04-05-117	16-532-005	NEW-W	04-10-056
16-390-240	NEW	04-11-078	16-450-010	NEW	04-05-117	16-532-006	NEW-W	04-10-056
16-390-242	NEW-P	04-08-128	16-450-012	NEW	04-05-117	16-532-010	AMD-W	04-10-056
16-390-242	NEW	04-11-078	16-450-014	NEW	04-05-117	16-532-020	AMD-W	04-10-056
16-390-245	NEW-P	04-08-128	16-450-016	NEW	04-05-117	16-532-030	REP-W	04-10-056
16-390-245	NEW	04-11-078	16-450-020	NEW	04-05-117	16-532-040	AMD-W	04-10-056
16-390-250	NEW-P	04-08-128	16-450-022	NEW	04-05-117	16-532-060	AMD-W	04-10-056
16-390-250	NEW	04-11-078	16-450-024	NEW	04-05-117	16-532-065	REP-W	04-10-056
16-390-260	NEW-P	04-08-128	16-450-026	NEW	04-05-117	16-532-101	REP	04-10-059
16-390-260	NEW	04-11-078	16-450-028	NEW	04-05-117	16-532-103	NEW-W	04-10-055
16-390-270	NEW-P	04-08-128	16-450-032	NEW	04-05-117	16-532-105	NEW-W	04-10-055
16-390-270	NEW	04-11-078	16-450-040	NEW	04-05-117	16-532-110	AMD-W	04-10-075
16-390-280	NEW-P	04-08-128	16-450-042	NEW	04-05-117	16-532-115	NEW-W	04-10-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-532-120	AMD	04-10-059	51-13-106	AMD-X	04-03-033	132L-26-055	REP-P	04-10-052
16-536-005	NEW-P	04-04-107	51-13-106	AMD	04-07-192	132L-26-060	REP-P	04-10-052
16-536-006	NEW-P	04-04-107	51-13-201	AMD-X	04-03-033	132L-26-065	REP-P	04-10-052
16-536-010	AMD-P	04-04-107	51-13-201	AMD	04-07-192	132L-26-070	REP-P	04-10-052
16-536-020	AMD-P	04-04-107	51-13-302	AMD-X	04-03-033	132L-26-075	REP-P	04-10-052
16-536-030	REP-P	04-04-107	51-13-302	AMD	04-07-192	132L-26-080	REP-P	04-10-052
16-536-040	AMD-P	04-04-107	51-13-303	AMD-X	04-03-033	132L-108-050	AMD-P	04-10-052
16-536-060	AMD-P	04-04-107	51-13-303	AMD	04-07-192	132L-108-090	NEW-P	04-10-052
16-545-005	NEW-P	04-09-104	51-13-304	AMD-X	04-03-033	132L-108-100	NEW-P	04-10-052
16-545-006	NEW-P	04-09-104	51-13-304	AMD	04-07-192	132L-117-010	AMD-P	04-10-052
16-545-010	AMD-P	04-09-104	51-13-402	AMD-X	04-03-033	132L-117-020	AMD-P	04-10-052
16-545-020	AMD-P	04-09-104	51-13-402	AMD	04-07-192	132L-117-030	AMD-P	04-10-052
16-545-030	REP-P	04-09-104	51-13-502	AMD-X	04-03-033	132L-117-040	AMD-P	04-10-052
16-561-005	NEW-P	04-07-194	51-13-502	AMD	04-07-192	132L-117-060	AMD-P	04-10-052
16-561-006	NEW-P	04-07-194	51-13-503	AMD-X	04-03-033	132L-117-080	AMD-P	04-10-052
16-561-010	AMD-P	04-07-194	51-13-503	AMD	04-07-192	132L-117-090	AMD-P	04-10-052
16-561-020	AMD-P	04-07-194	51-51-2439	NEW-W	04-07-083	132L-117-110	AMD-P	04-10-052
16-561-030	REP-P	04-07-194	51-51-2802	NEW-W	04-07-083	132L-117-130	AMD-P	04-10-052
16-561-040	AMD-P	04-07-194	51-52-0504	NEW-W	04-07-084	132L-117-140	AMD-P	04-10-052
16-561-060	AMD-P	04-07-194	67-16-020	NEW-X	04-07-110	132L-117-160	AMD-P	04-10-052
16-662-105	AMD-X	04-07-044	67-16-030	NEW-X	04-07-110	132L-117-170	AMD-P	04-10-052
16-675	PREP	04-09-083	67-16-040	NEW-X	04-07-110	132L-117-180	AMD-P	04-10-052
16-690-001	REP	04-05-117	82-50-021	AMD-X	04-08-126	132L-117-190	AMD-P	04-10-052
16-690-010	REP	04-05-117	106-124-900	NEW-P	04-06-014	132L-117-210	AMD-P	04-10-052
16-690-015	REP	04-05-117	106-124-910	NEW-P	04-06-014	132L-117-230	AMD-P	04-10-052
16-690-020	REP	04-05-117	106-124-920	NEW-P	04-06-014	132L-117-240	AMD-P	04-10-052
16-690-025	REP	04-05-117	118-33-010	REP	04-08-007	132L-117-250	AMD-P	04-10-052
16-690-030	REP	04-05-117	118-33-020	REP	04-08-007	132L-117-260	AMD-P	04-10-052
16-690-035	REP	04-05-117	118-33-030	REP	04-08-007	132L-117-270	AMD-P	04-10-052
16-690-040	REP	04-05-117	118-33-040	REP	04-08-007	132L-117-280	AMD-P	04-10-052
16-690-045	REP	04-05-117	118-33-050	REP	04-08-007	132L-117-290	AMD-P	04-10-052
16-690-100	REP	04-05-117	118-33-060	REP	04-08-007	132L-120-080	AMD-P	04-10-052
16-750-011	AMD-X	04-07-021	118-33-070	REP	04-08-007	132L-120-130	AMD-P	04-10-052
16-750-015	AMD-X	04-07-021	118-33-080	REP	04-08-007	132L-122-010	NEW-P	04-10-052
16-752	PREP	04-10-111	118-33-090	REP	04-08-007	132L-122-020	NEW-P	04-10-052
36-12	PREP	04-09-009	118-33-100	REP	04-08-007	132L-122-030	NEW-P	04-10-052
36-13	PREP	04-09-009	118-33-110	REP	04-08-007	132L-133-020	AMD-P	04-10-052
36-14	PREP	04-09-009	118-33-120	REP	04-08-007	132L-133-030	NEW-P	04-10-052
51-04-030	AMD-X	04-03-034	131	PREP	04-03-032	132L-136-011	RECOD-P	04-10-052
51-04-030	AMD	04-07-193	131-16-070	AMD-P	04-04-033	132L-136-020	AMD-P	04-10-052
51-11-0602	AMD-W	04-07-082	131-16-070	AMD	04-07-094	132L-136-020	DECOD-P	04-10-052
51-11-1006	AMD-W	04-07-082	131-16-091	AMD-P	04-04-033	132L-136-021	NEW-P	04-10-052
51-11-1132	AMD-W	04-07-082	131-16-091	AMD	04-07-094	132L-136-025	NEW-P	04-10-052
51-11-1310	AMD-W	04-07-082	131-16-092	AMD-P	04-04-033	132L-136-026	NEW-P	04-10-052
51-11-1312	AMD-W	04-07-082	131-16-092	AMD	04-07-094	132L-136-030	AMD-P	04-10-052
51-11-1322	AMD-W	04-07-082	131-16-093	AMD-P	04-04-033	132L-136-040	AMD-P	04-10-052
51-11-1323	AMD-W	04-07-082	131-16-093	AMD	04-07-094	132L-136-050	AMD-P	04-10-052
51-11-1331	AMD-W	04-07-082	131-16-094	AMD-P	04-04-033	132L-136-060	AMD-P	04-10-052
51-11-1334	AMD-W	04-07-082	131-16-094	AMD	04-07-094	132L-136-070	AMD-P	04-10-052
51-11-1411	AMD-W	04-07-082	131-16-095	AMD-P	04-04-033	132L-136-080	AMD-P	04-10-052
51-11-1413	AMD-W	04-07-082	131-16-095	AMD	04-07-094	132L-140-010	AMD-P	04-10-052
51-11-1414	AMD-W	04-07-082	131-16-450	AMD-P	04-07-095	132L-140-020	AMD-P	04-10-052
51-11-1416	AMD-W	04-07-082	131-16-450	AMD	04-11-028	132L-140-030	REP-P	04-10-052
51-11-1423	AMD-W	04-07-082	131-28-026	AMD-P	04-07-093	132L-276-010	AMD-P	04-10-052
51-11-1432	AMD-W	04-07-082	131-28-026	AMD	04-11-027	132L-276-020	AMD-P	04-10-052
51-11-1433	AMD-W	04-07-082	132L-19-010	NEW-P	04-10-052	132L-276-030	REP-P	04-10-052
51-11-1436	AMD-W	04-07-082	132L-26-010	AMD-P	04-10-052	132L-276-040	REP-P	04-10-052
51-11-1437	AMD-W	04-07-082	132L-26-025	AMD-P	04-10-052	132L-276-050	AMD-P	04-10-052
51-11-1440	AMD-W	04-07-082	132L-26-030	AMD-P	04-10-052	132L-276-060	AMD-P	04-10-052
51-11-1454	AMD-W	04-07-082	132L-26-035	REP-P	04-10-052	132L-276-070	AMD-P	04-10-052
51-11-1513	AMD-W	04-07-082	132L-26-040	REP-P	04-10-052	132L-276-080	AMD-P	04-10-052
51-11-1521	AMD-W	04-07-082	132L-26-050	REP-P	04-10-052	132L-276-090	AMD-P	04-10-052

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132L-276-100	AMD-P	04-10-052	132V-120-160	AMD-P	04-09-017	173-224-050	AMD-P	04-08-104
132L-276-110	AMD-P	04-10-052	132V-120-170	AMD-P	04-09-017	173-224-090	AMD-P	04-08-104
132L-276-120	AMD-P	04-10-052	132V-120-180	AMD-P	04-09-017	173-300-020	AMD-X	04-11-067
132L-276-130	AMD-P	04-10-052	132V-120-200	AMD-P	04-09-017	173-300-030	AMD-X	04-11-067
132L-276-140	AMD-P	04-10-052	132V-120-210	AMD-P	04-09-017	173-300-050	AMD-X	04-11-067
132L-276-900	AMD-P	04-10-052	132V-120-220	AMD-P	04-09-017	173-300-060	AMD-X	04-11-067
132L-280-010	REP-P	04-10-052	132V-120-240	AMD-P	04-09-017	173-300-070	AMD-X	04-11-067
132L-280-015	REP-P	04-10-052	132V-120-241	AMD-P	04-09-017	173-300-075	NEW-X	04-11-067
132L-280-020	REP-P	04-10-052	132V-120-245	AMD-P	04-09-017	173-300-080	AMD-X	04-11-067
132L-280-030	REP-P	04-10-052	132V-120-270	AMD-P	04-09-017	173-300-090	AMD-X	04-11-067
132L-280-040	REP-P	04-10-052	132V-120-280	AMD-P	04-09-017	173-300-100	AMD-X	04-11-067
132L-280-050	REP-P	04-10-052	132V-120-290	AMD-P	04-09-017	173-300-110	AMD-X	04-11-067
132L-280-060	REP-P	04-10-052	132V-120-295	NEW-P	04-09-017	173-300-120	AMD-X	04-11-067
132L-280-070	REP-P	04-10-052	132V-120-300	AMD-P	04-09-017	173-300-130	AMD-X	04-11-067
132L-280-080	REP-P	04-10-052	132V-120-310	AMD-P	04-09-017	173-300-140	AMD-X	04-11-067
132L-280-090	REP-P	04-10-052	132V-120-320	AMD-P	04-09-017	173-303	PREP	04-04-101
132L-280-100	REP-P	04-10-052	132V-120-335	NEW-P	04-09-017	173-400	PREP-W	04-10-010
132L-280-110	REP-P	04-10-052	132V-120-340	NEW-P	04-09-017	173-405	PREP-W	04-10-010
132L-280-120	REP-P	04-10-052	132V-120-345	NEW-P	04-09-017	173-410	PREP-W	04-10-010
132L-300-010	NEW-P	04-10-052	132V-130	PREP	04-05-021	173-433	PREP-W	04-10-010
132L-300-020	NEW-P	04-10-052	132V-130-020	AMD-P	04-09-016	173-434	PREP-W	04-10-010
132L-300-030	NEW-P	04-10-052	136-28-010	AMD	04-05-001	173-503	PREP	04-06-027
132L-300-040	NEW-P	04-10-052	136-130-040	AMD	04-05-001	173-517	PREP	04-07-185
132L-300-050	NEW-P	04-10-052	136-130-060	AMD	04-05-001	173-518	PREP	04-07-129
132L-300-060	NEW-P	04-10-052	136-130-070	AMD	04-05-001	173-531A	PREP	04-11-038
132L-300-070	NEW-P	04-10-052	137-28-260	AMD-P	04-05-076	173-532	PREP	04-08-061
132L-300-080	NEW-P	04-10-052	137-28-260	AMD	04-07-163	173-563	PREP	04-11-038
132L-300-085	NEW-P	04-10-052	139-01-100	AMD-P	04-02-040	180-16-220	AMD	04-04-093
132L-300-090	NEW-P	04-10-052	139-01-100	AMD	04-07-146	180-16-220	PREP	04-09-066
132L-300-100	NEW-P	04-10-052	139-05-210	PREP	04-04-017	180-16-225	AMD	04-04-093
132L-300-110	NEW-P	04-10-052	139-05-210	AMD-P	04-07-145	180-16-227	AMD	04-04-093
132L-400-010	REP-P	04-10-052	139-05-242	PREP	04-11-054	180-18-050	AMD	04-04-093
132L-400-020	REP-P	04-10-052	139-05-915	PREP	04-05-064	180-18-055	AMD	04-04-093
132L-400-030	REP-P	04-10-052	139-05-915	AMD-P	04-08-130	180-18-090	NEW	04-04-093
132L-400-040	REP-P	04-10-052	139-10-210	PREP	04-06-057	180-20-009	AMD-P	04-04-087
132Q-01-006	AMD	04-10-065	139-10-210	AMD-P	04-09-069	180-20-009	AMD	04-08-055
132Q-01-010	AMD	04-10-065	173-26-105	REP-X	04-05-105	180-20-021	NEW-P	04-04-087
132Q-01-020	AMD	04-10-065	173-26-105	REP	04-10-068	180-20-021	NEW	04-08-055
132Q-01-040	AMD	04-10-065	173-175-010	AMD-P	04-09-109	180-20-101	AMD-P	04-04-087
132Q-01-050	AMD	04-10-065	173-175-020	AMD-P	04-09-109	180-20-101	AMD	04-08-055
132Q-113-010	AMD	04-10-065	173-175-030	AMD-P	04-09-109	180-20-111	AMD-P	04-04-087
132Q-136-030	AMD	04-10-065	173-175-070	REP-P	04-09-109	180-20-111	AMD	04-08-055
132Q-136-040	AMD	04-10-065	173-175-230	AMD-P	04-09-109	180-24-225	NEW	04-04-091
132Q-276-020	AMD	04-10-065	173-175-250	AMD-P	04-09-109	180-27-100	PREP	04-10-086
132Q-276-030	AMD	04-10-065	173-175-360	AMD-P	04-09-109	180-46	PREP	04-09-065
132Q-276-040	AMD	04-10-065	173-175-370	AMD-P	04-09-109	180-46-005	REP-W	04-07-081
132Q-276-090	AMD	04-10-065	173-175-390	AMD-P	04-09-109	180-46-010	REP-W	04-07-081
132Q-276-110	AMD	04-10-065	173-175-500	AMD-P	04-09-109	180-46-015	REP-W	04-07-081
132V-120	PREP	04-05-022	173-175-510	AMD-P	04-09-109	180-46-020	REP-W	04-07-081
132V-120-020	AMD-P	04-09-017	173-175-520	AMD-P	04-09-109	180-46-025	REP-W	04-07-081
132V-120-030	AMD-P	04-09-017	173-175-610	AMD-P	04-09-109	180-46-030	REP-W	04-07-081
132V-120-040	AMD-P	04-09-017	173-175-620	AMD-P	04-09-109	180-46-035	REP-W	04-07-081
132V-120-050	AMD-P	04-09-017	173-175-705	NEW-P	04-09-109	180-46-040	REP-W	04-07-081
132V-120-070	AMD-P	04-09-017	173-175-725	NEW-P	04-09-109	180-46-045	REP-W	04-07-081
132V-120-080	AMD-P	04-09-017	173-175-735	NEW-P	04-09-109	180-46-050	REP-W	04-07-081
132V-120-090	AMD-P	04-09-017	173-175-755	NEW-P	04-09-109	180-46-055	REP-W	04-07-081
132V-120-100	AMD-P	04-09-017	173-175-765	NEW-P	04-09-109	180-46-065	REP-W	04-07-081
132V-120-110	AMD-P	04-09-017	173-175-775	NEW-P	04-09-109	180-50-300	AMD-P	04-04-086
132V-120-120	AMD-P	04-09-017	173-175-785	NEW-P	04-09-109	180-50-320	AMD-P	04-04-086
132V-120-130	AMD-P	04-09-017	173-175-795	NEW-P	04-09-109	180-51	PREP	04-09-062
132V-120-140	AMD-P	04-09-017	173-224-030	AMD-P	04-08-104	180-51-050	AMD	04-04-093
132V-120-150	AMD-P	04-09-017	173-224-040	AMD-P	04-08-104	180-51-061	AMD	04-04-092

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180-55-005	AMD	04-04-093	192-12-012	REP-E	04-02-039	192-23-061	REP-P	04-10-114
180-55-015	AMD	04-04-093	192-12-012	REP-E	04-10-071	192-23-096	REP-E	04-02-039
180-55-020	AMD	04-04-093	192-12-012	REP-P	04-10-114	192-23-096	REP-E	04-10-071
180-55-034	AMD	04-04-093	192-12-020	REP-E	04-02-039	192-23-096	REP-P	04-10-114
180-55-150	REP	04-04-093	192-12-020	REP-E	04-10-071	192-23-800	REP-E	04-02-039
180-57	PREP	04-09-061	192-12-020	REP-P	04-10-114	192-23-800	REP-E	04-10-071
180-72	PREP	04-09-063	192-12-180	REP-E	04-02-039	192-23-800	REP-P	04-10-114
180-77	PREP	04-08-056	192-12-180	REP-E	04-10-071	192-23-810	REP-E	04-02-039
180-77A	PREP	04-08-056	192-12-180	REP-P	04-10-114	192-23-810	REP-E	04-10-071
180-78A	PREP	04-08-056	192-12-184	REP-E	04-02-039	192-23-810	REP-P	04-10-114
180-78A-100	AMD	04-04-090	192-12-184	REP-E	04-10-071	192-28-105	REP-E	04-02-039
180-78A-270	AMD	04-04-089	192-12-184	REP-P	04-10-114	192-28-105	REP-E	04-10-071
180-78A-507	AMD	04-04-010	192-12-190	REP-E	04-02-039	192-28-105	REP-P	04-10-114
180-79A	PREP	04-08-056	192-12-190	REP-E	04-10-071	192-28-110	REP-E	04-02-039
180-79A-030	AMD	04-04-011	192-12-190	REP-P	04-10-114	192-28-110	REP-E	04-10-071
180-79A-117	AMD	04-04-088	192-12-300	REP-E	04-02-039	192-28-110	REP-P	04-10-114
180-79A-140	PREP	04-04-084	192-12-300	REP-E	04-10-071	192-28-115	REP-E	04-02-039
180-79A-206	AMD	04-04-011	192-12-300	REP-P	04-10-114	192-28-115	REP-E	04-10-071
180-79A-213	AMD	04-04-011	192-12-310	REP-E	04-02-039	192-28-115	REP-P	04-10-114
180-79A-223	AMD	04-04-012	192-12-310	REP-E	04-10-071	192-28-120	REP-E	04-02-039
180-79A-226	AMD	04-04-011	192-12-310	REP-P	04-10-114	192-28-120	REP-E	04-10-071
180-79A-231	PREP	04-04-084	192-12-320	REP-E	04-02-039	192-28-120	REP-P	04-10-114
180-79A-257	AMD	04-04-009	192-12-320	REP-E	04-10-071	192-100-010	NEW-E	04-02-039
180-79A-257	AMD	04-04-011	192-12-320	REP-P	04-10-114	192-100-010	NEW-E	04-10-071
180-81	PREP	04-08-056	192-12-330	REP-E	04-02-039	192-100-010	NEW-P	04-10-114
180-82	PREP	04-08-056	192-12-330	REP-E	04-10-071	192-100-020	NEW-E	04-02-039
180-82A	PREP	04-08-056	192-12-330	REP-P	04-10-114	192-100-020	NEW-P	04-10-114
180-83	PREP	04-08-056	192-12-340	REP-E	04-02-039	192-100-030	NEW-E	04-02-039
180-85	PREP	04-08-056	192-12-340	REP-E	04-10-071	192-100-030	NEW-P	04-10-114
180-85-077	AMD-P	04-10-087	192-12-340	REP-P	04-10-114	192-100-035	NEW-P	04-10-114
180-85-105	AMD-P	04-04-085	192-16-009	AMD-E	04-02-039	192-110-200	NEW-E	04-02-039
180-85-105	AMD	04-08-054	192-16-009	AMD-E	04-10-071	192-110-200	NEW-P	04-10-114
180-86	PREP	04-08-056	192-16-009	AMD-P	04-10-114	192-110-210	NEW-E	04-02-039
180-87	PREP	04-08-056	192-16-015	AMD-E	04-02-039	192-110-210	NEW-E	04-10-071
180-88	PREP	04-09-064	192-16-015	AMD-E	04-10-071	192-110-210	NEW-P	04-10-114
181-01-002	NEW-P	04-04-105	192-16-015	AMD-P	04-10-114	192-120-050	NEW-E	04-02-039
181-01-002	NEW	04-08-047	192-16-016	AMD-E	04-02-039	192-120-050	NEW-E	04-10-071
181-01-003	NEW-P	04-04-106	192-16-016	AMD-E	04-10-071	192-120-050	NEW-P	04-10-114
181-01-003	NEW	04-08-048	192-16-016	AMD-P	04-10-114	192-130-060	NEW-E	04-02-039
182	PREP	04-07-079	192-16-019	REP-E	04-02-039	192-130-060	NEW-E	04-10-071
182-12	PREP	04-07-080	192-16-019	REP-E	04-10-071	192-130-060	NEW-P	04-10-114
182-12-115	PREP	04-11-011	192-16-019	REP-P	04-10-114	192-130-065	NEW-E	04-02-039
182-16-040	PREP	04-07-079	192-16-023	REP-E	04-02-039	192-130-065	NEW-E	04-10-071
182-20-400	AMD	04-03-006	192-16-023	REP-E	04-10-071	192-130-065	NEW-P	04-10-114
182-25-040	AMD-X	04-11-039	192-16-023	REP-P	04-10-114	192-130-070	NEW-E	04-02-039
182-50-001	NEW	04-06-021	192-23-014	REP-E	04-02-039	192-130-070	NEW-E	04-10-071
182-50-005	NEW	04-06-021	192-23-014	REP-E	04-10-071	192-130-070	NEW-P	04-10-114
182-50-010	NEW	04-06-021	192-23-014	REP-P	04-10-114	192-130-080	NEW-E	04-02-039
182-50-015	NEW	04-06-021	192-23-015	REP-E	04-02-039	192-130-080	NEW-E	04-10-071
182-50-025	NEW	04-06-021	192-23-015	REP-E	04-10-071	192-130-080	NEW-P	04-10-114
182-50-030	NEW	04-06-021	192-23-015	REP-P	04-10-114	192-140-070	NEW-E	04-02-039
182-50-035	NEW	04-06-021	192-23-016	REP-E	04-02-039	192-140-070	NEW-E	04-10-071
182-50-200	NEW	04-06-021	192-23-016	REP-E	04-10-071	192-140-070	NEW-P	04-10-114
192-04-040	AMD-E	04-02-039	192-23-016	REP-P	04-10-114	192-140-075	NEW-E	04-02-039
192-04-040	AMD-E	04-10-071	192-23-017	REP-E	04-02-039	192-140-075	NEW-E	04-10-071
192-04-040	AMD-P	04-10-114	192-23-017	REP-E	04-10-071	192-140-075	NEW-P	04-10-114
192-04-050	AMD-E	04-02-039	192-23-017	REP-P	04-10-114	192-140-080	NEW-E	04-02-039
192-04-050	AMD-E	04-10-071	192-23-019	REP-E	04-02-039	192-140-080	NEW-E	04-10-071
192-04-050	AMD-P	04-10-114	192-23-019	REP-E	04-10-071	192-140-080	NEW-P	04-10-114
192-12-011	REP-E	04-02-039	192-23-019	REP-P	04-10-114	192-140-085	NEW-E	04-02-039
192-12-011	REP-E	04-10-071	192-23-061	REP-E	04-02-039	192-140-085	NEW-E	04-10-071
192-12-011	REP-P	04-10-114	192-23-061	REP-E	04-10-071	192-140-085	NEW-P	04-10-114

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192-140-090	NEW-E	04-10-071	192-150-210	NEW-E	04-02-039	192-310-025	AMD-P	04-10-113
192-140-090	NEW-P	04-10-114	192-150-210	NEW-E	04-10-071	192-310-030	AMD-E	04-02-039
192-140-100	NEW-E	04-02-039	192-150-210	NEW-P	04-10-114	192-310-030	AMD-E	04-10-071
192-140-100	NEW-E	04-10-071	192-150-215	NEW-E	04-02-039	192-310-030	AMD-P	04-10-113
192-140-100	NEW-P	04-10-114	192-150-215	NEW-E	04-10-071	192-320-070	AMD-E	04-02-039
192-140-120	NEW-E	04-02-039	192-150-215	NEW-P	04-10-114	192-320-070	AMD-E	04-10-071
192-140-120	NEW-E	04-10-071	192-150-220	NEW-E	04-02-039	192-320-070	AMD-P	04-10-113
192-140-120	NEW-P	04-10-114	192-150-220	NEW-E	04-10-071	192-320-075	NEW-E	04-02-039
192-140-200	NEW-E	04-02-039	192-150-220	NEW-P	04-10-114	192-320-075	NEW-E	04-10-071
192-140-200	NEW-E	04-10-071	192-180-010	AMD-E	04-02-039	192-320-075	NEW-P	04-10-113
192-140-200	NEW-P	04-10-114	192-180-010	AMD-E	04-10-071	192-340-100	NEW-E	04-02-039
192-140-210	NEW-E	04-02-039	192-180-010	AMD-P	04-10-114	192-340-100	NEW-E	04-10-071
192-140-210	NEW-E	04-10-071	192-180-015	AMD-E	04-02-039	192-340-100	NEW-P	04-10-113
192-140-210	NEW-P	04-10-114	192-180-015	AMD-E	04-10-071	196-09	AMD	04-04-001
192-150-050	AMD-E	04-02-039	192-180-015	AMD-P	04-10-114	196-09-010	AMD	04-04-001
192-150-050	AMD-E	04-10-071	192-180-015	AMD-P	04-10-114	196-09-010	AMD	04-04-001
192-150-050	AMD-P	04-10-114	192-180-020	AMD-E	04-02-039	196-09-050	NEW	04-04-001
192-150-055	AMD-E	04-02-039	192-180-020	AMD-E	04-10-071	196-09-055	NEW	04-04-001
192-150-055	AMD-E	04-10-071	192-180-020	AMD-P	04-10-114	196-09-060	NEW	04-04-001
192-150-055	AMD-P	04-10-114	192-180-025	AMD-E	04-02-039	196-09-100	NEW	04-04-001
192-150-060	AMD-E	04-02-039	192-180-025	AMD-E	04-10-071	196-09-110	NEW	04-04-001
192-150-060	AMD-E	04-10-071	192-180-025	AMD-P	04-10-114	196-09-120	NEW	04-04-001
192-150-060	AMD-P	04-10-114	192-180-030	AMD-E	04-02-039	196-12-005	NEW	04-04-001
192-150-065	AMD-E	04-02-039	192-180-030	AMD-E	04-10-071	196-12-010	AMD	04-04-001
192-150-065	AMD-E	04-10-071	192-180-030	AMD-P	04-10-114	196-12-020	AMD	04-04-001
192-150-065	AMD-P	04-10-114	192-180-040	NEW-E	04-02-039	196-12-020	AMD	04-04-001
192-150-085	AMD-E	04-02-039	192-180-040	NEW-E	04-10-071	196-12-030	AMD	04-04-001
192-150-085	AMD-E	04-10-071	192-180-040	NEW-E	04-10-071	196-12-045	AMD	04-04-001
192-150-085	AMD-P	04-10-114	192-180-040	NEW-P	04-10-114	196-12-050	AMD	04-04-001
192-150-090	AMD-E	04-02-039	192-200-005	NEW-E	04-02-039	196-12-055	NEW	04-04-001
192-150-090	AMD-E	04-10-071	192-200-005	NEW-E	04-10-071	196-12-065	NEW	04-04-001
192-150-090	AMD-P	04-10-114	192-200-005	NEW-P	04-10-114	196-16-006	NEW	04-04-001
192-150-110	NEW-E	04-02-039	192-200-010	NEW-E	04-02-039	196-16-007	AMD	04-04-001
192-150-110	NEW-E	04-10-071	192-200-010	NEW-E	04-10-071	196-16-010	AMD	04-04-001
192-150-110	NEW-P	04-10-114	192-200-010	NEW-P	04-10-114	196-16-020	AMD	04-04-001
192-150-115	NEW-E	04-02-039	192-200-030	NEW-E	04-02-039	196-16-031	AMD	04-04-001
192-150-115	NEW-E	04-10-071	192-200-030	NEW-E	04-10-071	196-16-035	NEW	04-04-001
192-150-115	NEW-P	04-10-114	192-200-030	NEW-P	04-10-114	196-20-005	NEW-P	04-04-027
192-150-120	NEW-E	04-02-039	192-220-010	NEW-E	04-02-039	196-20-005	NEW	04-10-067
192-150-120	NEW-E	04-10-071	192-220-010	NEW-E	04-10-071	196-20-010	AMD-P	04-04-027
192-150-120	NEW-P	04-10-114	192-220-010	NEW-P	04-10-114	196-20-010	AMD	04-10-067
192-150-125	NEW-E	04-02-039	192-220-020	NEW-E	04-02-039	196-20-020	AMD-P	04-04-027
192-150-125	NEW-E	04-10-071	192-220-020	NEW-E	04-10-071	196-20-020	AMD	04-10-067
192-150-125	NEW-P	04-10-114	192-220-020	NEW-P	04-10-114	196-20-030	AMD-P	04-04-027
192-150-130	NEW-E	04-02-039	192-220-030	NEW-E	04-02-039	196-20-030	AMD	04-10-067
192-150-130	NEW-E	04-10-071	192-220-030	NEW-E	04-10-071	196-21-005	NEW	04-04-001
192-150-130	NEW-P	04-10-114	192-220-030	NEW-P	04-10-114	196-21-010	AMD	04-04-001
192-150-135	NEW-E	04-02-039	192-230-100	NEW-E	04-02-039	196-21-020	AMD	04-04-001
192-150-135	NEW-E	04-10-071	192-230-100	NEW-E	04-10-071	196-21-030	AMD	04-04-001
192-150-135	NEW-P	04-10-114	192-230-100	NEW-P	04-10-114	196-23	PREP	04-10-011
192-150-140	NEW-E	04-02-039	192-240-035	AMD-E	04-02-039	196-23-070	AMD	04-04-001
192-150-140	NEW-E	04-10-071	192-240-035	AMD-E	04-10-071	196-24-041	REP	04-04-001
192-150-140	NEW-P	04-10-114	192-240-035	AMD-P	04-10-114	196-24-080	REP	04-04-001
192-150-150	NEW-E	04-02-039	192-240-040	AMD-E	04-02-039	196-24-085	REP	04-04-001
192-150-150	NEW-E	04-10-071	192-240-040	AMD-E	04-10-071	196-24-100	REP	04-04-001
192-150-150	NEW-P	04-10-114	192-240-040	AMD-P	04-10-114	196-24-105	REP	04-04-001
192-150-200	NEW-E	04-02-039	192-300-050	AMD-E	04-02-039	196-24-110	REP-W	04-05-061
192-150-200	NEW-E	04-10-071	192-300-050	AMD-E	04-10-071	196-25-001	AMD	04-04-001
192-150-200	NEW-P	04-10-114	192-300-050	AMD-P	04-10-113	196-25-002	AMD-W	04-05-061
192-150-205	NEW-E	04-02-039	192-310-010	AMD-E	04-02-039	196-25-005	AMD	04-04-001
192-150-205	NEW-E	04-10-071	192-310-010	AMD-E	04-10-071	196-25-010	AMD	04-04-001
			192-310-010	AMD-P	04-10-113	196-25-020	REP	04-04-001
			192-310-025	AMD-E	04-02-039	196-25-030	REP	04-04-001

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
196-25-040	AMD-W	04-05-061	208-690-031	NEW-E	04-07-182	220-20-056	REP	04-10-108
196-25-050	AMD	04-04-001	208-690-031	NEW-P	04-11-110	220-20-080	AMD	04-08-025
196-25-100	REP	04-04-001	208-690-035	NEW-E	04-07-182	220-24-04000L	NEW-E	04-10-001
196-26A	PREP	04-10-011	208-690-035	NEW-P	04-11-110	220-24-04000L	REP-E	04-10-001
196-27A-025	NEW-W	04-05-061	208-690-040	NEW-E	04-07-182	220-24-04000L	REP-E	04-11-010
199-08-300	NEW-E	04-10-002	208-690-040	NEW-P	04-11-110	220-24-04000M	NEW-E	04-11-052
199-08-305	NEW-E	04-10-002	208-690-045	NEW-E	04-07-182	220-24-04000M	REP-E	04-11-052
199-08-310	NEW-E	04-10-002	208-690-045	NEW-P	04-11-110	220-32-05100P	NEW-E	04-03-075
199-08-315	NEW-E	04-10-002	208-690-050	NEW-E	04-07-182	220-32-05100P	REP-E	04-03-075
199-08-320	NEW-E	04-10-002	208-690-050	NEW-P	04-11-110	220-32-05100P	REP-E	04-04-053
199-08-325	NEW-E	04-10-002	208-690-060	NEW-E	04-07-182	220-32-05100Q	NEW-E	04-04-053
199-08-335	NEW-E	04-10-002	208-690-060	NEW-P	04-11-110	220-32-05100Q	REP-E	04-04-053
199-08-340	NEW-E	04-10-002	208-690-070	NEW-E	04-07-182	220-32-05100Q	REP-E	04-07-027
199-08-350	NEW-E	04-10-002	208-690-070	NEW-P	04-11-110	220-32-05100R	NEW-E	04-07-027
199-08-385	NEW-E	04-10-002	208-690-075	NEW-E	04-07-182	220-32-05100R	REP-E	04-07-027
199-08-390	NEW-E	04-10-002	208-690-075	NEW-P	04-11-110	220-32-05100S	NEW-E	04-10-064
199-08-395	NEW-E	04-10-002	208-690-080	NEW-E	04-07-182	220-32-05100S	REP-E	04-10-064
199-08-400	NEW-E	04-10-002	208-690-080	NEW-P	04-11-110	220-32-05100T	NEW-E	04-11-022
199-08-405	NEW-E	04-10-002	208-690-090	NEW-E	04-07-182	220-32-05100T	REP-E	04-11-022
199-08-410	NEW-E	04-10-002	208-690-090	NEW-P	04-11-110	220-32-05100T	REP-E	04-11-074
199-08-415	NEW-E	04-10-002	208-690-100	NEW-E	04-07-182	220-32-05100U	NEW-E	04-11-074
199-08-420	NEW-E	04-10-002	208-690-100	NEW-P	04-11-110	220-32-05100U	REP-E	04-11-074
199-08-425	NEW-E	04-10-002	208-690-110	NEW-E	04-07-182	220-32-06000B	NEW-E	04-10-064
199-08-426	NEW-E	04-10-002	208-690-110	NEW-P	04-11-110	220-32-06000B	REP-E	04-10-064
199-08-427	NEW-E	04-10-002	208-690-112	NEW-E	04-07-182	220-33-01000A	NEW-E	04-08-011
199-08-428	NEW-E	04-10-002	208-690-112	NEW-P	04-11-110	220-33-01000A	REP-E	04-08-026
199-08-429	NEW-E	04-10-002	208-690-115	NEW-E	04-07-182	220-33-01000B	NEW-E	04-08-026
199-08-430	NEW-E	04-10-002	208-690-115	NEW-P	04-11-110	220-33-01000B	REP-E	04-09-021
199-08-435	NEW-E	04-10-002	208-690-120	NEW-E	04-07-182	220-33-01000C	NEW-E	04-09-021
199-08-440	NEW-E	04-10-002	208-690-120	NEW-P	04-11-110	220-33-01000C	REP-E	04-11-001
199-08-445	NEW-E	04-10-002	208-690-130	NEW-E	04-07-182	220-33-01000D	NEW-E	04-11-075
199-08-450	NEW-E	04-10-002	208-690-130	NEW-P	04-11-110	220-33-01000D	REP-E	04-11-075
199-08-455	NEW-E	04-10-002	208-690-140	NEW-E	04-07-182	220-33-01000Q	REP-E	04-04-071
199-08-460	NEW-E	04-10-002	208-690-140	NEW-P	04-11-110	220-33-01000R	NEW-E	04-04-071
199-08-465	NEW-E	04-10-002	208-690-150	NEW-E	04-07-182	220-33-01000R	REP-E	04-04-071
199-08-470	NEW-E	04-10-002	208-690-150	NEW-P	04-11-110	220-33-01000S	NEW-E	04-06-002
199-08-475	NEW-E	04-10-002	208-690-160	NEW-E	04-07-182	220-33-01000S	REP-E	04-06-002
199-08-480	NEW-E	04-10-002	208-690-160	NEW-P	04-11-110	220-33-01000S	REP-E	04-06-059
199-08-485	NEW-E	04-10-002	208-690-170	NEW-E	04-07-182	220-33-01000T	NEW-E	04-06-059
199-08-490	NEW-E	04-10-002	208-690-170	NEW-P	04-11-110	220-33-01000T	REP-E	04-07-008
199-08-495	NEW-E	04-10-002	208-690-180	NEW-E	04-07-182	220-33-01000U	NEW-E	04-07-008
199-08-500	NEW-E	04-10-002	208-690-180	NEW-P	04-11-110	220-33-01000U	REP-E	04-07-028
199-08-510	NEW-E	04-10-002	212-17-060	AMD-E	04-11-061	220-33-01000V	NEW-E	04-07-028
199-08-515	NEW-E	04-10-002	212-17-480	NEW-E	04-11-061	220-33-01000V	REP-E	04-07-050
199-08-520	NEW-E	04-10-002	212-17-485	NEW-E	04-11-061	220-33-01000W	NEW-E	04-07-050
199-08-525	NEW-E	04-10-002	212-17-490	NEW-E	04-11-061	220-33-01000W	REP-E	04-07-078
199-08-535	NEW-E	04-10-002	212-17-495	NEW-E	04-11-061	220-33-01000X	NEW-E	04-07-078
199-08-540	NEW-E	04-10-002	212-17-500	NEW-E	04-11-061	220-33-01000X	REP-E	04-07-118
199-08-545	NEW-E	04-10-002	212-17-505	NEW-E	04-11-061	220-33-01000Y	NEW-E	04-07-118
199-08-550	NEW-E	04-10-002	212-17-510	NEW-E	04-11-061	220-33-01000Y	REP-E	04-07-169
199-08-555	NEW-E	04-10-002	212-17-515	NEW-E	04-11-061	220-33-01000Z	NEW-E	04-07-169
199-08-565	NEW-E	04-10-002	212-17-520	NEW-E	04-11-061	220-33-01000Z	REP-E	04-08-011
199-08-570	NEW-E	04-10-002	212-17-525	NEW-E	04-11-061	220-33-03000U	NEW-E	04-09-018
199-08-580	NEW-E	04-10-002	212-17-530	NEW-E	04-11-061	220-33-03000U	REP-E	04-09-018
204-91A	PREP	04-10-054	212-17-535	NEW-E	04-11-061	220-33-04000U	REP-E	04-07-117
204-96-010	AMD	04-07-012	212-17-540	NEW-E	04-11-061	220-33-04000V	NEW-E	04-07-117
208-690-010	NEW-E	04-07-182	220-12-020	AMD	04-07-009	220-33-04000V	REP-E	04-07-117
208-690-010	NEW-P	04-11-110	220-16-270	AMD	04-07-009	220-33-070	NEW-W	04-10-074
208-690-020	NEW-E	04-07-182	220-16-47000B	NEW-E	04-10-034	220-36-023	AMD-X	04-11-109
208-690-020	NEW-P	04-11-110	220-16-550	AMD	04-07-009	220-40-027	AMD-X	04-11-109
208-690-030	NEW-E	04-07-182	220-16-800	NEW	04-07-009	220-44-05000A	NEW-E	04-03-010C
208-690-030	NEW-P	04-11-110	220-16-810	NEW	04-07-009	220-44-05000Z	REP-E	04-03-010C

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-48-01500T	NEW-E	04-07-029	220-56-175	AMD	04-10-033	220-56-36000Z	NEW-E	04-09-058
220-48-02900D	NEW-E	04-05-056	220-56-180	AMD-X	04-11-119	220-56-36000Z	REP-E	04-09-058
220-48-03200C	NEW-E	04-05-056	220-56-18000C	NEW-E	04-10-034	220-56-370	REP	04-07-009
220-48-06200C	NEW-E	04-05-056	220-56-195	AMD-X	04-11-119	220-56-380	AMD	04-07-009
220-49-02000P	NEW-E	04-05-056	220-56-19500M	NEW-E	04-10-034	220-56-38000G	NEW-E	04-03-010A
220-49-05600C	NEW-E	04-05-056	220-56-215	AMD	04-07-009	220-56-39000B	NEW-E	04-05-057
220-52-03000U	NEW-E	04-11-051	220-56-232	NEW-W	04-10-077	220-56-41000A	NEW-E	04-05-057
220-52-03000U	REP-E	04-11-051	220-56-235	AMD	04-07-009	220-69-241	AMD	04-05-028
220-52-04000U	REP-E	04-05-007	220-56-235	AMD-W	04-10-073	220-72-01000B	NEW-E	04-08-037
220-52-04000V	NEW-E	04-05-007	220-56-23500S	NEW-E	04-05-057	220-72-011	AMD-P	04-05-069
220-52-04000V	REP-E	04-05-014	220-56-23500T	NEW-E	04-07-006	220-72-089	AMD-P	04-05-069
220-52-04000W	NEW-E	04-05-014	220-56-23500T	REP-E	04-07-006	220-72-08900C	NEW-E	04-08-037
220-52-04000W	REP-E	04-06-003	220-56-250	AMD	04-07-009	220-72-090	AMD-P	04-05-069
220-52-04000X	NEW-E	04-06-003	220-56-250	AMD-W	04-10-073	220-72-09000C	NEW-E	04-08-037
220-52-04000X	REP-E	04-07-013	220-56-25000F	NEW-E	04-07-005	220-88B-030	AMD	04-05-027
220-52-04000Y	NEW-E	04-07-013	220-56-25000G	NEW-E	04-10-042	220-88B-040	AMD	04-05-027
220-52-04000Y	REP-E	04-07-019	220-56-25000G	REP-E	04-10-042	220-88C-030	AMD-P	04-07-186
220-52-04000Z	NEW-E	04-07-019	220-56-25500K	NEW-E	04-10-027	220-88C-030	AMD	04-10-035
220-52-04600D	REP-E	04-03-049	220-56-25500K	REP-E	04-10-043	220-88C-03000	NEW-E	04-10-041
220-52-04600F	REP-E	04-05-007	220-56-25500L	NEW-E	04-10-043	220-88C-040	AMD-P	04-07-186
220-52-04600G	NEW-E	04-03-049	220-56-26700B	NEW-E	04-05-057	220-88C-040	AMD	04-10-035
220-52-04600G	REP-E	04-06-042	220-56-27000R	REP-E	04-07-116	220-88C-04000	NEW-E	04-10-041
220-52-04600H	NEW-E	04-05-007	220-56-27000R	REP-E	04-07-123	220-100-110	AMD-X	04-09-046
220-52-04600H	REP-E	04-06-013	220-56-27000S	NEW-E	04-05-057	220-110-035	PREP	04-04-008
220-52-04600I	NEW-E	04-06-013	220-56-27000T	NEW-E	04-07-116	220-110-035	AMD-P	04-08-064
220-52-04600I	REP-E	04-07-013	220-56-27000T	REP-E	04-07-116	220-125-010	AMD	04-05-026
220-52-04600J	NEW-E	04-06-042	220-56-27000T	REP-E	04-07-123	222-08-010	AMD	04-05-122
220-52-04600J	REP-E	04-08-038	220-56-27000U	NEW-E	04-07-123	222-08-020	AMD	04-05-122
220-52-04600K	NEW-E	04-07-013	220-56-27000U	REP-E	04-07-123	222-08-020	DECOD	04-05-122
220-52-04600K	REP-E	04-07-042	220-56-282	AMD	04-07-009	222-08-030	AMD	04-05-122
220-52-04600L	NEW-E	04-07-042	220-56-310	AMD	04-07-009	222-08-030	DECOD	04-05-122
220-52-04600M	NEW-E	04-08-038	220-56-315	AMD	04-07-009	222-08-035	DECOD	04-05-122
220-52-04600M	REP-E	04-08-038	220-56-325	AMD	04-07-009	222-08-040	AMD	04-05-122
220-52-05100P	NEW-E	04-09-007	220-56-32500K	NEW-E	04-09-020	222-08-050	NEW	04-05-122
220-52-05100P	REP-E	04-10-025	220-56-32500K	REP-E	04-09-052	222-08-060	NEW	04-05-122
220-52-05100Q	NEW-E	04-10-025	220-56-32500L	NEW-E	04-09-052	222-08-070	NEW	04-05-122
220-52-05100Q	REP-E	04-11-044	220-56-32500L	REP-E	04-09-102	222-08-080	NEW	04-05-122
220-52-05100R	NEW-E	04-11-044	220-56-32500M	NEW-E	04-09-102	222-08-090	NEW	04-05-122
220-52-07100D	NEW-E	04-03-031	220-56-32500M	REP-E	04-10-028	222-08-100	NEW	04-05-122
220-52-07100D	REP-E	04-05-008	220-56-32500N	NEW-E	04-10-028	222-08-120	NEW	04-05-122
220-52-07100E	NEW-E	04-05-008	220-56-32500N	REP-E	04-11-014	222-08-130	NEW	04-05-122
220-52-07100E	REP-E	04-05-045	220-56-32500P	NEW-E	04-11-014	222-08-140	RECOD	04-05-122
220-52-07100F	NEW-E	04-05-045	220-56-32500P	REP-E	04-11-077	222-08-150	RECOD	04-05-122
220-52-07100F	REP-E	04-06-041	220-56-32500Q	NEW-E	04-11-077	222-08-160	RECOD	04-05-122
220-52-07100G	NEW-E	04-06-041	220-56-330	AMD	04-07-009	222-12-090	AMD	04-05-087
220-52-07300J	REP-E	04-03-010B	220-56-335	AMD	04-07-009	222-16-010	AMD	04-05-087
220-52-07300K	NEW-E	04-03-010B	220-56-350	AMD	04-07-009	230-04-124	AMD-W	04-05-059
220-52-07300K	REP-E	04-03-074	220-56-35000Q	NEW-E	04-03-010A	230-04-192	REP-P	04-05-078
220-52-07300L	NEW-E	04-03-074	220-56-35000Q	REP-E	04-06-035	230-04-192	REP	04-09-028
220-52-07300L	REP-E	04-06-012	220-56-35000R	NEW-E	04-06-035	230-04-196	REP-P	04-05-078
220-55-061	NEW-P	04-05-068	220-56-35000R	REP-E	04-07-043	230-04-196	REP	04-09-028
220-55-061	NEW	04-08-063	220-56-35000S	NEW-E	04-07-043	230-12-045	AMD-P	04-07-103
220-56-100	AMD-W	04-05-060	220-56-35000S	REP-E	04-09-006	230-12-045	AMD	04-11-091
220-56-100	AMD	04-07-009	220-56-35000T	NEW-E	04-09-006	230-12-330	AMD-P	04-11-090
220-56-100	AMD-X	04-11-119	220-56-36000A	NEW-E	04-10-070	230-12-340	AMD-P	04-11-090
220-56-10000C	NEW-E	04-10-034	220-56-36000A	REP-E	04-10-070	230-20-059	AMD	04-07-102
220-56-115	AMD	04-07-009	220-56-36000W	NEW-E	04-03-048	230-30-033	AMD-P	04-09-088
220-56-118	NEW	04-07-009	220-56-36000W	REP-E	04-03-048	230-30-072	AMD-P	04-02-045
220-56-123	AMD-X	04-11-119	220-56-36000X	NEW-E	04-05-100	230-40-070	PREP	04-04-061
220-56-128	AMD-X	04-11-119	220-56-36000X	REP-E	04-05-100	230-40-070	AMD-P	04-07-147
220-56-12800H	NEW-E	04-10-034	220-56-36000Y	NEW-E	04-07-097	230-40-070	AMD-P	04-09-087
220-56-150	AMD	04-07-009	220-56-36000Y	REP-E	04-07-097	230-40-070	AMD	04-11-092

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230- 40-120	AMD-C	04-04-036	232- 28-61900D	REP-E	04-11-002	236- 51-005	NEW	04-07-104
230- 40-120	AMD	04-06-005	232- 28-61900E	NEW-E	04-10-063	236- 51-006	NEW	04-07-104
230- 40-120	AMD-W	04-07-051	232- 28-61900F	REP-E	04-07-004	236- 51-010	NEW	04-07-104
230- 40-625	AMD-P	04-11-089	232- 28-61900F	NEW-E	04-11-002	236- 51-100	NEW	04-07-104
230- 40-823	AMD	04-06-058	232- 28-61900F	REP-E	04-11-073	236- 51-110	NEW	04-07-104
230- 40-825	AMD-P	04-11-089	232- 28-61900G	NEW-E	04-03-047	236- 51-115	NEW	04-07-104
232- 12-004	AMD-P	04-05-099	232- 28-61900G	REP-E	04-03-047	236- 51-120	NEW	04-07-104
232- 12-004	AMD	04-11-036	232- 28-61900G	REP-E	04-04-028	236- 51-200	NEW	04-07-104
232- 12-005	NEW-P	04-05-099	232- 28-61900G	NEW-E	04-11-003	236- 51-205	NEW	04-07-104
232- 12-005	NEW	04-11-036	232- 28-61900G	REP-E	04-11-003	236- 51-210	NEW	04-07-104
232- 12-014	AMD-P	04-05-110	232- 28-61900H	NEW-E	04-04-028	236- 51-215	NEW	04-07-104
232- 12-014	AMD	04-11-036	232- 28-61900H	REP-E	04-04-028	236- 51-220	NEW	04-07-104
232- 12-019	AMD	04-07-009	232- 28-61900H	REP-E	04-05-032	236- 51-225	NEW	04-07-104
232- 12-047	AMD-P	04-05-106	232- 28-61900H	NEW-E	04-11-021	236- 51-300	NEW	04-07-104
232- 12-047	AMD	04-11-036	232- 28-61900H	REP-E	04-11-021	236- 51-302	NEW	04-07-104
232- 12-054	AMD-P	04-05-106	232- 28-61900I	NEW-E	04-04-060	236- 51-305	NEW	04-07-104
232- 12-054	AMD	04-11-036	232- 28-61900I	NEW-E	04-11-050	236- 51-306	NEW	04-07-104
232- 12-064	AMD-P	04-05-099	232- 28-61900I	REP-E	04-11-050	236- 51-310	NEW	04-07-104
232- 12-064	AMD	04-11-036	232- 28-61900J	NEW-E	04-05-015	236- 51-320	NEW	04-07-104
232- 12-168	AMD	04-07-009	232- 28-61900J	REP-E	04-05-015	236- 51-400	NEW	04-07-104
232- 12-271	AMD-P	04-05-099	232- 28-61900J	NEW-E	04-11-076	236- 51-405	NEW	04-07-104
232- 12-271	AMD	04-11-036	232- 28-61900J	REP-E	04-11-076	236- 51-410	NEW	04-07-104
232- 12-31500K	REP-E	04-08-065	232- 28-61900K	NEW-E	04-05-033	236- 51-500	NEW	04-07-104
232- 12-31500L	NEW-E	04-08-065	232- 28-61900K	REP-E	04-05-033	236- 51-502	NEW	04-07-104
232- 12-31500L	REP-E	04-08-065	232- 28-61900K	REP-E	04-07-026	236- 51-505	NEW	04-07-104
232- 12-619	AMD	04-07-009	232- 28-61900L	NEW-E	04-05-048	236- 51-510	NEW	04-07-104
232- 12-619	AMD-X	04-11-119	232- 28-61900L	REP-E	04-05-048	236- 51-515	NEW	04-07-104
232- 12-61900V	NEW-E	04-10-034	232- 28-61900M	NEW-E	04-07-007	236- 51-600	NEW	04-07-104
232- 12-828	AMD-P	04-05-106	232- 28-61900M	REP-E	04-07-007	236- 51-605	NEW	04-07-104
232- 12-828	AMD	04-11-036	232- 28-61900N	NEW-E	04-07-004	236- 51-610	NEW	04-07-104
232- 28-248	AMD-P	04-05-115	232- 28-61900N	REP-E	04-07-004	236- 51-615	NEW	04-07-104
232- 28-248	AMD	04-11-036	232- 28-61900P	NEW-E	04-07-026	236- 51-620	NEW	04-07-104
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232- 28-272	AMD	04-11-036	232- 28-61900Q	NEW-E	04-07-067	236- 51-715	NEW	04-07-104
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232- 28-273	AMD	04-11-036	232- 28-61900R	NEW-E	04-08-005	236- 51-725	NEW	04-07-104
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232- 28-282	AMD	04-11-036	232- 28-61900R	REP-E	04-08-013	236- 51-735	NEW	04-07-104
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232- 28-335	AMD	04-11-036	232- 28-61900T	REP-E	04-08-049	246- 01	PREP	04-06-043
232- 28-337	AMD-P	04-05-116	232- 28-61900U	NEW-E	04-09-047	246- 08	PREP	04-06-043
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232- 28-341	AMD	04-11-036	232- 28-61900W	NEW-E	04-09-023	246- 50-010	AMD-W	04-02-066
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232- 28-351	AMD	04-11-036	232- 28-61900W	REP-E	04-09-103	246- 50-030	AMD-W	04-02-066
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232- 28-352	AMD	04-11-036	232- 28-61900X	REP-E	04-09-022	246- 50-040	REP-W	04-02-066
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232- 28-619	AMD-X	04-11-119	232- 28-61900Z	NEW-E	04-09-049	246-217-010	AMD-P	04-09-056
232- 28-61900A	NEW-E	04-09-103	232- 28-61900Z	REP-E	04-09-049	246-217-010	AMD-C	04-11-097
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232- 28-61900B	NEW-E	04-10-005	232- 28-62000P	NEW-E	04-10-034	246-232-040	AMD	04-04-055
232- 28-61900B	REP-E	04-10-005	232- 28-621	AMD-X	04-11-079	246-232-050	AMD	04-04-055
232- 28-61900B	REP-E	04-10-036	232- 28-62100N	NEW-E	04-10-034	246-232-060	AMD	04-04-055
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246-233-030	NEW	04-04-055	246-260-200	REP-P	04-08-099	246-817-440	PREP	04-08-095
246-233-035	NEW	04-04-055	246-260-201	NEW-P	04-08-099	246-817-560	PREP	04-09-055
246-233-040	NEW	04-04-055	246-260-210	REP-P	04-08-099	246-828-030	REP	04-02-068
246-235-093	AMD	04-04-055	246-260-211	NEW-P	04-08-099	246-828-045	AMD	04-02-068
246-235-095	AMD	04-04-055	246-260-220	REP-P	04-08-099	246-828-055	REP	04-02-068
246-235-097	AMD	04-04-055	246-260-221	NEW-P	04-08-099	246-828-061	REP	04-02-068
246-239-080	AMD	04-04-055	246-260-230	REP-P	04-08-099	246-828-070	REP	04-02-068
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246-247-040	AMD-P	04-07-180	246-260-250	REP-P	04-08-099	246-828-090	AMD	04-02-068
246-247-045	NEW-P	04-07-180	246-260-260	REP-P	04-08-099	246-828-095	AMD	04-02-068
246-247-075	AMD-W	04-02-067	246-260-999	NEW-P	04-08-099	246-828-100	AMD	04-02-068
246-247-075	AMD-P	04-07-180	246-260-99901	NEW-P	04-08-099	246-828-105	AMD	04-02-068
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246-247-085	AMD-P	04-07-180	246-272B	PREP	04-03-010	246-828-270	AMD	04-02-068
246-247-110	AMD-W	04-02-067	246-282-990	AMD-P	04-11-098	246-828-290	AMD	04-02-068
246-247-110	AMD-P	04-07-180	246-290	PREP	04-06-044	246-828-320	AMD	04-02-068
246-247-120	AMD-W	04-02-067	246-290-010	AMD	04-04-056	246-828-330	AMD	04-02-068
246-247-120	AMD-P	04-07-180	246-290-025	AMD	04-04-056	246-828-350	AMD	04-02-068
246-247-130	AMD-W	04-02-067	246-290-130	AMD	04-04-056	246-828-500	AMD	04-02-068
246-247-130	AMD-P	04-07-180	246-290-300	AMD	04-04-056	246-828-550	AMD	04-02-068
246-254-053	AMD-P	04-07-181	246-290-310	AMD	04-04-056	246-828-990	AMD	04-02-068
246-254-070	AMD-P	04-07-175	246-290-320	AMD	04-04-056	246-840-010	AMD-E	04-05-043
246-254-080	AMD-P	04-07-175	246-290-480	AMD	04-04-056	246-840-010	AMD-P	04-09-057
246-254-090	AMD	04-04-055	246-290-601	AMD	04-04-056	246-840-700	AMD-E	04-06-009
246-254-090	AMD-P	04-07-175	246-290-630	AMD	04-04-056	246-840-700	AMD-P	04-10-078
246-254-100	AMD-P	04-07-175	246-290-660	AMD	04-04-056	246-840-840	AMD-E	04-05-043
246-254-120	AMD-P	04-07-175	246-290-664	AMD	04-04-056	246-840-840	AMD-P	04-09-057
246-260-001	AMD-P	04-08-099	246-290-666	AMD	04-04-056	246-840-850	AMD-E	04-05-043
246-260-010	AMD-P	04-08-099	246-290-72010	AMD	04-04-056	246-840-850	AMD-P	04-09-057
246-260-020	REP-P	04-08-099	246-290-72012	AMD	04-04-056	246-840-860	AMD-E	04-05-043
246-260-021	NEW-P	04-08-099	246-290-990	AMD-P	04-06-046	246-840-860	AMD-P	04-09-057
246-260-030	REP-P	04-08-099	246-290-990	AMD-C	04-10-013	246-840-870	AMD-E	04-05-043
246-260-031	NEW-P	04-08-099	246-292-160	AMD-P	04-06-046	246-840-870	AMD-P	04-09-057
246-260-040	REP-P	04-08-099	246-292-160	AMD-C	04-10-013	246-840-880	AMD-E	04-05-043
246-260-041	NEW-P	04-08-099	246-294-001	AMD	04-06-047	246-840-880	AMD-P	04-09-057
246-260-050	REP-P	04-08-099	246-294-010	AMD	04-06-047	246-840-890	AMD-E	04-05-043
246-260-051	NEW-P	04-08-099	246-294-020	AMD	04-06-047	246-840-890	AMD-P	04-09-057
246-260-060	REP-P	04-08-099	246-294-030	AMD	04-06-047	246-840-900	REP-E	04-05-043
246-260-061	NEW-P	04-08-099	246-294-040	AMD	04-06-047	246-840-900	AMD-P	04-09-057
246-260-070	REP-P	04-08-099	246-294-050	AMD	04-06-047	246-840-905	NEW-P	04-09-057
246-260-071	NEW-P	04-08-099	246-294-060	AMD	04-06-047	246-840-910	AMD-E	04-06-009
246-260-080	REP-P	04-08-099	246-294-070	AMD	04-06-047	246-840-910	AMD-P	04-10-078
246-260-081	NEW-P	04-08-099	246-294-080	AMD	04-06-047	246-840-930	AMD-E	04-06-009
246-260-090	REP-P	04-08-099	246-294-090	AMD	04-06-047	246-840-930	AMD-P	04-10-078
246-260-091	NEW-P	04-08-099	246-310-010	AMD-X	04-10-014	246-840-940	AMD-E	04-06-009
246-260-100	REP-P	04-08-099	246-310-132	REP-P	04-11-099	246-840-940	AMD-P	04-10-078
246-260-101	NEW-P	04-08-099	246-310-261	AMD-P	04-11-099	246-840-990	AMD	04-04-054
246-260-110	REP-P	04-08-099	246-310-262	AMD-P	04-11-099	246-841-405	AMD-E	04-06-008
246-260-111	NEW-P	04-08-099	246-310-263	NEW-P	04-11-099	246-841-405	AMD-P	04-10-079
246-260-120	REP-P	04-08-099	246-310-990	AMD-P	04-11-099	246-847	PREP	04-11-094
246-260-121	NEW-P	04-08-099	246-320-010	AMD	04-11-057	246-847-080	PREP	04-11-096
246-260-130	REP-P	04-08-099	246-320-370	NEW	04-11-057	246-847-115	PREP	04-11-096
246-260-131	NEW-P	04-08-099	246-335-990	PREP	04-09-054	246-847-190	PREP	04-11-095
246-260-140	REP-P	04-08-099	246-808-190	PREP	04-02-064	246-851-570	NEW	04-05-004
246-260-141	NEW-P	04-08-099	246-808-535	PREP	04-02-064	246-851-580	NEW-P	04-06-045
246-260-150	REP-P	04-08-099	246-809-610	AMD	04-06-010	246-851-590	NEW-P	04-06-045
246-260-151	NEW-P	04-08-099	246-809-620	AMD	04-06-010	246-851-600	NEW	04-05-004
246-260-160	REP-P	04-08-099	246-809-630	AMD	04-06-010	246-851-610	NEW-P	04-06-045
246-260-170	REP-P	04-08-099	246-809-700	NEW	04-06-011	246-873-090	PREP-W	04-07-010
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246-888-020	AMD-P	04-08-097	246-930-200	PREP-W	04-10-012	251-30-030	RECOD	04-11-045
246-888-030	AMD-P	04-08-097	246-930-310	PREP-W	04-10-012	251-30-032	NEW-P	04-07-188
246-888-040	RECOD-P	04-08-097	246-930-320	PREP-W	04-10-012	251-30-032	NEW	04-11-045
246-888-040	REP-P	04-08-097	246-930-330	PREP-W	04-10-012	251-30-034	NEW-P	04-07-188
246-888-050	DECOD-P	04-08-097	246-930-410	PREP-W	04-10-012	251-30-034	NEW	04-11-045
246-888-050	RECOD-P	04-08-097	246-976-161	AMD	04-08-103	251-30-040	REP-P	04-07-188
246-888-060	DECOD-P	04-08-097	246-976-171	AMD	04-08-103	251-30-040	REP	04-11-045
246-888-060	RECOD-P	04-08-097	246-976-930	AMD	04-08-103	251-30-050	REP-P	04-07-188
246-888-060	RECOD-P	04-08-097	246-976-935	AMD-P	04-07-179	251-30-050	REP	04-11-045
246-888-070	AMD-P	04-08-097	250-20-041	AMD-P	04-03-108	251-30-055	AMD-P	04-07-188
246-888-070	DECOD-P	04-08-097	250-20-041	AMD	04-08-060	251-30-055	AMD	04-11-045
246-888-070	RECOD-P	04-08-097	250-65	PREP	04-08-059	251-30-057	AMD-P	04-07-188
246-888-080	DECOD-P	04-08-097	251-01-160	AMD-P	04-11-115	251-30-057	AMD	04-11-045
246-888-080	RECOD-P	04-08-097	251-01-201	AMD-P	04-11-115	251-30-060	REP-P	04-07-188
246-888-090	DECOD-P	04-08-097	251-01-305	AMD-P	04-11-115	251-30-060	REP	04-11-045
246-888-090	RECOD-P	04-08-097	251-01-310	AMD-P	04-11-115	260	PREP	04-08-057
246-888-100	DECOD-P	04-08-097	251-01-382	AMD-P	04-11-115	260-08-600	REP	04-05-089
246-888-100	RECOD-P	04-08-097	251-04-030	AMD-P	04-11-115	260-08-610	REP	04-05-089
246-888-110	DECOD-P	04-08-097	251-04-050	REP-P	04-11-115	260-08-620	AMD	04-05-089
246-915-010	AMD-P	04-08-046	251-04-060	AMD-P	04-11-115	260-08-630	AMD	04-05-089
246-915-040	PREP	04-07-195	251-04-070	AMD-P	04-11-115	260-08-640	REP	04-05-089
246-915-050	PREP	04-07-178	251-04-160	AMD-P	04-11-115	260-08-650	AMD	04-05-089
246-915-078	AMD-P	04-08-046	251-04-170	AMD-P	04-11-115	260-08-660	AMD	04-05-089
246-915-085	AMD-P	04-03-104	251-05-040	AMD-P	04-11-115	260-14-010	AMD	04-05-090
246-915-085	AMD	04-08-101	251-06-010	AMD-P	04-11-115	260-14-040	AMD-E	04-11-056
246-915-100	PREP	04-07-173	251-06-020	AMD-P	04-11-115	260-14-050	PREP	04-10-047
246-915-105	PREP	04-07-174	251-06-090	AMD-P	04-11-115	260-16-065	NEW	04-05-091
246-915-120	PREP	04-07-176	251-07-100	AMD-P	04-11-115	260-24-510	AMD-P	04-07-144
246-915-140	AMD-P	04-08-046	251-08-005	AMD-P	04-11-115	260-24-510	AMD-E	04-09-053
246-915-160	AMD-P	04-08-046	251-08-007	AMD-P	04-11-115	260-24-510	AMD-W	04-10-006
246-915-180	PREP	04-07-177	251-08-031	AMD-P	04-11-115	260-24-650	AMD-P	04-04-045
246-915-182	NEW-P	04-03-119	251-08-070	AMD-P	04-11-115	260-24-650	AMD	04-07-074
246-915-182	NEW	04-08-102	251-08-112	AMD-P	04-11-115	260-28-140	REP	04-05-092
246-915-210	AMD-P	04-03-107	251-08-160	AMD-P	04-11-115	260-32-200	PREP	04-10-007
246-915-210	AMD	04-08-100	251-09-080	AMD-P	04-11-115	260-36-030	AMD-P	04-11-071
246-915-220	AMD-P	04-03-107	251-09-090	AMD-P	04-11-115	260-36-120	AMD-P	04-04-046
246-915-220	AMD	04-08-100	251-09-094	AMD-P	04-11-115	260-36-120	AMD	04-07-075
246-915-230	AMD-P	04-03-107	251-09-100	AMD-P	04-11-115	260-40-100	AMD-P	04-05-088
246-915-230	AMD	04-08-100	251-14-015	NEW-W	04-07-187	260-40-100	AMD	04-09-026
246-915-240	AMD-P	04-03-107	251-19-070	AMD-P	04-11-115	260-40-160	AMD-P	04-04-047
246-915-240	AMD	04-08-100	251-19-140	AMD-P	04-11-115	260-40-160	AMD	04-07-076
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246-915-250	AMD	04-08-100	251-22-240	AMD-P	04-11-115	260-48-620	AMD-P	04-04-048
246-915-260	AMD-P	04-03-107	251-23-010	AMD-P	04-11-115	260-48-620	AMD	04-07-077
246-915-260	AMD	04-08-100	251-24-010	AMD-P	04-11-115	260-48-700	AMD-E	04-11-056
246-915-270	AMD-P	04-03-107	251-30-010	AMD-P	04-07-188	260-48-890	AMD-P	04-04-048
246-915-270	AMD	04-08-100	251-30-010	DECOD-P	04-07-188	260-48-890	AMD	04-07-077
246-915-280	AMD-P	04-03-107	251-30-010	RECOD-P	04-07-188	260-48-900	AMD-P	04-04-048
246-915-280	AMD	04-08-100	251-30-010	AMD	04-11-045	260-48-900	AMD	04-07-077
246-918-120	AMD-P	04-05-044	251-30-010	DECOD	04-11-045	260-48-910	AMD-P	04-04-048
246-918-120	AMD	04-11-100	251-30-010	RECOD	04-11-045	260-48-910	AMD	04-07-077
246-919-110	AMD	04-04-067	251-30-020	AMD-P	04-07-188	260-49-010	NEW-E	04-11-056
246-919-320	AMD	04-04-067	251-30-020	DECOD-P	04-07-188	260-49-020	NEW-E	04-11-056
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246-919-360	AMD	04-04-067	251-30-020	AMD	04-11-045	260-49-040	NEW-E	04-11-056
246-919-480	PREP	04-03-106	251-30-020	DECOD	04-11-045	260-49-050	NEW-E	04-11-056
246-924-510	NEW-P	04-08-098	251-30-030	RECOD	04-11-045	260-49-060	NEW-E	04-11-056
246-924-515	NEW-P	04-08-098	251-30-030	AMD-P	04-07-188	260-49-070	NEW-E	04-11-056
246-930-010	PREP-W	04-10-012	251-30-030	DECOD-P	04-07-188	260-49-080	NEW-E	04-11-056
246-930-030	PREP-W	04-10-012	251-30-030	RECOD-P	04-07-188	260-49-090	NEW-E	04-11-056
246-930-040	PREP-W	04-10-012	251-30-030	AMD	04-11-045	260-49-100	NEW-E	04-11-056
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260- 70-630	AMD	04-05-095	296- 19A-480	AMD	04-08-045	296- 24-110	REP-P	04-03-102
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263- 12-020	AMD-P	04-11-117	296- 20-02705	AMD-P	04-03-082	296- 24-11009	REP-P	04-03-102
263- 12-050	AMD-P	04-11-117	296- 20-02705	AMD	04-08-040	296- 24-11011	REP-P	04-03-102
263- 12-105	NEW-P	04-11-117	296- 20-03011	AMD-P	04-03-082	296- 24-11013	REP-P	04-03-102
263- 12-117	AMD-P	04-11-117	296- 20-03011	AMD	04-08-040	296- 24-11015	REP-P	04-03-102
284- 03	AMD-P	04-11-107	296- 20-03012	AMD-P	04-03-082	296- 24-11017	REP-P	04-03-102
284- 03-005	NEW-P	04-11-107	296- 20-03012	AMD	04-08-040	296- 24-119	REP-P	04-03-102
284- 03-010	AMD-P	04-11-107	296- 20-135	AMD-P	04-05-075	296- 24-120	REP	04-07-161
284- 03-015	NEW-P	04-11-107	296- 20-135	AMD	04-09-100	296- 24-150	REP-P	04-03-085
284- 03-020	AMD-P	04-11-107	296- 20-200	AMD	04-04-029	296- 24-15001	REP-P	04-03-085
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284- 03-030	AMD-P	04-11-107	296- 20-2015	NEW	04-04-029	296- 24-15005	REP-P	04-03-085
284- 03-035	NEW-P	04-11-107	296- 20-2020	NEW-W	04-10-072	296- 24-15007	REP-P	04-03-085
284- 03-040	AMD-P	04-11-107	296- 20-2025	NEW	04-04-029	296- 24-15009	REP-P	04-03-085
284- 03-045	NEW-P	04-11-107	296- 20-2030	NEW	04-04-029	296- 24-165	REP-P	04-03-085
284- 03-050	AMD-P	04-11-107	296- 20-210	REP	04-04-029	296- 24-16501	REP-P	04-03-085
284- 03-055	NEW-P	04-11-107	296- 23-220	AMD-P	04-05-075	296- 24-16503	REP-P	04-03-085
284- 03-060	AMD-P	04-11-107	296- 23-220	AMD	04-09-100	296- 24-16505	REP-P	04-03-085
284- 03-065	NEW-P	04-11-107	296- 23-230	AMD-P	04-05-075	296- 24-16507	REP-P	04-03-085
284- 03-070	AMD-P	04-11-107	296- 23-230	AMD	04-09-100	296- 24-16509	REP-P	04-03-085
284- 03-075	NEW-P	04-11-107	296- 23-255	REP	04-04-029	296- 24-16511	REP-P	04-03-085
284- 03-080	REP-P	04-11-107	296- 23-260	REP	04-04-029	296- 24-16513	REP-P	04-03-085
284- 03-090	REP-P	04-11-107	296- 23-265	REP	04-04-029	296- 24-16515	REP-P	04-03-085
284- 03-100	AMD-P	04-11-107	296- 23-26501	REP	04-04-029	296- 24-16517	REP-P	04-03-085
284- 03-105	NEW-P	04-11-107	296- 23-26502	REP	04-04-029	296- 24-16519	REP-P	04-03-085
284- 03-110	REP-P	04-11-107	296- 23-26503	REP	04-04-029	296- 24-16521	REP-P	04-03-085
284- 03-120	REP-P	04-11-107	296- 23-26504	REP	04-04-029	296- 24-16523	REP-P	04-03-085
284- 03-130	REP-P	04-11-107	296- 23-26505	REP	04-04-029	296- 24-16525	REP-P	04-03-085
284- 03-140	REP-P	04-11-107	296- 23-26506	REP	04-04-029	296- 24-16527	REP-P	04-03-085
284- 03-990	REP-P	04-11-107	296- 23-267	REP	04-04-029	296- 24-16529	REP-P	04-03-085
284- 03-99001	REP-P	04-11-107	296- 23-270	REP	04-04-029	296- 24-16531	REP-P	04-03-085
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284- 74-410	NEW	04-04-070	296- 23-312	NEW	04-04-029	296- 24-16537	REP-P	04-03-085
284- 74-420	NEW	04-04-070	296- 23-317	NEW	04-04-029	296- 24-16539	REP-P	04-03-085
284- 74-430	NEW	04-04-070	296- 23-322	NEW	04-04-029	296- 24-180	REP-P	04-03-085
284- 74-440	NEW	04-04-070	296- 23-327	NEW	04-04-029	296- 24-18001	REP-P	04-03-085
284- 74-450	NEW	04-04-070	296- 23-332	NEW	04-04-029	296- 24-18003	REP-P	04-03-085
284- 74-460	NEW	04-04-070	296- 23-337	NEW	04-04-029	296- 24-18005	REP-P	04-03-085
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287- 02-030	AMD	04-03-114	296- 23-347	NEW	04-04-029	296- 24-18009	REP-P	04-03-085
287- 02-130	AMD	04-03-114	296- 23-352	NEW	04-04-029	296- 24-190	REP-P	04-03-085
296- 05-007	AMD-P	04-04-014	296- 23-357	NEW	04-04-029	296- 24-19001	REP-P	04-03-085
296- 05-007	AMD	04-10-032	296- 23-362	NEW	04-04-029	296- 24-19003	REP-P	04-03-085
296- 05-008	NEW-P	04-04-014	296- 23-367	NEW	04-04-029	296- 24-19005	REP-P	04-03-085
296- 05-008	NEW	04-10-032	296- 23-372	NEW	04-04-029	296- 24-19007	REP-P	04-03-085
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296- 17	PREP	04-09-098	296- 23-382	NEW	04-04-029	296- 24-19013	REP-P	04-03-085
296- 17-31013	AMD-P	04-07-122	296- 23-387	NEW	04-04-029	296- 24-19015	REP-P	04-03-085
296- 17-644	AMD-W	04-06-060	296- 23-392	NEW	04-04-029	296- 24-195	REP-P	04-03-085
296- 17-67701	NEW-P	04-07-122	296- 24	PREP	04-05-074	296- 24-19501	REP-P	04-03-085
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296-24-19513	REP-P	04-03-085	296-24-61703	AMD	04-07-161	296-62-05207	REP	04-10-026
296-24-19514	REP-P	04-03-085	296-24-63399	AMD	04-07-161	296-62-05209	REP	04-10-026
296-24-19517	REP-P	04-03-085	296-24-67509	PREP	04-07-155	296-62-05213	REP	04-10-026
296-24-197	REP-P	04-03-085	296-24-69003	AMD-P	04-03-085	296-62-05215	REP	04-10-026
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296-24-20005	REP-P	04-03-085	296-24-95603	AMD	04-07-161	296-62-05223	REP	04-10-026
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296-24-20009	REP-P	04-03-085	296-30-081	PREP	04-04-099	296-62-07314	AMD	04-10-026
296-24-20011	REP-P	04-03-085	296-30-081	AMD-P	04-08-091	296-62-07329	AMD	04-10-026
296-24-20013	REP-P	04-03-085	296-31-070	AMD-P	04-08-091	296-62-07336	AMD	04-10-026
296-24-20015	REP-P	04-03-085	296-37-510	AMD-X	04-11-065	296-62-07342	AMD	04-10-026
296-24-20017	REP-P	04-03-085	296-37-515	AMD-X	04-11-065	296-62-07375	AMD	04-10-026
296-24-20019	REP-P	04-03-085	296-37-570	AMD-X	04-11-065	296-62-07427	AMD	04-10-026
296-24-20021	REP-P	04-03-085	296-37-575	AMD	04-10-026	296-62-07460	AMD	04-10-026
296-24-205	REP-P	04-03-085	296-37-595	NEW-X	04-11-065	296-62-07470	AMD	04-10-026
296-24-20501	REP-P	04-03-085	296-45-125	AMD	04-07-160	296-62-07521	AMD	04-10-026
296-24-20503	REP-P	04-03-085	296-45-175	AMD-P	04-03-102	296-62-07540	AMD	04-10-026
296-24-20505	REP-P	04-03-085	296-46B-010	AMD-P	04-08-088	296-62-07631	AMD	04-10-026
296-24-20507	REP-P	04-03-085	296-46B-020	AMD-P	04-08-088	296-62-07727	AMD	04-10-026
296-24-20509	REP-P	04-03-085	296-46B-030	AMD-P	04-08-088	296-62-09041	AMD	04-10-026
296-24-20511	REP-P	04-03-085	296-46B-110	AMD-P	04-08-088	296-62-141	AMD	04-03-081
296-24-20513	REP-P	04-03-085	296-46B-210	AMD-P	04-08-088	296-62-14533	AMD	04-10-026
296-24-20515	REP-P	04-03-085	296-46B-250	AMD-P	04-08-088	296-62-20023	AMD	04-10-026
296-24-20517	REP-P	04-03-085	296-46B-300	AMD-P	04-08-088	296-62-300	AMD	04-02-053
296-24-20519	REP-P	04-03-085	296-46B-314	AMD-P	04-08-088	296-62-40019	AMD	04-10-026
296-24-20521	REP-P	04-03-085	296-46B-334	AMD-P	04-08-088	296-65	PREP	04-05-073
296-24-20523	REP-P	04-03-085	296-46B-410	AMD-P	04-08-088	296-78-540	AMD	04-07-160
296-24-20525	REP-P	04-03-085	296-46B-430	AMD-P	04-08-088	296-78-56511	AMD-P	04-03-085
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296-24-20529	REP-P	04-03-085	296-46B-905	AMD-P	04-08-088	296-78-605	AMD-P	04-03-085
296-24-20531	REP-P	04-03-085	296-46B-910	AMD-P	04-08-088	296-78-615	AMD-P	04-03-085
296-24-20533	REP-P	04-03-085	296-46B-911	AMD-P	04-08-088	296-78-650	AMD-P	04-03-085
296-24-20699	REP-P	04-03-085	296-46B-915	AMD-P	04-08-088	296-78-660	AMD-P	04-03-085
296-24-20700	REP-P	04-03-085	296-46B-920	AMD-P	04-08-088	296-78-665	AMD-P	04-03-085
296-24-20710	REP-P	04-03-085	296-46B-925	AMD-P	04-08-088	296-78-690	AMD-P	04-03-085
296-24-20720	REP-P	04-03-085	296-46B-930	AMD-P	04-08-088	296-78-70503	AMD-P	04-03-085
296-24-20730	REP-P	04-03-085	296-46B-935	AMD-P	04-08-088	296-78-710	PREP	04-06-078
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296-24-23003	REP-P	04-08-039	296-46B-950	AMD-P	04-08-088	296-78-71505	AMD-P	04-03-085
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296-24-23009	REP-P	04-08-039	296-46B-995	AMD-P	04-08-088	296-96-00500	AMD-P	04-08-087
296-24-23011	REP-P	04-08-039	296-46B-999	AMD-P	04-08-088	296-96-00600	AMD-P	04-08-087
296-24-23013	REP-P	04-08-039	296-54-573	AMD-P	04-03-085	296-96-00650	AMD-P	04-08-087
296-24-23015	REP-P	04-08-039	296-54-57310	AMD-P	04-03-102	296-96-00700	AMD-P	04-08-087
296-24-23017	REP-P	04-08-039	296-56	PREP	04-07-154	296-96-00800	AMD-P	04-08-087
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296-24-23021	REP-P	04-08-039	296-56-60115	AMD	04-11-066	296-96-00900	NEW-P	04-08-087
296-24-23023	REP-P	04-08-039	296-56-60243	AMD-X	04-05-072	296-96-00902	NEW-P	04-08-087
296-24-23025	REP-P	04-08-039	296-56-60243	AMD	04-11-066	296-96-00903	NEW-P	04-08-087
296-24-23027	REP-P	04-08-039	296-59-130	AMD-P	04-03-085	296-96-00904	NEW-P	04-08-087
296-24-23029	REP-P	04-08-039	296-62	PREP	04-05-073	296-96-00906	NEW-P	04-08-087
296-24-23031	REP-P	04-08-039	296-62	PREP	04-07-155	296-96-00910	NEW-P	04-08-087
296-24-23033	REP-P	04-08-039	296-62	PREP	04-07-156	296-96-00912	NEW-P	04-08-087
296-24-23035	REP-P	04-08-039	296-62	PREP	04-09-097	296-96-00914	NEW-P	04-08-087
296-24-23037	REP-P	04-08-039	296-62-052	REP	04-10-026	296-96-00916	NEW-P	04-08-087
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296-96-01000	AMD-P	04-08-087	296-96-07230	AMD-P	04-08-087	296-96-23119	NEW-P	04-08-087
296-96-01005	AMD-P	04-08-087	296-96-07250	AMD-P	04-08-087	296-96-23151	AMD-P	04-08-087
296-96-01006	NEW-P	04-08-087	296-96-08010	AMD-P	04-08-087	296-96-23240	AMD-P	04-08-087
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296-96-01027	AMD-P	04-08-087	296-96-08030	AMD-P	04-08-087	296-96-23610	AMD-P	04-08-087
296-96-01035	AMD-P	04-08-087	296-96-08050	AMD-P	04-08-087	296-104	PREP	04-08-114
296-96-01070	AMD-P	04-08-087	296-96-08060	AMD-P	04-08-087	296-104-700	AMD-P	04-08-115
296-96-01075	NEW-P	04-08-087	296-96-08090	AMD-P	04-08-087	296-115-050	AMD-P	04-03-085
296-96-01080	REP-P	04-08-087	296-96-08100	AMD-P	04-08-087	296-127	PREP	04-06-063
296-96-02230	NEW-P	04-08-087	296-96-08110	AMD-P	04-08-087	296-127-011	AMD-X	04-03-083
296-96-02232	NEW-P	04-08-087	296-96-08140	AMD-P	04-08-087	296-127-011	AMD	04-10-083
296-96-02235	NEW-P	04-08-087	296-96-08150	AMD-P	04-08-087	296-150C-3000	AMD-P	04-08-092
296-96-02240	AMD-P	04-08-087	296-96-08160	AMD-P	04-08-087	296-150F-3000	AMD-P	04-08-092
296-96-02275	AMD-P	04-08-087	296-96-08170	AMD-P	04-08-087	296-150M-3000	AMD-P	04-08-092
296-96-02276	NEW-P	04-08-087	296-96-08175	AMD-P	04-08-087	296-150P-3000	AMD-P	04-08-092
296-96-02277	AMD-P	04-08-087	296-96-08180	AMD-P	04-08-087	296-150R-3000	AMD-P	04-08-092
296-96-02278	AMD-P	04-08-087	296-96-08190	AMD-P	04-08-087	296-150T-3000	AMD-P	04-08-092
296-96-02280	AMD-P	04-08-087	296-96-08200	AMD-P	04-08-087	296-150V-3000	AMD-P	04-08-092
296-96-02281	AMD-P	04-08-087	296-96-08215	NEW-P	04-08-087	296-155	PREP	04-03-084
296-96-02282	NEW-P	04-08-087	296-96-08220	AMD-P	04-08-087	296-155	PREP	04-05-074
296-96-02283	NEW-P	04-08-087	296-96-08230	AMD-P	04-08-087	296-155	PREP	04-11-062
296-96-02285	NEW-P	04-08-087	296-96-08250	AMD-P	04-08-087	296-155-120	AMD	04-07-160
296-96-02290	NEW-P	04-08-087	296-96-09002	AMD-P	04-08-087	296-155-17331	AMD	04-10-026
296-96-02310	AMD-P	04-08-087	296-96-09003	NEW-P	04-08-087	296-155-174	AMD	04-10-026
296-96-02315	AMD-P	04-08-087	296-96-09004	NEW-P	04-08-087	296-155-429	AMD-P	04-03-102
296-96-02317	NEW-P	04-08-087	296-96-10002	NEW-P	04-08-087	296-155-487	AMD-P	04-03-085
296-96-02318	NEW-P	04-08-087	296-96-11000	REP-P	04-08-087	296-155-488	AMD-P	04-03-085
296-96-02320	AMD-P	04-08-087	296-96-11001	AMD-P	04-08-087	296-155-525	AMD-P	04-03-085
296-96-02325	AMD-P	04-08-087	296-96-11016	AMD-P	04-08-087	296-155-575	REP	04-09-099
296-96-02330	AMD-P	04-08-087	296-96-11019	AMD-P	04-08-087	296-155-576	REP	04-09-099
296-96-02340	AMD-P	04-08-087	296-96-11022	AMD-P	04-08-087	296-155-610	AMD-E	04-10-107
296-96-02350	AMD-P	04-08-087	296-96-11045	AMD-P	04-08-087	296-155-617	PREP	04-07-154
296-96-02355	AMD-P	04-11-063	296-96-11057	AMD-P	04-08-087	296-155-682	AMD-P	04-03-085
296-96-02360	AMD-P	04-08-087	296-96-11078	AMD-P	04-08-087	296-200A-900	AMD-P	04-08-092
296-96-02361	NEW-P	04-08-087	296-96-11080	NEW-P	04-08-087	296-301-020	AMD-P	04-03-085
296-96-02362	NEW-P	04-08-087	296-96-13135	NEW-P	04-08-087	296-301-020	PREP	04-06-078
296-96-02363	NEW-P	04-08-087	296-96-13139	NEW-P	04-08-087	296-301-170	AMD-P	04-03-085
296-96-02364	NEW-P	04-08-087	296-96-13143	NEW-P	04-08-087	296-302-010	REP-P	04-03-085
296-96-02365	REP-P	04-08-087	296-96-13145	NEW-P	04-08-087	296-302-015	REP-P	04-03-085
296-96-02366	NEW-P	04-08-087	296-96-13147	NEW-P	04-08-087	296-302-020	REP-P	04-03-085
296-96-02367	NEW-P	04-08-087	296-96-13149	NEW-P	04-08-087	296-302-025	REP-P	04-03-085
296-96-02370	NEW-P	04-08-087	296-96-13151	NEW-P	04-08-087	296-302-02501	REP-P	04-03-085
296-96-02371	NEW-P	04-08-087	296-96-13153	NEW-P	04-08-087	296-302-02503	REP-P	04-03-085
296-96-05010	AMD-P	04-08-087	296-96-13155	NEW-P	04-08-087	296-302-02505	REP-P	04-03-085
296-96-05030	AMD-P	04-08-087	296-96-13157	NEW-P	04-08-087	296-302-02507	REP-P	04-03-085
296-96-05070	AMD-P	04-08-087	296-96-13159	NEW-P	04-08-087	296-302-02509	REP-P	04-03-085
296-96-05160	AMD-P	04-08-087	296-96-13161	NEW-P	04-08-087	296-302-02511	REP-P	04-03-085
296-96-05170	AMD-P	04-08-087	296-96-13167	NEW-P	04-08-087	296-302-02513	REP-P	04-03-085
296-96-05230	AMD-P	04-08-087	296-96-13169	NEW-P	04-08-087	296-302-02515	REP-P	04-03-085
296-96-05290	AMD-P	04-08-087	296-96-13171	NEW-P	04-08-087	296-302-02517	REP-P	04-03-085
296-96-07010	AMD-P	04-08-087	296-96-14045	AMD-P	04-08-087	296-302-02519	REP-P	04-03-085
296-96-07021	NEW-P	04-08-087	296-96-14060	AMD-P	04-08-087	296-302-03001	REP-P	04-03-085
296-96-07024	NEW-P	04-08-087	296-96-14070	AMD-P	04-08-087	296-302-03003	REP-P	04-03-085
296-96-07080	AMD-P	04-08-087	296-96-14080	AMD-P	04-08-087	296-302-035	REP-P	04-03-085
296-96-07100	AMD-P	04-08-087	296-96-16040	AMD-P	04-08-087	296-302-040	REP-P	04-03-085

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-302-045	REP-P	04-03-085	296-800-15010	REP	04-07-160	296-806-20002	NEW-P	04-03-085
296-302-050	REP-P	04-03-085	296-800-15015	REP	04-07-160	296-806-20004	NEW-P	04-03-085
296-302-05501	REP-P	04-03-085	296-800-15025	REP	04-07-160	296-806-20006	NEW-P	04-03-085
296-302-05503	REP-P	04-03-085	296-800-17005	AMD	04-10-026	296-806-20008	NEW-P	04-03-085
296-302-060	REP-P	04-03-085	296-800-180	AMD	04-10-026	296-806-20010	NEW-P	04-03-085
296-302-065	REP-P	04-03-085	296-800-310	AMD-W	04-11-058	296-806-20012	NEW-P	04-03-085
296-302-06501	REP-P	04-03-085	296-800-31010	AMD-W	04-11-058	296-806-20014	NEW-P	04-03-085
296-302-06503	REP-P	04-03-085	296-800-31020	AMD-W	04-11-058	296-806-20016	NEW-P	04-03-085
296-302-06505	REP-P	04-03-085	296-800-31070	AMD-W	04-11-058	296-806-20018	NEW-P	04-03-085
296-302-06507	REP-P	04-03-085	296-800-35052	PREP	04-06-078	296-806-20020	NEW-P	04-03-085
296-302-06509	REP-P	04-03-085	296-800-370	AMD-W	04-11-058	296-806-20022	NEW-P	04-03-085
296-302-06511	REP-P	04-03-085	296-802-100	NEW	04-10-026	296-806-20024	NEW-P	04-03-085
296-302-06513	REP-P	04-03-085	296-802-200	NEW	04-10-026	296-806-20026	NEW-P	04-03-085
296-302-06515	REP-P	04-03-085	296-802-20005	NEW	04-10-026	296-806-20028	NEW-P	04-03-085
296-302-06517	REP-P	04-03-085	296-802-20010	NEW	04-10-026	296-806-20030	NEW-P	04-03-085
296-302-06519	REP-P	04-03-085	296-802-20015	NEW	04-10-026	296-806-20032	NEW-P	04-03-085
296-302-06521	REP-P	04-03-085	296-802-300	NEW	04-10-026	296-806-20034	NEW-P	04-03-085
296-302-06523	REP-P	04-03-085	296-802-30005	NEW	04-10-026	296-806-20036	NEW-P	04-03-085
296-302-06525	REP-P	04-03-085	296-802-400	NEW	04-10-026	296-806-20038	NEW-P	04-03-085
296-302-06527	REP-P	04-03-085	296-802-40005	NEW	04-10-026	296-806-20040	NEW-P	04-03-085
296-302-06529	REP-P	04-03-085	296-802-40010	NEW	04-10-026	296-806-20042	NEW-P	04-03-085
296-302-06531	REP-P	04-03-085	296-802-40015	NEW	04-10-026	296-806-20044	NEW-P	04-03-085
296-303-030	AMD-P	04-03-085	296-802-500	NEW	04-10-026	296-806-20046	NEW-P	04-03-085
296-305-01515	AMD	04-07-160	296-802-50005	NEW	04-10-026	296-806-20048	NEW-P	04-03-085
296-305-02501	AMD	04-10-026	296-802-50010	NEW	04-10-026	296-806-20050	NEW-P	04-03-085
296-305-04501	PREP	04-08-090	296-802-600	NEW	04-10-026	296-806-20052	NEW-P	04-03-085
296-305-04501	PREP	04-11-062	296-802-60005	NEW	04-10-026	296-806-20054	NEW-P	04-03-085
296-305-06519	AMD-P	04-03-085	296-802-900	NEW	04-10-026	296-806-20056	NEW-P	04-03-085
296-307	PREP	04-09-097	296-803-100	NEW-P	04-03-102	296-806-20058	NEW-P	04-03-085
296-307-039	AMD	04-07-160	296-803-200	NEW-P	04-03-102	296-806-300	NEW-P	04-03-085
296-307-03905	AMD	04-07-160	296-803-20005	NEW-P	04-03-102	296-806-30002	NEW-P	04-03-085
296-307-03910	REP	04-07-160	296-803-300	NEW-P	04-03-102	296-806-30004	NEW-P	04-03-085
296-307-03915	REP	04-07-160	296-803-30005	NEW-P	04-03-102	296-806-30006	NEW-P	04-03-085
296-307-03925	REP	04-07-160	296-803-400	NEW-P	04-03-102	296-806-30008	NEW-P	04-03-085
296-307-14505	AMD-X	04-07-162	296-803-40005	NEW-P	04-03-102	296-806-30010	NEW-P	04-03-085
296-307-14510	AMD-X	04-07-162	296-803-40010	NEW-P	04-03-102	296-806-30012	NEW-P	04-03-085
296-400A-005	AMD-P	04-08-089	296-803-40015	NEW-P	04-03-102	296-806-30014	NEW-P	04-03-085
296-400A-020	AMD-P	04-08-089	296-803-40020	NEW-P	04-03-102	296-806-30016	NEW-P	04-03-085
296-400A-021	AMD-P	04-08-089	296-803-500	NEW-P	04-03-102	296-806-30018	NEW-P	04-03-085
296-400A-023	NEW-P	04-08-089	296-803-50005	NEW-P	04-03-102	296-806-30020	NEW-P	04-03-085
296-400A-026	AMD-P	04-08-089	296-803-50010	NEW-P	04-03-102	296-806-30022	NEW-P	04-03-085
296-400A-028	NEW-P	04-08-089	296-803-50015	NEW-P	04-03-102	296-806-30024	NEW-P	04-03-085
296-400A-029	NEW-P	04-08-089	296-803-50020	NEW-P	04-03-102	296-806-30026	NEW-P	04-03-085
296-400A-030	AMD-P	04-08-089	296-803-50025	NEW-P	04-03-102	296-806-30028	NEW-P	04-03-085
296-400A-031	AMD-P	04-08-089	296-803-50030	NEW-P	04-03-102	296-806-30030	NEW-P	04-03-085
296-400A-035	AMD-P	04-08-089	296-803-50035	NEW-P	04-03-102	296-806-30032	NEW-P	04-03-085
296-400A-045	AMD-P	04-08-089	296-803-50040	NEW-P	04-03-102	296-806-30034	NEW-P	04-03-085
296-400A-120	AMD-P	04-08-089	296-803-50045	NEW-P	04-03-102	296-806-30036	NEW-P	04-03-085
296-400A-121	AMD-P	04-08-089	296-803-50050	NEW-P	04-03-102	296-806-30038	NEW-P	04-03-085
296-400A-122	AMD-P	04-08-089	296-803-50055	NEW-P	04-03-102	296-806-400	NEW-P	04-03-085
296-400A-130	AMD-P	04-08-089	296-803-50060	NEW-P	04-03-102	296-806-405	NEW-P	04-03-085
296-400A-135	NEW-P	04-08-089	296-803-600	NEW-P	04-03-102	296-806-40502	NEW-P	04-03-085
296-400A-140	AMD-P	04-08-089	296-803-60005	NEW-P	04-03-102	296-806-40504	NEW-P	04-03-085
296-400A-150	NEW-P	04-08-089	296-803-60010	NEW-P	04-03-102	296-806-40506	NEW-P	04-03-085
296-400A-155	NEW-P	04-08-089	296-803-60015	NEW-P	04-03-102	296-806-40508	NEW-P	04-03-085
296-400A-300	AMD-P	04-08-089	296-803-700	NEW-P	04-03-102	296-806-40510	NEW-P	04-03-085
296-400A-400	AMD-P	04-08-089	296-803-70005	NEW-P	04-03-102	296-806-40512	NEW-P	04-03-085
296-400A-425	AMD-P	04-08-089	296-803-70010	NEW-P	04-03-102	296-806-40514	NEW-P	04-03-085
296-800	PREP	04-07-157	296-803-70015	NEW-P	04-03-102	296-806-40516	NEW-P	04-03-085
296-800-11045	PREP	04-06-078	296-803-800	NEW-P	04-03-102	296-806-40518	NEW-P	04-03-085
296-800-150	AMD	04-07-160	296-806-100	NEW-P	04-03-085	296-806-40520	NEW-P	04-03-085
296-800-15005	AMD	04-07-160	296-806-200	NEW-P	04-03-085	296-806-40522	NEW-P	04-03-085

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-48036	NEW-P	04-03-085	296-816-200	NEW-P	04-07-159	296-843-140	NEW	04-02-053
296-806-48038	NEW-P	04-03-085	296-816-20005	NEW-P	04-07-159	296-843-14005	NEW	04-02-053
296-806-48040	NEW-P	04-03-085	296-816-20010	NEW-P	04-07-159	296-843-150	NEW	04-02-053
296-806-48042	NEW-P	04-03-085	296-816-20015	NEW-P	04-07-159	296-843-15005	NEW	04-02-053
296-806-48044	NEW-P	04-03-085	296-816-20020	NEW-P	04-07-159	296-843-15010	NEW	04-02-053
296-806-48046	NEW-P	04-03-085	296-816-300	NEW-P	04-07-159	296-843-15015	NEW	04-02-053
296-806-48048	NEW-P	04-03-085	296-823-100	AMD-X	04-07-158	296-843-160	NEW	04-02-053
296-806-48050	NEW-P	04-03-085	296-823-11010	AMD-X	04-07-158	296-843-16005	NEW	04-02-053
296-806-48052	NEW-P	04-03-085	296-823-12010	AMD-X	04-07-158	296-843-170	NEW	04-02-053
296-806-48054	NEW-P	04-03-085	296-823-13005	AMD-X	04-07-158	296-843-17005	NEW	04-02-053
296-806-48056	NEW-P	04-03-085	296-823-14005	AMD-X	04-07-158	296-843-180	NEW	04-02-053
296-806-48058	NEW-P	04-03-085	296-823-14015	AMD-X	04-07-158	296-843-18005	NEW	04-02-053
296-806-48060	NEW-P	04-03-085	296-823-14025	AMD-X	04-07-158	296-843-18010	NEW	04-02-053
296-806-48062	NEW-P	04-03-085	296-823-14050	AMD-X	04-07-158	296-843-18015	NEW	04-02-053
296-806-48064	NEW-P	04-03-085	296-823-14060	AMD-X	04-07-158	296-843-18020	NEW	04-02-053
296-806-48066	NEW-P	04-03-085	296-823-14065	AMD-X	04-07-158	296-843-190	NEW	04-02-053
296-806-48068	NEW-P	04-03-085	296-823-15010	AMD-X	04-07-158	296-843-19005	NEW	04-02-053
296-806-48070	NEW-P	04-03-085	296-823-15015	AMD-X	04-07-158	296-843-200	NEW	04-02-053
296-806-48072	NEW-P	04-03-085	296-823-15020	AMD-X	04-07-158	296-843-20005	NEW	04-02-053
296-806-48074	NEW-P	04-03-085	296-823-160	AMD-X	04-07-158	296-843-20010	NEW	04-02-053
296-806-48076	NEW-P	04-03-085	296-823-16005	AMD-X	04-07-158	296-843-20015	NEW	04-02-053
296-806-48078	NEW-P	04-03-085	296-823-16010	AMD-X	04-07-158	296-843-20020	NEW	04-02-053
296-806-48080	NEW-P	04-03-085	296-823-16015	AMD-X	04-07-158	296-843-20025	NEW	04-02-053
296-806-48082	NEW-P	04-03-085	296-823-16025	AMD-X	04-07-158	296-843-20030	NEW	04-02-053
296-806-48084	NEW-P	04-03-085	296-823-16030	AMD-X	04-07-158	296-843-20035	NEW	04-02-053
296-806-48086	NEW-P	04-03-085	296-823-17010	AMD-X	04-07-158	296-843-210	NEW	04-02-053
296-806-48088	NEW-P	04-03-085	296-823-180	AMD-X	04-07-158	296-843-21005	NEW	04-02-053
296-806-485	NEW-P	04-03-085	296-823-18015	AMD-X	04-07-158	296-843-220	NEW	04-02-053
296-806-48502	NEW-P	04-03-085	296-823-18045	AMD-X	04-07-158	296-843-22005	NEW	04-02-053
296-806-500	NEW-P	04-03-085	296-823-18050	AMD-X	04-07-158	296-843-22010	NEW	04-02-053
296-809-100	NEW	04-03-081	296-823-18055	AMD-X	04-07-158	296-843-300	NEW	04-02-053
296-809-200	NEW	04-03-081	296-823-200	AMD-X	04-07-158	296-863-10005	NEW-P	04-08-039
296-809-20002	NEW	04-03-081	296-829-100	NEW	04-09-099	296-863-200	NEW-P	04-08-039
296-809-20004	NEW	04-03-081	296-829-200	NEW	04-09-099	296-863-20005	NEW-P	04-08-039
296-809-20006	NEW	04-03-081	296-829-20005	NEW	04-09-099	296-863-20010	NEW-P	04-08-039
296-809-300	NEW	04-03-081	296-829-20010	NEW	04-09-099	296-863-20015	NEW-P	04-08-039
296-809-30002	NEW	04-03-081	296-829-300	NEW	04-09-099	296-863-20020	NEW-P	04-08-039
296-809-30004	NEW	04-03-081	296-829-30005	NEW	04-09-099	296-863-20025	NEW-P	04-08-039
296-809-400	NEW	04-03-081	296-829-30010	NEW	04-09-099	296-863-20030	NEW-P	04-08-039
296-809-40002	NEW	04-03-081	296-829-400	NEW	04-09-099	296-863-20035	NEW-P	04-08-039
296-809-40004	NEW	04-03-081	296-829-40005	NEW	04-09-099	296-863-20040	NEW-P	04-08-039
296-809-500	NEW	04-03-081	296-829-40010	NEW	04-09-099	296-863-300	NEW-P	04-08-039
296-809-50002	NEW	04-03-081	296-829-40015	NEW	04-09-099	296-863-30005	NEW-P	04-08-039
296-809-50004	NEW	04-03-081	296-829-40020	NEW	04-09-099	296-863-30010	NEW-P	04-08-039
296-809-50006	NEW	04-03-081	296-829-500	NEW	04-09-099	296-863-30015	NEW-P	04-08-039
296-809-50008	NEW	04-03-081	296-841	PREP	04-07-155	296-863-30020	NEW-P	04-08-039
296-809-50010	NEW	04-03-081	296-841	PREP	04-07-156	296-863-30025	NEW-P	04-08-039
296-809-50012	NEW	04-03-081	296-841-100	AMD-X	04-11-064	296-863-30030	NEW-P	04-08-039
296-809-50014	NEW	04-03-081	296-841-20005	AMD-X	04-11-064	296-863-30035	NEW-P	04-08-039
296-809-50016	NEW	04-03-081	296-841-20010	AMD-X	04-11-064	296-863-30040	NEW-P	04-08-039
296-809-50018	NEW	04-03-081	296-841-20020	AMD-X	04-11-064	296-863-400	NEW-P	04-08-039
296-809-50020	NEW	04-03-081	296-841-20025	NEW-X	04-11-064	296-863-40005	NEW-P	04-08-039
296-809-50022	NEW	04-03-081	296-841-300	AMD-X	04-11-064	296-863-40010	NEW-P	04-08-039
296-809-50024	NEW	04-03-081	296-843-100	NEW	04-02-053	296-863-40015	NEW-P	04-08-039
296-809-600	NEW	04-03-081	296-843-110	NEW	04-02-053	296-863-40020	NEW-P	04-08-039
296-809-60002	NEW	04-03-081	296-843-11005	NEW	04-02-053	296-863-40025	NEW-P	04-08-039
296-809-60004	NEW	04-03-081	296-843-11010	NEW	04-02-053	296-863-40030	NEW-P	04-08-039
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296-809-70002	NEW	04-03-081	296-843-12005	NEW	04-02-053	296-863-40040	NEW-P	04-08-039
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388-140-0465	NEW-E	04-03-010D	388-148-0058	NEW	04-08-073	388-148-0235	AMD	04-08-073
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388-140-0475	NEW-E	04-03-010D	388-148-0060	AMD-E	04-05-035	388-148-0240	AMD	04-08-073
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388-140-0560	NEW-E	04-03-010D	388-148-0098	NEW-P	04-03-116	388-148-0275	AMD	04-08-073
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388-140-0570	NEW-E	04-03-010D	388-148-0100	AMD-P	04-03-116	388-148-0285	REP	04-08-073
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388-148-0380	AMD	04-08-073	388-148-0600	AMD	04-08-073	388-148-0785	AMD-P	04-03-116
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388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116	388-148-0900	AMD	04-08-073
388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-E	04-05-035	388-148-0905	AMD-P	04-03-116
388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073	388-148-0905	AMD	04-08-073
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388-148-1025	AMD	04-08-073	388-148-1260	NEW	04-08-073	388-155-450	REP-P	04-07-134
388-148-1030	AMD-P	04-03-116	388-148-1265	NEW-P	04-03-116	388-155-460	REP-P	04-07-134
388-148-1030	AMD	04-08-073	388-148-1265	NEW	04-08-073	388-155-470	REP-P	04-07-134
388-148-1035	AMD-P	04-03-116	388-148-1270	NEW-P	04-03-116	388-155-480	REP-P	04-07-134
388-148-1035	AMD	04-08-073	388-148-1270	NEW	04-08-073	388-155-490	REP-P	04-07-134
388-148-1045	AMD-P	04-03-116	388-148-1275	NEW-P	04-03-116	388-155-500	REP-P	04-07-134
388-148-1045	AMD	04-08-073	388-148-1275	NEW	04-08-073	388-155-600	REP-P	04-07-134
388-148-1050	AMD-P	04-03-116	388-148-1280	NEW-P	04-03-116	388-155-605	REP-P	04-07-134
388-148-1050	AMD	04-08-073	388-148-1280	NEW	04-08-073	388-155-610	REP-P	04-07-134
388-148-1060	AMD-P	04-03-116	388-155	REP-C	04-10-095	388-155-620	REP-P	04-07-134
388-148-1060	AMD-E	04-05-035	388-155-005	REP-P	04-07-134	388-155-630	REP-P	04-07-134
388-148-1060	AMD	04-08-073	388-155-010	REP-P	04-07-134	388-155-640	REP-P	04-07-134
388-148-1065	REP-P	04-03-116	388-155-020	REP-P	04-07-134	388-155-650	REP-P	04-07-134
388-148-1065	REP	04-08-073	388-155-040	REP-P	04-07-134	388-155-660	REP-P	04-07-134
388-148-1066	NEW-P	04-03-116	388-155-050	REP-P	04-07-134	388-155-670	REP-P	04-07-134
388-148-1066	NEW	04-08-073	388-155-060	REP-P	04-07-134	388-155-680	REP-P	04-07-134
388-148-1070	AMD-P	04-03-116	388-155-070	REP-P	04-07-134	388-155-991	REP-P	04-07-134
388-148-1070	AMD-E	04-05-035	388-155-080	REP-P	04-07-134	388-155-992	REP-P	04-07-134
388-148-1070	AMD	04-08-073	388-155-083	REP-P	04-07-134	388-155-993	REP-P	04-07-134
388-148-1076	NEW-P	04-03-116	388-155-085	REP-P	04-07-134	388-273-0025	AMD-E	04-03-097
388-148-1076	NEW-E	04-05-035	388-155-090	REP-P	04-07-134	388-273-0025	AMD-P	04-07-089
388-148-1076	NEW	04-08-073	388-155-092	REP-P	04-07-134	388-273-0025	AMD-E	04-11-080
388-148-1077	NEW-P	04-03-116	388-155-093	REP-P	04-07-134	388-273-0030	AMD-E	04-03-097
388-148-1077	NEW-E	04-05-035	388-155-094	REP-P	04-07-134	388-273-0030	AMD-P	04-07-089
388-148-1077	NEW	04-08-073	388-155-095	REP-P	04-07-134	388-273-0030	AMD-E	04-11-080
388-148-1078	NEW-P	04-03-116	388-155-096	REP-P	04-07-134	388-273-0035	AMD-E	04-03-097
388-148-1078	NEW-E	04-05-035	388-155-097	REP-P	04-07-134	388-273-0035	AMD-P	04-07-089
388-148-1078	NEW	04-08-073	388-155-098	REP-P	04-07-134	388-273-0035	AMD-E	04-11-080
388-148-1079	NEW-P	04-03-116	388-155-100	REP-P	04-07-134	388-290-0001	AMD-P	04-02-047
388-148-1079	NEW-E	04-05-035	388-155-110	REP-P	04-07-134	388-290-0001	AMD	04-08-021
388-148-1079	NEW	04-08-073	388-155-120	REP-P	04-07-134	388-290-0001	AMD	04-08-134
388-148-1085	AMD-P	04-03-116	388-155-130	REP-P	04-07-134	388-290-0005	AMD-P	04-02-047
388-148-1085	AMD	04-08-073	388-155-140	REP-P	04-07-134	388-290-0005	AMD	04-08-021
388-148-1115	AMD-P	04-03-116	388-155-150	REP-P	04-07-134	388-290-0005	AMD	04-08-134
388-148-1115	AMD-E	04-05-035	388-155-160	REP-P	04-07-134	388-290-0010	AMD-P	04-02-047
388-148-1115	AMD	04-08-073	388-155-165	REP-P	04-07-134	388-290-0010	AMD	04-08-021
388-148-1120	AMD-P	04-03-116	388-155-170	REP-P	04-07-134	388-290-0010	AMD	04-08-134
388-148-1120	AMD-E	04-05-035	388-155-180	REP-P	04-07-134	388-290-0012	NEW-P	04-02-047
388-148-1120	AMD	04-08-073	388-155-190	REP-P	04-07-134	388-290-0012	NEW	04-08-021
388-148-1205	NEW-P	04-03-116	388-155-200	REP-P	04-07-134	388-290-0012	NEW	04-08-134
388-148-1205	NEW	04-08-073	388-155-220	REP-P	04-07-134	388-290-0015	AMD-P	04-02-047
388-148-1210	NEW-P	04-03-116	388-155-230	REP-P	04-07-134	388-290-0015	AMD	04-08-021
388-148-1210	NEW	04-08-073	388-155-240	REP-P	04-07-134	388-290-0015	AMD	04-08-134
388-148-1215	NEW-P	04-03-116	388-155-250	REP-P	04-07-134	388-290-0020	AMD-P	04-02-047
388-148-1215	NEW	04-08-073	388-155-270	REP-P	04-07-134	388-290-0020	AMD	04-08-021
388-148-1220	NEW-P	04-03-116	388-155-280	REP-P	04-07-134	388-290-0020	AMD	04-08-134
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388-148-1225	NEW-P	04-03-116	388-155-295	REP-P	04-07-134	388-290-0025	AMD	04-08-021
388-148-1225	NEW	04-08-073	388-155-310	REP-P	04-07-134	388-290-0025	AMD	04-08-134
388-148-1230	NEW-P	04-03-116	388-155-320	REP-P	04-07-134	388-290-0030	AMD-P	04-02-047
388-148-1230	NEW	04-08-073	388-155-330	REP-P	04-07-134	388-290-0030	AMD	04-08-021
388-148-1235	NEW-P	04-03-116	388-155-340	REP-P	04-07-134	388-290-0030	AMD	04-08-134
388-148-1235	NEW	04-08-073	388-155-350	REP-P	04-07-134	388-290-0031	NEW-P	04-02-047
388-148-1240	NEW-P	04-03-116	388-155-360	REP-P	04-07-134	388-290-0031	NEW	04-08-021
388-148-1240	NEW	04-08-073	388-155-370	REP-P	04-07-134	388-290-0031	NEW	04-08-134
388-148-1245	NEW-P	04-03-116	388-155-380	REP-P	04-07-134	388-290-0032	NEW-P	04-02-047
388-148-1245	NEW	04-08-073	388-155-390	REP-P	04-07-134	388-290-0032	NEW	04-08-021
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388-290-0040	AMD	04-08-021	388-290-0130	AMD-E	04-04-030	388-290-0247	NEW-P	04-02-047
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388-290-0045	AMD-P	04-02-047	388-290-0130	AMD	04-08-134	388-290-0247	NEW	04-08-134
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388-290-0055	AMD	04-08-021	388-290-0140	AMD	04-08-134	388-290-0260	AMD-P	04-02-047
388-290-0055	AMD	04-08-134	388-290-0143	AMD-P	04-02-047	388-290-0260	AMD	04-08-021
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388-290-0060	AMD	04-08-021	388-290-0143	AMD	04-08-134	388-290-0265	AMD-P	04-02-047
388-290-0060	AMD	04-08-134	388-290-0145	AMD-P	04-02-047	388-290-0265	AMD	04-08-021
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388-290-0065	AMD	04-08-021	388-290-0145	AMD	04-08-134	388-290-0270	AMD-P	04-02-047
388-290-0065	AMD	04-08-134	388-290-0150	AMD-P	04-02-047	388-290-0270	AMD	04-08-021
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388-290-0070	AMD	04-08-021	388-290-0150	AMD	04-08-134	388-290-0270	AMD	04-08-134
388-290-0070	AMD	04-08-134	388-290-0155	AMD-P	04-02-047	388-290-0271	NEW-P	04-02-047
388-290-0075	AMD-P	04-02-047	388-290-0155	AMD	04-08-021	388-290-0271	NEW	04-08-021
388-290-0075	AMD-E	04-05-079	388-290-0155	AMD	04-08-134	388-290-0271	NEW	04-08-134
388-290-0075	AMD	04-08-021	388-290-0160	AMD-P	04-02-047	388-290-0273	NEW-P	04-02-047
388-290-0075	AMD	04-08-134	388-290-0160	AMD	04-08-021	388-290-0273	NEW	04-08-021
388-290-0080	REP-P	04-02-047	388-290-0160	AMD	04-08-134	388-290-0273	NEW	04-08-134
388-290-0080	REP	04-08-021	388-290-0165	AMD-P	04-02-047	388-295-0020	AMD-P	04-05-084
388-290-0080	REP	04-08-134	388-290-0165	AMD	04-08-021	388-295-0020	AMD	04-09-093
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388-290-0082	NEW	04-08-021	388-290-0167	AMD-P	04-02-047	388-295-0060	AMD	04-09-093
388-290-0082	NEW	04-08-134	388-290-0167	AMD	04-08-021	388-295-0070	AMD-P	04-05-084
388-290-0085	AMD-P	04-02-047	388-290-0167	AMD	04-08-134	388-295-0070	AMD	04-09-093
388-290-0085	AMD-E	04-05-079	388-290-0180	AMD-P	04-02-047	388-295-0090	AMD-P	04-05-084
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388-290-0090	AMD-P	04-02-047	388-290-0190	AMD-P	04-02-047	388-295-0100	AMD	04-09-093
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388-290-0095	AMD	04-08-021	388-290-0200	AMD-P	04-02-047	388-295-1070	AMD	04-09-093
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388-290-0105	AMD	04-08-021	388-290-0210	REP-P	04-02-047	388-295-2090	AMD	04-09-093
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388-290-0107	NEW-P	04-02-047	388-290-0210	REP	04-08-021	388-295-2100	AMD	04-09-093
388-290-0107	NEW	04-08-021	388-290-0210	REP	04-08-134	388-295-3010	AMD-P	04-05-084
388-290-0107	NEW	04-08-134	388-290-0220	AMD-P	04-02-047	388-295-3010	AMD	04-09-093
388-290-0108	NEW-P	04-02-047	388-290-0220	AMD	04-08-021	388-295-4010	AMD-P	04-05-084
388-290-0108	NEW	04-08-021	388-290-0220	AMD	04-08-134	388-295-4010	AMD	04-09-093
388-290-0108	NEW	04-08-134	388-290-0225	AMD-P	04-02-047	388-295-4100	AMD-P	04-05-084
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388-290-0120	AMD-P	04-02-047	388-290-0230	AMD	04-08-021	388-295-5150	AMD-P	04-05-084
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388-296	NEW-C	04-10-095	388-296-0730	NEW-P	04-07-134	388-296-1360	NEW-P	04-07-134
388-296-0010	NEW-P	04-07-134	388-296-0740	NEW-P	04-07-134	388-296-1370	NEW-P	04-07-134
388-296-0020	NEW-P	04-07-134	388-296-0750	NEW-P	04-07-134	388-296-1380	NEW-P	04-07-134
388-296-0110	NEW-P	04-07-134	388-296-0760	NEW-P	04-07-134	388-296-1390	NEW-P	04-07-134
388-296-0120	NEW-P	04-07-134	388-296-0770	NEW-P	04-07-134	388-296-1400	NEW-P	04-07-134
388-296-0125	NEW-P	04-07-134	388-296-0780	NEW-P	04-07-134	388-296-1410	NEW-P	04-07-134
388-296-0130	NEW-P	04-07-134	388-296-0790	NEW-P	04-07-134	388-296-1420	NEW-P	04-07-134
388-296-0140	NEW-P	04-07-134	388-296-0800	NEW-P	04-07-134	388-296-1430	NEW-P	04-07-134
388-296-0150	NEW-P	04-07-134	388-296-0810	NEW-P	04-07-134	388-296-1440	NEW-P	04-07-134
388-296-0160	NEW-P	04-07-134	388-296-0820	NEW-P	04-07-134	388-296-1450	NEW-P	04-07-134
388-296-0170	NEW-P	04-07-134	388-296-0830	NEW-P	04-07-134	388-310-1500	AMD-C	04-02-058
388-296-0180	NEW-P	04-07-134	388-296-0840	NEW-P	04-07-134	388-310-1500	AMD	04-05-010
388-296-0190	NEW-P	04-07-134	388-296-0850	NEW-P	04-07-134	388-310-1600	AMD-P	04-03-095
388-296-0200	NEW-P	04-07-134	388-296-0860	NEW-P	04-07-134	388-310-1600	AMD	04-07-025
388-296-0210	NEW-P	04-07-134	388-296-0870	NEW-P	04-07-134	388-310-1650	AMD-P	04-03-095
388-296-0220	NEW-P	04-07-134	388-296-0880	NEW-P	04-07-134	388-310-1650	AMD	04-07-025
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388-296-0240	NEW-P	04-07-134	388-296-0900	NEW-P	04-07-134	388-310-2000	AMD	04-05-010
388-296-0250	NEW-P	04-07-134	388-296-0910	NEW-P	04-07-134	388-400-0005	AMD-P	04-10-099
388-296-0260	NEW-P	04-07-134	388-296-0920	NEW-P	04-07-134	388-400-0010	AMD-P	04-10-099
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388-296-0290	NEW-P	04-07-134	388-296-0950	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-099
388-296-0300	NEW-P	04-07-134	388-296-0960	NEW-P	04-07-134	388-408-0015	PREP	04-07-164
388-296-0310	NEW-P	04-07-134	388-296-0970	NEW-P	04-07-134	388-408-0034	AMD-P	04-02-050
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388-296-0350	NEW-P	04-07-134	388-296-1010	NEW-P	04-07-134	388-408-0035	AMD-P	04-10-096
388-296-0360	NEW-P	04-07-134	388-296-1020	NEW-P	04-07-134	388-410-0001	AMD-C	04-02-058
388-296-0370	NEW-P	04-07-134	388-296-1030	NEW-P	04-07-134	388-410-0001	AMD	04-05-010
388-296-0380	NEW-P	04-07-134	388-296-1040	NEW-P	04-07-134	388-414-0001	AMD-P	04-04-076
388-296-0390	NEW-P	04-07-134	388-296-1050	NEW-P	04-07-134	388-414-0001	AMD	04-07-139
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388-296-0420	NEW-P	04-07-134	388-296-1080	NEW-P	04-07-134	388-414-0001	AMD-P	04-10-098
388-296-0430	NEW-P	04-07-134	388-296-1090	NEW-P	04-07-134	388-416-0015	AMD	04-03-019
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388-296-0480	NEW-P	04-07-134	388-296-1140	NEW-P	04-07-134	388-418-0005	AMD-E	04-02-073
388-296-0490	NEW-P	04-07-134	388-296-1150	NEW-P	04-07-134	388-418-0005	AMD	04-06-026
388-296-0500	NEW-P	04-07-134	388-296-1160	NEW-P	04-07-134	388-418-0025	AMD	04-03-019
388-296-0510	NEW-P	04-07-134	388-296-1170	NEW-P	04-07-134	388-424-0001	NEW-P	04-10-100
388-296-0520	NEW-P	04-07-134	388-296-1180	NEW-P	04-07-134	388-424-0005	REP-P	04-10-100
388-296-0530	NEW-P	04-07-134	388-296-1190	NEW-P	04-07-134	388-424-0006	NEW-P	04-10-100
388-296-0540	NEW-P	04-07-134	388-296-1200	NEW-P	04-07-134	388-424-0007	NEW-P	04-10-100
388-296-0550	NEW-P	04-07-134	388-296-1210	NEW-P	04-07-134	388-424-0008	NEW-P	04-10-100
388-296-0560	NEW-P	04-07-134	388-296-1220	NEW-P	04-07-134	388-424-0009	NEW-P	04-10-100
388-296-0570	NEW-P	04-07-134	388-296-1230	NEW-P	04-07-134	388-424-0010	AMD-P	04-10-100
388-296-0580	NEW-P	04-07-134	388-296-1240	NEW-P	04-07-134	388-424-0015	AMD-P	04-10-100
388-296-0590	NEW-P	04-07-134	388-296-1250	NEW-P	04-07-134	388-424-0016	NEW-P	04-10-100
388-296-0600	NEW-P	04-07-134	388-296-1260	NEW-P	04-07-134	388-424-0020	AMD-P	04-10-100
388-296-0610	NEW-P	04-07-134	388-296-1270	NEW-P	04-07-134	388-424-0025	AMD-P	04-10-100
388-296-0620	NEW-P	04-07-134	388-296-1280	NEW-P	04-07-134	388-426	PREP-W	04-03-052
388-296-0630	NEW-P	04-07-134	388-296-1290	NEW-P	04-07-134	388-426-0005	AMD	04-03-050
388-296-0640	NEW-P	04-07-134	388-296-1300	NEW-P	04-07-134	388-434-0005	AMD	04-03-019
388-296-0650	NEW-P	04-07-134	388-296-1320	NEW-P	04-07-134	388-434-0005	PREP	04-07-086

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388-436-0002	AMD-E	04-03-098	388-450-0215	AMD	04-06-052	388-502-0160	PREP	04-07-088
388-436-0002	AMD	04-07-023	388-450-0500	PREP	04-07-085	388-503-0505	AMD-P	04-04-074
388-436-0015	AMD-C	04-02-057	388-452-0005	AMD-P	04-06-040	388-503-0505	AMD-E	04-06-023
388-436-0015	AMD	04-05-013	388-452-0005	AMD	04-10-102	388-503-0505	AMD	04-07-141
388-436-0040	AMD-C	04-02-058	388-454-0010	AMD-C	04-03-010F	388-505-0110	PREP	04-04-095
388-436-0040	AMD	04-05-010	388-454-0010	AMD	04-05-012	388-505-0110	AMD-P	04-09-090
388-438-0100	REP-P	04-04-074	388-462-0020	AMD-P	04-10-099	388-505-0210	AMD-P	04-10-099
388-438-0100	REP-E	04-06-023	388-466-0130	AMD-C	04-02-058	388-505-0211	NEW	04-08-125
388-438-0100	REP	04-07-141	388-466-0130	AMD	04-05-010	388-511-1130	REP	04-09-004
388-438-0110	AMD-P	04-10-099	388-470-0040	REP	04-09-003	388-513-1301	AMD-E	04-08-019
388-440	PREP-W	04-03-052	388-472-0010	AMD-P	04-03-093	388-513-1315	AMD-E	04-08-019
388-440-0001	AMD-C	04-02-058	388-475-0050	NEW	04-09-002	388-513-1350	AMD-C	04-02-056
388-440-0001	AMD	04-05-010	388-475-0100	NEW	04-09-002	388-513-1350	AMD	04-04-072
388-442-0010	PREP	04-10-091	388-475-0150	NEW	04-09-002	388-513-1380	AMD-C	04-02-056
388-444-0055	AMD-C	04-02-058	388-475-0200	NEW	04-09-002	388-513-1380	AMD	04-04-072
388-444-0055	AMD	04-05-010	388-475-0250	NEW	04-09-002	388-515-1510	AMD-E	04-08-019
388-446-0005	AMD-P	04-03-094	388-475-0300	NEW	04-09-002	388-515-1550	NEW-E	04-10-062
388-448-0001	AMD-P	04-02-048	388-475-0350	NEW	04-09-003	388-515-1550	NEW-P	04-10-101
388-448-0001	AMD	04-07-140	388-475-0400	NEW	04-09-003	388-517-0300	PREP	04-10-090
388-448-0010	AMD-P	04-02-048	388-475-0450	NEW	04-09-003	388-526	PREP	04-04-096
388-448-0010	AMD	04-07-140	388-475-0500	NEW	04-09-003	388-527-2700	AMD-P	04-05-082
388-448-0020	AMD-P	04-02-048	388-475-0550	NEW	04-09-004	388-527-2700	AMD	04-10-060
388-448-0020	AMD	04-07-140	388-475-0600	NEW	04-09-004	388-527-2730	AMD-P	04-05-082
388-448-0030	AMD-P	04-02-048	388-475-0650	NEW	04-09-004	388-527-2730	AMD	04-10-060
388-448-0030	AMD	04-07-140	388-475-0700	NEW	04-09-004	388-527-2733	AMD-P	04-05-082
388-448-0120	AMD-P	04-02-048	388-475-0750	NEW	04-09-004	388-527-2733	AMD	04-10-060
388-448-0120	AMD	04-07-140	388-475-0800	NEW	04-09-005	388-527-2740	AMD-P	04-05-082
388-448-0160	AMD-P	04-02-048	388-475-0820	NEW	04-09-005	388-527-2740	AMD	04-10-060
388-448-0160	AMD-E	04-02-051	388-475-0840	NEW	04-09-005	388-527-2742	AMD-P	04-05-082
388-448-0160	AMD-E	04-03-010E	388-475-0860	NEW	04-09-005	388-527-2742	AMD	04-10-060
388-448-0160	AMD	04-07-140	388-475-0880	NEW	04-09-005	388-527-2750	AMD-P	04-05-082
388-448-0170	REP-P	04-02-048	388-475-0900	NEW	04-09-005	388-527-2750	AMD	04-10-060
388-448-0170	REP-E	04-02-051	388-475-1050	AMD-X	04-09-091	388-527-2754	AMD-P	04-05-082
388-448-0170	REP-E	04-03-010E	388-475-1250	AMD-X	04-09-091	388-527-2754	AMD	04-10-060
388-448-0170	REP	04-07-140	388-478-0005	AMD-C	04-02-058	388-527-2790	AMD-P	04-05-082
388-448-0180	AMD-P	04-02-048	388-478-0005	AMD	04-05-010	388-527-2790	AMD	04-10-060
388-448-0180	AMD	04-07-140	388-478-0055	AMD-S	04-03-096	388-527-2792	NEW-P	04-05-082
388-448-0190	REP-P	04-02-048	388-478-0055	AMD	04-07-024	388-527-2792	NEW	04-10-060
388-448-0190	REP-E	04-02-051	388-478-0075	AMD-E	04-07-143	388-527-2795	AMD-P	04-05-082
388-448-0190	REP-E	04-03-010E	388-478-0075	PREP	04-07-165	388-527-2795	AMD	04-10-060
388-448-0190	REP	04-07-140	388-478-0075	AMD-E	04-09-001	388-529	PREP	04-06-054
388-448-0200	AMD-P	04-02-048	388-478-0080	AMD-E	04-11-013	388-530-1050	PREP	04-09-035
388-448-0200	AMD	04-07-140	388-478-0085	AMD-E	04-07-167	388-530-1125	PREP	04-09-035
388-448-0210	AMD-P	04-02-048	388-484-0005	AMD-C	04-02-058	388-530-1200	PREP	04-09-035
388-448-0210	AMD	04-07-140	388-484-0005	AMD	04-05-010	388-530-1250	PREP	04-09-035
388-450-0005	AMD-C	04-02-058	388-492	PREP-W	04-04-094	388-530-1260	PREP	04-09-035
388-450-0005	AMD-W	04-04-034	388-492	PREP	04-04-097	388-530-1850	PREP	04-03-089
388-450-0005	PREP	04-10-094	388-492-0010	REP-E	04-05-003	388-530-1850	AMD-P	04-07-137
388-450-0020	REP	04-09-005	388-492-0020	AMD-E	04-05-003	388-530-1850	AMD	04-11-009
388-450-0050	AMD-P	04-11-084	388-492-0030	AMD-E	04-05-003	388-532-001	NEW	04-05-011
388-450-0100	PREP	04-05-034	388-492-0040	AMD-E	04-05-003	388-532-050	AMD	04-05-011
388-450-0100	AMD-P	04-10-099	388-492-0050	AMD-E	04-05-003	388-532-100	AMD	04-05-011
388-450-0106	AMD-P	04-10-099	388-492-0060	AMD-E	04-05-003	388-532-110	NEW	04-05-011
388-450-0116	AMD-P	04-10-099	388-492-0070	AMD-E	04-05-003	388-532-120	NEW	04-05-011
388-450-0140	AMD-P	04-10-096	388-492-0080	AMD-E	04-05-003	388-532-130	NEW	04-05-011
388-450-0150	REP	04-09-005	388-492-0090	AMD-E	04-05-003	388-532-140	NEW	04-05-011
388-450-0156	AMD-P	04-10-099	388-492-0100	AMD-E	04-05-003	388-532-500	NEW	04-05-011
388-450-0165	AMD-C	04-02-058	388-492-0110	AMD-E	04-05-003	388-532-510	NEW	04-05-011
388-450-0165	AMD	04-05-010	388-492-0120	AMD-E	04-05-003	388-532-520	NEW	04-05-011
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388-532-550	NEW	04-05-011	388-553-100	NEW	04-11-007	388-825-266	REP-E	04-08-020
388-532-720	AMD-P	04-10-099	388-553-200	NEW-C	04-02-055	388-825-268	REP-E	04-08-020
388-533-0300	AMD-P	04-05-083	388-553-200	NEW	04-11-007	388-825-270	REP-E	04-08-020
388-533-0310	NEW-P	04-05-083	388-553-300	NEW-C	04-02-055	388-825-272	REP-E	04-08-020
388-533-0315	NEW-P	04-05-083	388-553-300	NEW	04-11-007	388-825-276	REP-E	04-08-020
388-533-0320	NEW-P	04-05-083	388-553-400	NEW-C	04-02-055	388-825-278	REP-E	04-08-020
388-533-0325	NEW-P	04-05-083	388-553-400	NEW	04-11-007	388-825-280	REP-E	04-08-020
388-533-0330	NEW-P	04-05-083	388-553-500	NEW-C	04-02-055	388-825-282	REP-E	04-08-020
388-533-0340	NEW-P	04-05-083	388-553-500	NEW	04-11-007	388-825-284	REP-E	04-08-020
388-533-0345	NEW-P	04-05-083	388-720-0020	AMD-C	04-02-059	388-825-300	NEW-E	04-08-020
388-533-0350	REP-P	04-05-083	388-720-0020	AMD	04-05-080	388-825-305	NEW-E	04-08-020
388-533-0360	NEW-P	04-05-083	388-800-0048	AMD-P	04-10-099	388-825-310	NEW-E	04-08-020
388-533-0365	NEW-P	04-05-083	388-820-020	AMD	04-04-043	388-825-315	NEW-E	04-08-020
388-533-0370	NEW-P	04-05-083	388-820-030	AMD	04-04-043	388-825-320	NEW-E	04-08-020
388-533-0375	NEW-P	04-05-083	388-820-050	AMD	04-04-043	388-825-325	NEW-E	04-08-020
388-533-0380	NEW-P	04-05-083	388-820-056	NEW	04-04-043	388-825-330	NEW-E	04-08-020
388-533-0385	NEW-P	04-05-083	388-820-060	AMD	04-04-043	388-825-335	NEW-E	04-08-020
388-533-0386	NEW-P	04-05-083	388-820-070	AMD	04-04-043	388-825-340	NEW-E	04-08-020
388-533-0390	NEW-P	04-05-083	388-820-076	NEW	04-04-043	388-825-345	NEW-E	04-08-020
388-533-701	NEW-P	04-07-136	388-820-086	NEW	04-04-043	388-825-355	NEW-E	04-08-020
388-533-701	NEW	04-11-008	388-820-090	AMD	04-04-043	388-825-360	NEW-E	04-08-020
388-533-710	NEW-P	04-07-136	388-820-100	AMD	04-04-043	388-825-365	NEW-E	04-08-020
388-533-710	NEW	04-11-008	388-820-120	AMD	04-04-043	388-825-370	NEW-E	04-08-020
388-533-720	NEW-P	04-07-136	388-820-230	AMD	04-04-043	388-825-375	NEW-E	04-08-020
388-533-720	NEW	04-11-008	388-820-260	AMD	04-04-043	388-825-380	NEW-E	04-08-020
388-533-730	NEW-P	04-07-136	388-820-290	AMD	04-04-043	388-825-385	NEW-E	04-08-020
388-533-730	NEW	04-11-008	388-820-300	AMD	04-04-043	388-825-390	NEW-E	04-08-020
388-535	PREP	04-07-115	388-820-310	AMD	04-04-043	388-825-395	NEW-E	04-08-020
388-535-1050	AMD-X	04-07-142	388-820-320	AMD	04-04-043	388-825-400	NEW-E	04-08-020
388-535-1065	AMD-X	04-07-142	388-820-330	AMD	04-04-043	388-827	PREP	04-08-070
388-535A-0050	AMD-E	04-04-073	388-820-340	AMD	04-04-043	388-835-0085	AMD-E	04-10-016
388-535A-0060	AMD-E	04-04-073	388-820-350	AMD	04-04-043	388-835-0090	AMD-E	04-10-016
388-538-063	PREP	04-04-095	388-820-400	AMD	04-04-043	388-835-0100	AMD-E	04-10-016
388-538-063	NEW-P	04-09-090	388-820-405	NEW	04-04-043	388-835-0115	AMD-E	04-10-016
388-538-112	AMD-P	04-07-135	388-820-410	AMD	04-04-043	388-835-0135	REP-E	04-10-016
388-542	PREP	04-10-093	388-820-550	AMD	04-04-043	388-835-0140	AMD-E	04-10-016
388-542-0100	AMD	04-08-018	388-820-555	NEW	04-04-043	388-837-9005	NEW-E	04-10-016
388-542-0125	AMD	04-08-018	388-820-560	AMD	04-04-043	388-837-9015	NEW-E	04-10-016
388-542-0500	AMD	04-08-018	388-820-600	AMD	04-04-043	388-837-9020	NEW-E	04-10-016
388-544	PREP-W	04-04-031	388-820-650	AMD	04-04-043	388-837-9030	NEW-E	04-10-016
388-544	PREP	04-07-087	388-820-690	AMD	04-04-043	388-837-9040	NEW-E	04-10-016
388-545	PREP-W	04-04-031	388-825	PREP	04-08-071	388-845-0010	NEW-E	04-08-020
388-546	PREP	04-02-060	388-825-070	AMD-P	04-08-072	388-845-0015	NEW-E	04-08-020
388-547	PREP-W	04-04-031	388-825-070	AMD	04-11-087	388-845-0020	NEW-E	04-08-020
388-550	PREP	04-03-092	388-825-090	AMD-P	04-08-072	388-845-0025	NEW-E	04-08-020
388-550-2800	PREP	04-03-091	388-825-090	AMD	04-11-087	388-845-0030	NEW-E	04-08-020
388-550-2900	PREP	04-03-091	388-825-120	AMD-E	04-08-020	388-845-0035	NEW-E	04-08-020
388-550-3100	PREP	04-05-085A	388-825-125	NEW-E	04-08-020	388-845-0040	NEW-E	04-08-020
388-550-3100	AMD-P	04-08-123	388-825-130	NEW-E	04-08-020	388-845-0045	NEW-E	04-08-020
388-550-4900	PREP	04-03-090	388-825-135	NEW-E	04-08-020	388-845-0050	NEW-E	04-08-020
388-550-4900	AMD-P	04-08-124	388-825-140	NEW-E	04-08-020	388-845-0055	NEW-E	04-08-020
388-550-5000	PREP	04-03-090	388-825-145	NEW-E	04-08-020	388-845-0060	NEW-E	04-08-020
388-550-5100	PREP	04-03-090	388-825-150	NEW-E	04-08-020	388-845-0065	NEW-E	04-08-020
388-550-5100	AMD-P	04-08-124	388-825-155	NEW-E	04-08-020	388-845-0070	NEW-E	04-08-020
388-550-5200	PREP	04-03-090	388-825-160	NEW-E	04-08-020	388-845-0075	NEW-E	04-08-020
388-550-5200	AMD-P	04-08-124	388-825-165	NEW-E	04-08-020	388-845-0080	NEW-E	04-08-020
388-550-5210	NEW-P	04-08-124	388-825-170	REP-E	04-08-020	388-845-0085	NEW-E	04-08-020
388-550-5220	NEW-P	04-08-124	388-825-180	REP-E	04-08-020	388-845-0090	NEW-E	04-08-020
388-551	PREP	04-02-061	388-825-190	REP-E	04-08-020	388-845-0095	NEW-E	04-08-020
388-551	PREP-W	04-07-111	388-825-260	REP-E	04-08-020	388-845-0100	NEW-E	04-08-020
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388-845-0120	NEW-E	04-08-020	388-845-2005	NEW-E	04-08-020	390-16-238	AMD-P	04-08-086
388-845-0200	NEW-E	04-08-020	388-845-2010	NEW-E	04-08-020	390-17-030	AMD-P	04-08-086
388-845-0205	NEW-E	04-08-020	388-845-2100	NEW-E	04-08-020	390-18-030	AMD-P	04-08-086
388-845-0210	NEW-E	04-08-020	388-845-2105	NEW-E	04-08-020	390-37-030	AMD-P	04-08-086
388-845-0215	NEW-E	04-08-020	388-845-2110	NEW-E	04-08-020	390-37-041	AMD-E	04-07-049
388-845-0220	NEW-E	04-08-020	388-845-2200	NEW-E	04-08-020	390-37-041	AMD-P	04-08-086
388-845-0300	NEW-E	04-08-020	388-845-2205	NEW-E	04-08-020	392-121-124	AMD-P	04-08-127
388-845-0305	NEW-E	04-08-020	388-845-2210	NEW-E	04-08-020	392-136-020	PREP	04-06-048
388-845-0310	NEW-E	04-08-020	388-845-3000	NEW-E	04-08-020	392-140-600	AMD-P	04-04-005
388-845-0400	NEW-E	04-08-020	388-845-3005	NEW-E	04-08-020	392-140-600	AMD	04-08-118
388-845-0405	NEW-E	04-08-020	388-845-3010	NEW-E	04-08-020	392-140-605	AMD-P	04-04-005
388-845-0410	NEW-E	04-08-020	388-845-3015	NEW-E	04-08-020	392-140-605	AMD	04-08-118
388-845-0500	NEW-E	04-08-020	388-845-3020	NEW-E	04-08-020	392-140-608	AMD-P	04-04-005
388-845-0505	NEW-E	04-08-020	388-845-3025	NEW-E	04-08-020	392-140-608	AMD	04-08-118
388-845-0510	NEW-E	04-08-020	388-845-3030	NEW-E	04-08-020	392-140-609	AMD-P	04-04-005
388-845-0600	NEW-E	04-08-020	388-845-3035	NEW-E	04-08-020	392-140-609	AMD	04-08-118
388-845-0605	NEW-E	04-08-020	388-845-4000	NEW-E	04-08-020	392-140-626	AMD-P	04-04-005
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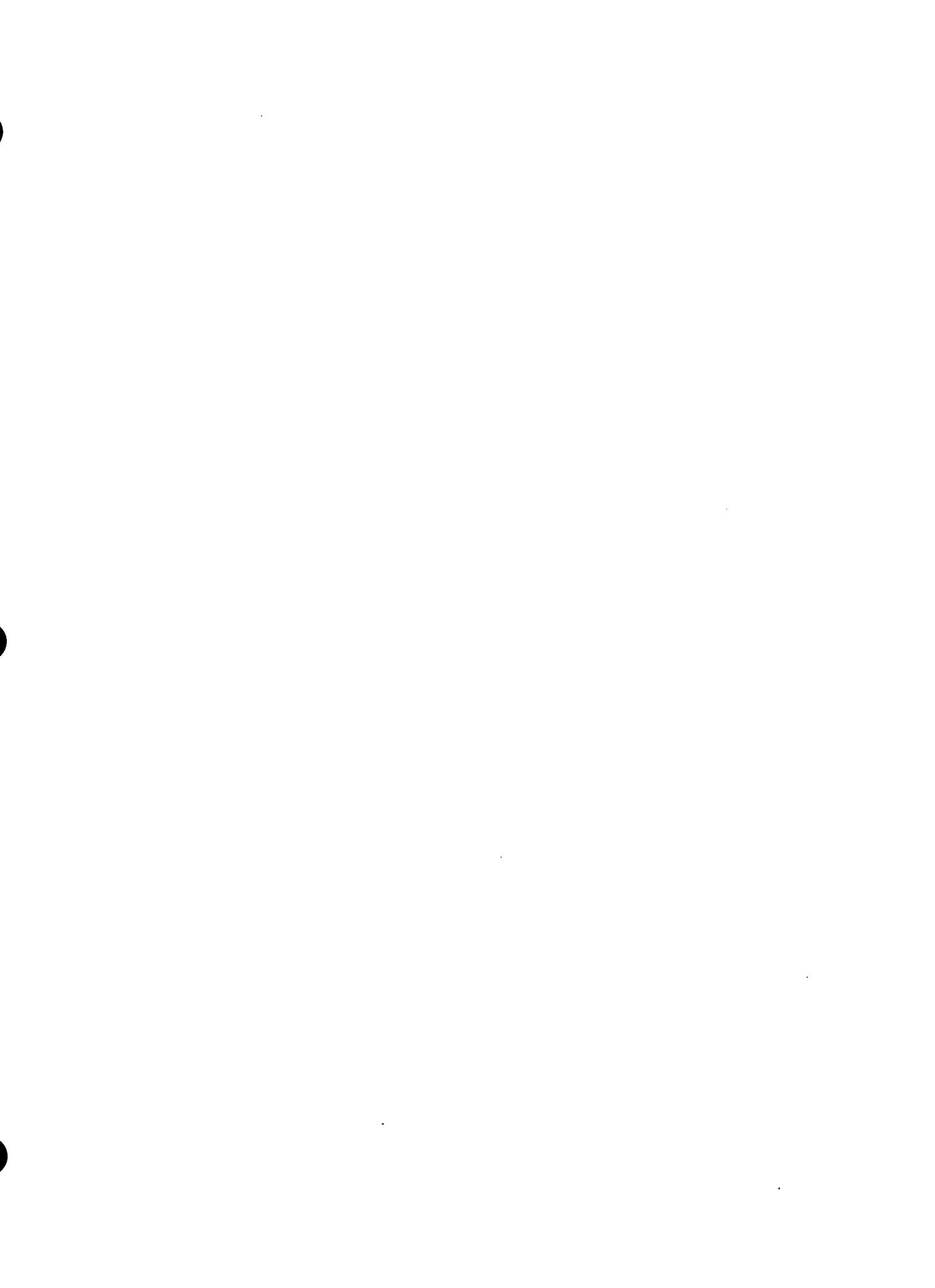
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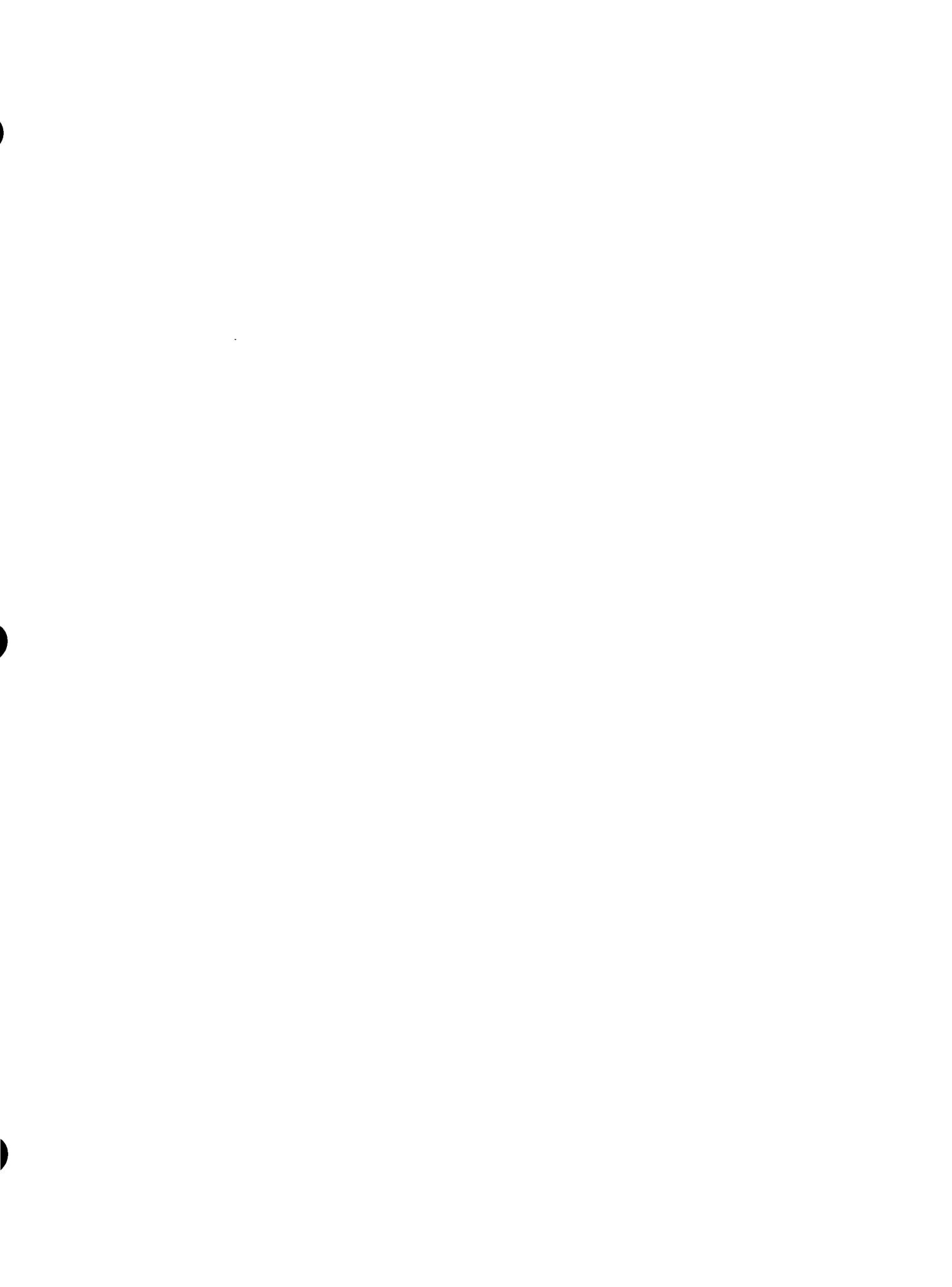
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