

WSR 09-01-052
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 10, 2008, 4:17 p.m., effective January 10, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is adopting the following amendments to the boarding home licensing chapter: WAC 388-78A-2470 Criminal history disclosure and background, to correct typographical error in section heading.

WAC 388-78A-2680 Boarding home use of audio and video monitoring and 388-78A-2690 Resident use of electronic monitoring, to clarify and enhance readability and usability of electronic monitoring requirements; to ensure boarding home compliance with resident rights when electronic monitoring is used.

WAC 388-78A-2950 Water supply, 388-78A-2980 Lighting, and 388-78A-3030 Toilet rooms and bathrooms, to clarify and enhance readability and usability of construction requirements regarding lighting, water supply and showers; to create flexibility in construction requirements for boarding home providers to meet resident needs.

WAC 388-78A-3450 Finalizing a preliminary finding and 388-78A-3460 Appeal of administrative law judge's initial order or finding, to clarify and enhance readability and usability of the rules; to provide guidance to administrative law judges that a department denial of a petition to remove a finding of neglect under WAC 388-78A-3450 from a department list may not be appealed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-78A-2470, 388-78A-2680, 388-78A-2690, 388-78A-2950, 388-78A-2980, 388-78A-3030, 388-78A-3450, and 388-78A-3460.

Statutory Authority for Adoption: Chapter 18.20 RCW.

Other Authority: Chapter 74.34 RCW.

Adopted under notice filed as WSR 08-16-119 on August 5, 2008.

Changes Other than Editing from Proposed to Adopted Version: **WAC 388-78A-2680 Boarding home use of Electronic monitoring equipment—Audio monitoring and video monitoring.** (1) Except as provided (~~((#))~~) in this section or in WAC 388-78A-2690, the boarding home must not use the following in the facility or on the premises:

(a) (~~((Any))~~) Audio monitoring (~~((on the boarding home premises))~~) equipment; or

(b) (~~((Any audio monitoring used in combination with))~~) Video monitoring equipment if it includes an audio component.

(2) The boarding home may video monitor and(~~((#))~~) video record (~~((activity))~~) activities in the facility or on the (~~((boarding home))~~) premises, without an audio component, only in the following areas:

(a) (~~((Boarding home))~~) Entrances and exits (~~((#))~~) as long as the (~~((camera(s)-is))~~) cameras are:

(i) Focused only on the entrance(~~((#))~~) or exit doorways; and

(ii) Not focused on areas where residents (~~((may congregate))~~) gather.

(b) Areas used exclusively by staff persons such as, (~~((but not limited to:))~~) medication preparation and storage areas or food preparation areas, if residents do not go into these areas;

(c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and

(d) Designated smoking areas (~~((excluding resident rooms, subject to the following conditions:~~

~~((i) When the area is being used by residents assessed as needing supervision for smoking, a staff person must watch the video monitor at any time the area is being used by such residents for smoking;~~

~~((ii) The video camera must be placed in a clearly visible area;~~

~~((iii) The video monitor must be placed where it cannot be viewed by the general public; and~~

~~((iv) All residents in the facility must be notified of the use of the video monitoring)).~~ subject to the following conditions:

(i) Residents have been assessed as needing supervision for smoking;

(ii) A staff person watches the video monitor at any time the area is used by such residents;

(iii) The video camera is clearly visible;

(iv) The video monitor is not viewable by general public; and

(v) The facility notifies all residents in writing of the use of video monitoring equipment.

WAC 388-78A-2950 Water supply. The boarding home must:

(1) Provide water meeting the provisions of chapter 246-290 WAC, Group A public water supplies or chapter 246-291 WAC, Group B public water systems;

(2) Maintain the boarding home water systems free of cross-connections as specified the edition of *Cross-Connection Control Manual* (~~((6th Edition))~~), published by the Pacific Northwest Section of the American Water Works Association, in effect on the date a construction review fee is paid to the department of health, construction review services;

(3) Provide hot and cold water under adequate pressure readily available throughout the boarding home;

(4) Provide all sinks in resident rooms, toilet rooms and bathrooms, and bathing fixtures used by residents with hot water between 105°F and 120°F at all times; and

(5) Label or color code nonpotable water supplies "unsafe for domestic use."

WAC 388-78A-2980 Lighting. (1) The boarding home must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

(2) The boarding home must (~~((maintain))~~) provide enough lighting in (~~((common areas that meets Illuminating Engineering Society (IES) recommendations as follows:))~~) each resident's room to meet the resident's needs, preferences and choices.

((AVERAGE MAINTAINED FOOTCANDLES))		
((Area))	((Ambient Light))	((Task Light))
((Toilet, bathing and laundry facilities))	((30))	((50))
((Dining/day rooms))	((50))	((N/A))
((Corridors, hallways, and stairways))	((30))	((N/A))
((Janitor's closet and utility rooms))	((30))	((N/A))
((Reading rooms))	((100))	((N/A))

(3) ~~((The boarding home must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices))~~ New boarding home construction must, at a minimum, meet the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the edition of the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee is paid to the department of health, construction review services, for new boarding home construction.

(4) Existing boarding home construction must maintain, at a minimum, the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the edition of the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee was paid to the department of health, construction review services, for the boarding home or that portion of the boarding home that underwent construction review.

WAC 388-78A-3450 Finalizing a preliminary finding. (1) A preliminary finding becomes a final finding when:

(a) The department notifies the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident there is a preliminary finding pursuant to WAC 388-78A-3410; and

(b) The individual alleged to have abandoned, abused, neglected, exploited or financially exploited a resident does not ask for an administrative hearing; or

(c) The administrative law judge:

(i) Dismisses the hearing following withdrawal of the appeal or default; ~~((or))~~

(ii) ~~((Issues an initial order upholding the finding and the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident fails to appeal the initial order to the department's board of appeals))~~ Dismisses the appeal for failure to comply with time limits under WAC 388-78A-3430; or

(iii) Issues an initial order upholding the finding and the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident fails to appeal the initial order to the department's board of appeals.

(d) The board of appeals issues a final order upholding the finding.

(2) A final finding is permanent.

(3) A final finding will only be removed from the department or agency list of individuals found to have abandoned,

abused, neglected, exploited, or financially exploited a vulnerable adult if it is rescinded following judicial review.

(4) The department may remove a single finding of neglect from its records based upon a written petition by the individual found to have neglected a resident provided that at least one calendar year must have passed between the date a request was made to remove the finding of neglect and the date the final finding was finalized and recorded. If the department denies the petition, its decision may not be appealed.

WAC 388-78A-3460 Appeal of administrative law judge's initial order ~~((or finding))~~.

(1) If the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapter 34.05 RCW, Administrative Procedure Act, and chapter 388-02 WAC.

(2) If the department appeals the administrative law judge's decision, the department will not change the finding in the department's records until a final hearing decision is issued.

Changes were made because:

SUMMARY	DEPARTMENT ACTION TAKEN
<p>WAC 388-78A-2680 Boarding home use of audio and video monitoring.</p> <ul style="list-style-type: none"> Can clarify language to WAC 388-78A-2680(1) so it is clear these rules apply to both the inside and the premises of a boarding home. Can change the term "boarding home" in WAC 388-78A-2680(2) to "facility" to create consistency of terminology. Can add term "medication preparation" areas to existing phrase to clarify that this rule applies to medication storage, food preparation and medication preparation areas. 	<p>WAC 388-78A-2680 Boarding home use of audio and video monitoring.</p> <ul style="list-style-type: none"> Clarifying change made. Clarifying change made. Clarifying change made.
<p>WAC 388-78A-2950 Water supply.</p> <ul style="list-style-type: none"> Change "date of the official application for department of health construction review" to a clearer to understand date: "date a construction review fee is paid." 	<p>WAC 388-78A-2950 Water supply.</p> <ul style="list-style-type: none"> Clarifying change made.
<p>WAC 388-78A-2980 Lighting.</p> <ul style="list-style-type: none"> Change phrase from "The applicable handbook is the one in effect on the date of the official application" to the phrase "the edition in effect on the date a construction review fee is paid." Deleted phrase "in the edition." 	<p>WAC 388-78A-2980 Lighting.</p> <ul style="list-style-type: none"> Clarifying change made. Editing change made.

SUMMARY	DEPARTMENT ACTION TAKEN
<p>WAC 388-78A-3450 Finalizing a preliminary finding.</p> <ul style="list-style-type: none"> Correct WAC citation in the previous draft from WAC 388-78A-3440 to 388-78A-3430. Move proposed WAC 388-78A-3460(3) to 388-78A-3450(4). 	<p>WAC 388-78A-3450 Finalizing a preliminary finding.</p> <ul style="list-style-type: none"> Clarifying change made. Clarifying change made.
<p>WAC 388-78A-3460 Appeal of administrative law judge's initial order or finding.</p> <ul style="list-style-type: none"> Eliminate phrase "or finding" from section heading since not needed. Move proposed subsection (3) to WAC 388-78A-3450(4). 	<p>WAC 388-78A-3460 Appeal of administrative law judge's initial order or finding.</p> <ul style="list-style-type: none"> Clarifying change made. Clarifying change made.

A final cost-benefit analysis is available by contacting Todd Erik Henry, P.O. Box 45600, Olympia, WA 98513, phone (360) 725-2580, fax (360) 438-7903, e-mail henryte@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 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 8, Repealed 0.

Date Adopted: December 10, 2008.

Robin Arnold-Williams
Secretary

AMENDATORY SECTION (Amending WSR 08-05-099, filed 2/15/08, effective 3/17/08)

WAC 388-78A-2470 Criminal history disclosure and background (~~(inquires [inquiries])~~) checks. (1) This section applies to any individual associated with the licensee or boarding home who may have unsupervised access to residents, including but not limited to:

- (a) Employees;
- (b) Managers;
- (c) Volunteers who are not residents;
- (d) Contractors; and
- (e) Students.

(2) The boarding home must:

(a) Ensure any individual associated with the licensee or boarding home who may have unsupervised access to residents has had a background check of conviction records, pending charges and disciplinary board decisions completed

within the past two years, and is repeated every two years thereafter, and that individual has not been:

- (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830 or 43.43.842;
- (ii) Convicted of crimes relating to financial exploitation as defined in RCW 43.43.830 or 43.43.842;
- (iii) Found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830;
- (iv) The subject in a protective proceeding under chapter 74.34 RCW;
- (v) Convicted of criminal mistreatment; or
- (vi) Found by the department to have abandoned, abused, neglected or exploited a minor, or abandoned, abused, neglected, exploited, or financially exploited a vulnerable person, provided the individual was offered an administrative hearing to contest the finding, and the finding was upheld, or the individual failed to timely appeal the finding.

(b) Not hire or retain, directly or by contract, or accept as a volunteer, any individual prohibited from having unsupervised access to residents under (a) of this subsection, except as provided in subsection (6) of this section and RCW 43.43.-842.

(3) Prior to first starting his or her duties, the boarding home must:

(a) Require each prospective employee, manager, volunteer, contractor and student associated with the licensee or boarding home who may have unsupervised access to residents to disclose, consistent with RCW 43.43.834(2), whether he or she:

- (i) Has been convicted of a crime, including any of the following as defined in RCW 43.43.830:
 - (A) All crimes against children or their persons;
 - (B) All crimes relating to financial exploitation; and
 - (C) All crimes relating to drugs;
- (ii) Has had findings made against him or her in any civil adjudicative proceeding as defined in RCW 43.43.830; or
- (iii) Has both convictions for (i) and findings made against him or her under (ii).

(b) Require each individual making the disclosures required in subsection (3)(a) of this section:

- (i) To make the disclosures in writing;
- (ii) To swear under penalty of perjury that the contents of the disclosure are accurate; and
- (iii) To sign the disclosure statement.

(4) Prior to first starting his or her duties, the boarding home must take one or more of the following three actions for each prospective employee, manager, volunteer, contractor and student associated with the licensee or boarding home who may have unsupervised access to residents:

- (a) Initiate a background check on the individual through the department, which includes taking the following actions:
 - (i) Informing the individual that a background check is required.
 - (ii) Requiring the individual to complete and sign a DSHS background authorization form prior to the individual having unsupervised access to residents;
 - (iii) Submitting all background check authorization forms to the department's:

(A) Aging and disability services administration with the initial application for licensure; and

(B) Background check central unit for currently licensed boarding homes.

(iv) Verbally informing the named individual of his/her individual background check results and offering to provide him or her a copy of the background check results within ten days of receipt.

(b) Obtain from the individual's prior employer a copy of the completed criminal background inquiry information for the individual, subject to the following conditions:

(i) The prior employer was a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW;

(ii) The nursing home, boarding home or adult family home providing completed criminal background inquiry information for the individual is reasonably known to be the individual's most recent employer;

(iii) No more than twelve months has elapsed from the date the individual was employed by the nursing home, boarding home or adult family home and the date of the individual's current application;

(iv) The background inquiry for the individual is no more than two years old; and

(v) The boarding home has no reason to believe the individual has or may have a disqualifying conviction or finding as described in RCW 43.43.842.

(c) When using staff persons from a home health, hospice, or home care agency licensed under chapter 70.127 RCW, or a nursing pool registered under chapter 18.52C RCW, the boarding home must establish, maintain and follow a written agreement with the agency or pool to ensure the requirements of subsection (2) of this section are met for the agency or pool staff who may work in the boarding home.

(5) The boarding home must ensure that all disclosure statements, and background check results obtained by the boarding home, are:

(a) Maintained on-site in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any individual except:

(i) The individual named on the background check result;

(ii) Authorized state and federal employees;

(iii) The Washington state patrol auditor; and

(iv) As otherwise authorized in chapter 43.43 RCW.

(d) Retained and available for department review:

(i) During the individual's employment or association with a facility; and

(ii) At least two years following termination of employment or association with a facility.

(6) The boarding home may conditionally hire, directly or by contract, an individual having unsupervised access to residents pending a background inquiry, provided the boarding home:

(a) Obtains a criminal history background check authorization form from the individual prior to the individual beginning work;

(b) Submits the criminal history background check authorization form to the department no later than one business day after the individual started working; and

(c) Has received three positive references for the individual.

(7) The department may require the boarding home or any other individual associated with the boarding home who has unsupervised access to residents to complete additional disclosure statements or background inquiries if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

AMENDATORY SECTION (Amending WSR 04-16-065, filed 7/30/04, effective 9/1/04)

WAC 388-78A-2680 (~~(Boarding home use of)~~ Electronic monitoring equipment - Audio monitoring and video monitoring. (1) Except as provided (~~(for)~~) in this section or in WAC 388-78A-2690, the boarding home must not use the following in the facility or on the premises:

(a) (~~(Any)~~) Audio monitoring (~~(on the boarding home premises)) equipment~~; or

(b) (~~(Any audio monitoring used in combination with)~~) Video monitoring equipment if it includes an audio component.

(2) The boarding home may video monitor and(~~(for))~~ video record (~~(activity))~~ activities in the facility or on the (~~(boarding home))~~ premises, without an audio component, only in the following areas:

(a) (~~(Boarding home))~~ Entrances and exits (~~(if)~~) as long as the (~~(camera(s)-is))~~ cameras are:

(i) Focused only on the entrance(~~(/))~~ or exit doorways; and

(ii) Not focused on areas where residents (~~(may congregate))~~ gather.

(b) Areas used exclusively by staff persons such as, (~~(but not limited to:))~~) medication preparation and storage areas or food preparation areas, if residents do not go into these areas;

(c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and

(d) Designated smoking areas (~~(excluding resident rooms, subject to the following conditions:~~

(i) ~~When the area is being used by residents assessed as needing supervision for smoking, a staff person must watch the video monitor at any time the area is being used by such residents for smoking;~~

(ii) ~~The video camera must be placed in a clearly visible area;~~

(iii) ~~The video monitor must be placed where it cannot be viewed by the general public; and~~

(iv) ~~All residents in the facility must be notified of the use of the video monitoring))~~, subject to the following conditions:

(i) Residents have been assessed as needing supervision for smoking;

(ii) A staff person watches the video monitor at any time the area is used by such residents;

(iii) The video camera is clearly visible;

(iv) The video monitor is not viewable by general public; and

(v) The facility notifies all residents in writing of the use of video monitoring equipment.

AMENDATORY SECTION (Amending WSR 04-16-065, filed 7/30/04, effective 9/1/04)

WAC 388-78A-2690 ((Resident use of) Electronic monitoring equipment - Resident requested use. (1) The boarding home must ~~((limit the use of resident-initiated video or audio monitoring to the sleeping room or apartment of the resident who requested the monitoring))~~ not use audio or video monitoring equipment to monitor any resident unless:

(a) The resident has requested the monitoring; and

(b) The monitoring is only used in the sleeping room of the resident who requested the monitoring.

(2) If ~~((a))~~ the resident requests ((video or)) audio or video monitoring ((in his/her sleeping room or apartment)), before any electronic monitoring occurs, the boarding home must ensure:

~~((Appropriate actions are taken to ensure monitoring is consistent with and))~~ That the electronic monitoring does not violate chapter 9.73 RCW;

~~((his or her safety or))~~ the resident's health, ((or the)) safety ((of his)) or ((her possessions, and has requested electronic monitoring)) personal property;

(c) The resident's roommate has provided written consent to ((the)) electronic monitoring, if the resident has a roommate; and

(d) The resident and the boarding home have agreed upon a specific duration for the ((use of the)) electronic monitoring((-)) and ((the boarding home has documented)) the agreement is documented in writing.

(3) The boarding home must:

(a) Re-evaluate the need for ((resident-initiated)) the electronic monitoring with the resident at least quarterly ((or more often as appropriate)); and

(b) Have each re-evaluation in writing, signed and dated by the resident.

(4) The boarding home must ((discontinue the use of resident-initiated electronic monitoring)) immediately ((if)) stop electronic monitoring if the:

(a) ((The)) Resident no longer ((desires it)) wants electronic monitoring;

(b) ((The)) Roommate objects ((to the use)) or withdraws the consent to the electronic monitoring; or

(c) The resident becomes unable to give consent.

(5) For the purpose of consenting to video electronic monitoring without an audio component, the term "resident" includes the resident's surrogate decision maker.

(6) For the purposes of consenting to any audio electronic monitoring, the term "resident" includes:

(a) The individual residing in the boarding home; or

(b) The resident's court-appointed guardian or attorney-in-fact who has obtained a court order specifically authorizing the court-appointed guardian or attorney-in-fact to consent to electronic monitoring of the resident.

(7) If a resident's decision maker consents to audio electronic monitoring as specified in (6) above, the boarding home must maintain a copy of the court order authorizing such consent in the resident's record.

AMENDATORY SECTION (Amending WSR 04-16-065, filed 7/30/04, effective 9/1/04)

WAC 388-78A-2950 Water supply. The boarding home must:

(1) Provide water meeting the provisions of chapter 246-290 WAC, Group A public water supplies or chapter 246-291 WAC, Group B public water systems;

(2) Maintain the boarding home water systems free of cross-connections as specified in the edition of *Cross-Connection Control Manual* ((-6th Edition)), published by the Pacific Northwest Section of the American Water Works Association, in effect on the date a construction review fee is paid to the department of health, construction review services;

(3) Provide hot and cold water under adequate pressure readily available throughout the boarding home;

(4) Provide all sinks in resident rooms, toilet rooms and bathrooms, and bathing fixtures used by residents with hot water between 105°F and 120°F at all times; and

(5) Label or color code nonpotable water supplies "unsafe for domestic use."

AMENDATORY SECTION (Amending WSR 04-16-065, filed 7/30/04, effective 9/1/04)

WAC 388-78A-2980 Lighting. (1) The boarding home must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

(2) The boarding home must ~~((maintain))~~ provide enough lighting in ((common areas that meets Illuminating Engineering Society (IES) recommendations as follows:)) each resident's room to meet the resident's needs, preferences and choices.

~~((AVERAGE MAINTAINED FOOTCANDLES))~~

((Area))	((Ambient Light))	((Task Light))
((Toilet, bathing and laundry facilities))	((30))	((50))
((Dining/day rooms))	((50))	((N/A))
((Corridors, hallways, and stairways))	((30))	((N/A))
((Janitor's closet and utility rooms))	((30))	((N/A))
((Reading rooms))	((100))	((N/A))

(3) ~~((The boarding home must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices))~~ New boarding home construction must, at a minimum, meet the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting hand-

book. The applicable handbook is the edition in effect on the date a construction review fee is paid to the department of health, construction review services, for new boarding home construction.

(4) Existing boarding home construction must maintain, at a minimum, the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee was paid to the department of health, construction review services, for the boarding home or that portion of the boarding home that underwent construction review.

AMENDATORY SECTION (Amending WSR 06-01-047, filed 12/15/05, effective 1/15/06)

WAC 388-78A-3030 Toilet rooms and bathrooms. (1)

The boarding home must provide private or common-use toilet rooms and bathrooms to meet the needs of each resident.

(2) The boarding home must provide each toilet room and bathroom with:

(a) Water resistant, smooth, low gloss, nonslip and easily cleanable materials;

(b) Washable walls to the height of splash or spray;

(c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:

(i) Bathing fixture; and

(ii) Toilet.

(d) Plumbing fixtures designed for easy use and cleaning and kept in good repair; and

(e) Adequate ventilation to the outside of the boarding home. For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, must provide mechanical ventilation to the outside.

(3) The boarding home must provide each toilet room with a:

(a) Toilet with a clean, nonabsorbent seat free of cracks;

(b) Handwashing sink in or adjacent to the toilet room.

For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the handwashing sink must be in the toilet room or in an adjacent private area that is not part of a common use area of the boarding home; and

(c) Suitable mirror with adequate lighting for general illumination.

(4) For boarding homes approved for construction or initially licensed after August 1, 1994, the boarding home must provide a toilet and handwashing sink in, or adjoining, each bathroom.

(5) When providing common-use toilet rooms and bathrooms, the boarding home must provide toilets and handwashing sinks for residents in the ratios of one toilet and one handwashing sink for every eight residents or fraction as listed in the following table:

Number of Residents	Number of Toilets*	Number of Handwashing Sinks
1-8	1	1

Number of Residents	Number of Toilets*	Number of Handwashing Sinks
9-16	2	2
17-24	3	3
25-32	4	4
33-40	5	5
41-48	6	6
49-56	7	7
57-64	8	8
65-72	9	9
73-80	10	10
81-88	11	11
89-96	12	12
97-104	13	13
105-112	14	14
113-120	15	15
121-128	16	16
129-136	17	17
137-144	18	18
145-152	19	19
153-160	20	20
161-168	21	21
169-176	22	22
177-184	23	23

*When two or more toilets are contained in a single bathroom, they are counted as one toilet.

(6) When providing common-use toilet rooms and bathrooms, the boarding home must provide bathing fixtures for residents in the ratio of one bathing fixture for every twelve residents or fraction thereof as listed in the following table:

Number of Residents	Number of Bathing Fixtures
1-12	1
13-24	2
25-36	3
37-48	4
49-60	5
61-72	6
73-84	7
85-96	8
97-108	9
109-120	10
121-132	11
133-144	12
145-160	13
161-172	14
173-184	15
185-196	16

(7) When providing common-use toilet rooms and bathrooms, the boarding home must:

(a) Designate toilet rooms containing more than one toilet for use by men or women;

(b) Designate bathrooms containing more than one bathing fixture for use by men or women;

(c) Equip each toilet room and bathroom designed for use by, or used by, more than one person at a time, in a manner to ensure visual privacy for each person using the room. The boarding home is not required to provide additional privacy features in private bathrooms with a single toilet and a single bathing fixture located within a private apartment;

(d) Provide a handwashing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room, except that single-use or disposable towels or blowers are not required in toilet rooms or bathrooms that are located within a private apartment;

(e) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served;

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom; and

(f) Provide and ensure toilet paper is available at each common-use toilet.

(8) In boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must ensure ~~((fifty))~~ twenty-five percent of all the bathing fixtures in the boarding home are roll-in type showers that have:

(a) One-half inch or less threshold that may be a collapsible rubber water barrier;

(b) A minimum size of thirty-six inches by forty-eight inches; and

(c) Single lever faucets located within thirty-six inches of the seat so the faucets are within reach of persons seated in the shower.

AMENDATORY SECTION (Amending WSR 08-05-099, filed 2/15/08, effective 3/17/08)

WAC 388-78A-3450 Finalizing a preliminary finding. (1) A preliminary finding becomes a final finding when:

(a) The department notifies the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident there is a preliminary finding pursuant to WAC 388-78A-3410; and

(b) The individual alleged to have abandoned, abused, neglected, exploited or financially exploited a resident does not ask for an administrative hearing; or

(c) The administrative law judge:

(i) Dismisses the hearing following withdrawal of the appeal or default; ~~((or))~~

(ii) ~~((Issues an initial order upholding the finding and the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident fails to appeal~~

~~the initial order to the department's board of appeals)) Dismisses the appeal for failure to comply with time limits under WAC 388-78A-3430; or~~

(iii) Issues an initial order upholding the finding and the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident fails to appeal the initial order to the department's board of appeals.

(d) The board of appeals issues a final order upholding the finding.

(2) A final finding is permanent.

(3) A final finding will only be removed from the department or agency list of individuals found to have abandoned, abused, neglected, exploited, or financially exploited a vulnerable adult if it is rescinded following judicial review.

(4) The department may remove a single finding of neglect from its records based upon a written petition by the individual found to have neglected a resident provided that at least one calendar year must have passed between the date a request was made to remove the finding of neglect and the date the final finding was finalized and recorded. If the department denies the petition, its decision may not be appealed.

AMENDATORY SECTION (Amending WSR 08-05-099, filed 2/15/08, effective 3/17/08)

WAC 388-78A-3460 Appeal of administrative law judge's initial order ~~((or finding))~~. (1) If the individual alleged to have abandoned, abused, neglected, exploited, or financially exploited a resident or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapter 34.05 RCW, Administrative Procedure Act, and chapter 388-02 WAC.

(2) If the department appeals the administrative law judge's decision, the department will not change the finding in the department's records until a final hearing decision is issued.

WSR 09-02-003

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed December 26, 2008, 12:32 p.m., effective January 26, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adoption of this rule will: Include pneumococcal to the list of diseases children must show immunity to before attending preschools/child care centers; update references to federal vaccine guidelines; repeal WAC 246-100-166 and recodify that language into nine sections within new chapter 246-105 WAC; and clarify terms.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-100-166.

Statutory Authority for Adoption: RCW 28A.210.140.

Adopted under notice filed as WSR 08-18-061 on September 2, 2008.

Changes Other than Editing from Proposed to Adopted Version: Adjustments were made to the definition of "conditional status" along with creating a new definition of "satis-

factory progress" to further clarify when a child is allowed a grace period to receive any missing required immunizations, and that such a grace period will not last longer than thirty days before a child is out of compliance with this rule.

A final cost-benefit analysis is available by contacting Jeff Wise, Department of Health, P.O. Box 47843, Olympia, WA 98504, phone (360) 236-3483, fax (360) 236-3590, e-mail jeff.wise@doh.wa.gov.

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 9, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, 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 9, Amended 0, Repealed 1.

Date Adopted: December 1, 2008.

Craig McLaughlin
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-100-166	Immunization of child care and school children against certain vaccine-preventable diseases.
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Chapter 246-105 WAC

IMMUNIZATION OF CHILD CARE AND SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES

NEW SECTION

WAC 246-105-010 Purpose. The purpose of this rule is to protect children and the public against certain vaccine-preventable diseases. Under the authority of the board of health, this rule describes the immunization requirements of children attending schools and child care centers.

NEW SECTION

WAC 246-105-020 Definitions. For the purposes of this chapter, the words and phrases in this section have the following meanings unless the context clearly indicates otherwise:

(1) "Certificate of exemption (COE)" means a form that is:

(a) Approved by the department and consistent with the requirements of WAC 246-105-050(2); or

(b) An immunization form produced by the state immunization information system.

(2) "Certificate of immunization status (CIS)" means a form that is:

(a) Approved by the department and consistent with the requirements of WAC 246-105-050(1); or

(b) An immunization form produced by the state immunization information system.

(3) "Chief administrator" means:

(a) The person with the authority and responsibility for supervising the immediate operation of a school or child care center; or

(b) A person designated in writing by the statutory or corporate board of directors of the school district or school; or

(c) If (a) and (b) of this subsection do not apply, a person or persons with the authority and responsibility for supervising the general operation of the school district or school.

(4) "Child" means any person regardless of age admitted to:

(a) Any public school district; or

(b) Any private school or private institution subject to approval by the state board of education or described in RCW 28A.305.130 and 28A.195.010 through 28A.195.060; or

(c) Any child care center.

(5) "Child care center" means any licensed facility or center that regularly provides care of children for periods of less than twenty-four hours per day subject to licensure by the department of early learning as described in chapter 43.215 RCW.

(6) "Conditional" means a type of temporary immunization status where a child is not immunized against one or more of the vaccine-preventable diseases required by this chapter for full immunization. A child in this status is allowed to attend a school or child care center provided the child makes satisfactory progress toward full immunization.

(7) "Department" means the department of health.

(8) "Exempt" or "exemption" means a type of immunization status where a child has not been immunized against one or more of the vaccine-preventable diseases required by this chapter for full immunization due to medical, religious, philosophical or personal reasons. A child in this status is allowed to attend a school or child care center only by providing the required COE form.

(9) "Full immunization" or "fully immunized" means an immunization status where a child has provided proof of acquired immunity or has been vaccinated with immunizing agents against each of the vaccine-preventable diseases listed in WAC 246-105-030 according to the national immunization guidelines described in WAC 246-105-040.

(10) "Immunizing agent" means any vaccine or other immunologic drug licensed and approved by the United States Food and Drug Administration (FDA), or meeting World Health Organization (WHO) requirements, for immunization of persons against vaccine-preventable diseases.

(11) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08

RCW as the director of public health of a combined city-county or combined county health district.

(12) "National immunization guidelines" means guidelines that are:

(a) Approved by the Advisory Committee on Immunization Practices (ACIP); and

(b) Published in the *Morbidity and Mortality Weekly Report (MMWR)*; and

(c) Consistent with the terms and conditions set forth in WAC 246-105-040.

(13) "Parent" means, for the purposes of signature requirements in this rule:

(a) The mother, father, legal guardian, or any adult *in loco parentis* of a child seventeen years of age or younger; or

(b) A person eighteen years of age or older; or

(c) An emancipated minor.

(14) "Satisfactory progress" for purposes of conditional status or an expired temporary medical exemption means the start or continuance towards full immunization status through the receipt of missing immunizations in a manner consistent with the national immunization guidelines described in WAC 246-105-040 and within the following time frames:

(a) Any missing immunizations must be received within thirty days after the first day of attendance or after a temporary medical exemption is no longer valid, unless receipt within such time is inconsistent with the guidelines.

(b) When the immunizations are part of a series with recommended intervals between doses, each additional missing immunization must be received no later than thirty days past the recommended date of administration of the next dose as established by the guidelines.

(15) "School" means a facility, site, or campus for programs of education as defined in RCW 28A.210.070 to include preschool and kindergarten through grade twelve.

NEW SECTION

WAC 246-105-030 Vaccine-preventable diseases children must be protected against for full immunization.

In accordance with the conditions of this chapter, a child is required to be vaccinated against, or show proof of acquired immunity for, the following vaccine-preventable diseases before attending school or a child care center:

- (1) Diphtheria;
- (2) Tetanus;
- (3) Pertussis (whooping cough);
- (4) Poliomyelitis;
- (5) Measles (rubeola);
- (6) Mumps;
- (7) Rubella;
- (8) Hepatitis B;
- (9) Haemophilus influenzae type B disease;
- (10) Varicella; and
- (11) Effective July 1, 2009, pneumococcal.

NEW SECTION

WAC 246-105-040 Requirements based on national immunization guidelines. The department shall develop and distribute implementation guidelines for schools and child care centers that are consistent with the national immuniza-

tion guidelines described in this section and the requirements in WAC 246-105-090.

(1) Unless otherwise stated in this section, a child must be vaccinated against each vaccine-preventable disease listed in WAC 246-105-030 at ages and intervals according to the following published national immunization guidelines:

(a) Effective July 1, 2008, the "*Recommended Immunization Schedule for Persons Aged 0-18 Years, United States, 2007*"; as published in the *Morbidity and Mortality Weekly Report (MMWR)*, 2007;55(51 and 52):Q1-4.

(b) Effective July 1, 2009, the "*Recommended Immunization Schedule for Persons Aged 0-18 Years, United States 2008*"; as published in MMWR 2008;57(01):Q1-4.

(2) In addition to the ages and intervals required by subsection (1) of this section, the following vaccine administration guidelines shall apply. Schools and child care centers may accept one of the following as proof of a child's immunization status against varicella:

(a) Documentation on the CIS form that the child received age appropriate varicella vaccine; or

(b) Diagnosis or verification of a history of varicella disease by a health care provider; or

(c) Diagnosis or verification of a history of herpes zoster by a health care provider; or

(d) Serologic proof of immunity against varicella; or

(e) Documentation by the parent that a child has a history of varicella. This type of proof will be accepted only for certain grade levels described in the department's implementation guidelines according to WAC 246-105-090(2).

NEW SECTION

WAC 246-105-050 Required documentation of immunization status. Before a child may attend a school or child care center, a parent must provide proof of immunization status using the following types of documentation:

(1) A department-approved CIS form which must be signed by the parent. The CIS form must include:

(a) Name of child or student;

(b) Birth date;

(c) Type of vaccine(s) administered;

(d) Month, day, and year of each dose of vaccine received;

(e) A section to indicate whether an accompanying COE form has been provided;

(f) A section to document serologic proof of immunity which must be signed by a licensed health provider and include a copy of a lab report; and

(g) Parent signature and date.

(2) A department-approved COE form signed by a parent. A COE form must include:

(a) Name of child or student;

(b) Birth date;

(c) A section to indicate a medical exemption for one or more vaccines which must be signed by a licensed health care provider;

(d) A section to indicate a religious exemption for one or more vaccines;

(e) A section to indicate a personal or philosophical exemption for one or more vaccines;

(f) Notice to parents that if an outbreak of vaccine-preventable disease for which the child is exempted occurs, the child may be excluded from the school or child care center for the duration of the outbreak; and

(g) Parent signature and date.

NEW SECTION

WAC 246-105-060 Duties of schools and child care centers. (1) Schools and child care centers shall require:

(a) A CIS form for new enrollees registering for admission into kindergarten through grade twelve or a child care center as a requirement of admission. Information on the CIS is used to determine if a child is fully immunized, conditional or exempt.

(b) For enrollees attending under conditional status, documentation of satisfactory progress toward full immunization.

(c) For enrollees claiming exempt status, a signed COE form indicating a medical, religious, philosophical or personal exemption.

(i) A medical exemption is allowed when a signature of a licensed medical doctor (M.D.), a doctor of osteopathy (D.O.), doctor of naturopathy (N.D.), physician assistant (P.A.), or nurse practitioner (A.R.N.P.), acting within the scope of practice, certifies medical reasons to defer or forego one or more immunizations required for full immunization.

(ii) If immunizations are deferred on a temporary basis for medical reasons, the student must make satisfactory progress toward full immunization once the medical exemption has expired.

(2) In maintaining child immunization records, schools and child care centers shall:

(a) Keep all department-approved forms described in WAC 246-105-050 for each enrolled child attending their school or child care center.

(b) Keep a list of children currently with medical, religious, philosophical, or personal exemptions. This list must be transmitted to the local health department upon request.

(c) Return the department-approved CIS or applicable COE or a legible copy of such documents to the parent if the child is withdrawn from a school or child care center or transferred from the school. A school or child care center may not withhold from the parent a child's department-approved CIS or COE for any reasons, including nonpayment of school or child care center fees.

(d) Provide access to immunization records to agents of the state or local health department of each child enrolled.

(3) In maintaining child immunization records, the chief administrator shall:

(a) Retain records for at least three years on a child who is excluded from school under this chapter. The record must include the child's name, address, and date of exclusion.

(b) Submit an immunization status report under chapter 28A.210 RCW either electronically on the internet or on a form provided by the department. The report must be submitted to the department by November 1 of each year. If a school opens after October 1, the report is due thirty days from the first day of school.

NEW SECTION

WAC 246-105-070 Duties of health care providers.

Persons or organizations administering immunizations, either public or private, shall:

(1) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(2) Provide immunizations and records in accordance with chapter 246-100 WAC.

NEW SECTION

WAC 246-105-080 Criteria for excluding children from schools or child care centers.

For any child excluded under subsection (1), (2), or (3) of this section, schools must use procedures consistent with chapters 180-38 and 392-380 WAC. A school or child care center shall exclude a child if one or more of the following applies:

(1) Parent(s) fail to provide a completed CIS form on or before the child's first day of attendance.

(2) A child attending under conditional status fails to make satisfactory progress toward full immunization.

(3) A child has been admitted under a temporary medical exemption and the particular vaccine for which the exemption was granted is no longer contraindicated and the child fails to make satisfactory progress toward full immunization.

(4) A local health officer excludes a child from school or a child care center under chapter 246-110 WAC during an outbreak of a vaccine-preventable disease if the child has not been fully immunized against that disease due to:

- (a) Conditional status;
- (b) Medical exemption;
- (c) Religious exemption;
- (d) Philosophical exemption; or
- (e) Personal exemption.

NEW SECTION

WAC 246-105-090 Implementation. (1) The department shall develop and distribute implementation guidelines for schools and child care centers that:

(a) Interpret immunization requirements by grade level consistent with the ages specified in the national immunization guidelines and this chapter; and

(b) Reflect national immunization guidelines for children who did not receive required immunizations prior to entry into kindergarten or first grade, and for whom a full series of immunizations is not recommended.

(2) The department may develop school implementation guidelines that waive or modify immunization requirements when a phasing-in period is warranted for a new immunization mandate, when there is limited availability of a required immunizing agent, or when new information about the safety or efficacy of an immunizing agent prompts a reevaluation of an existing vaccination requirement. Any waiver or modification must:

(a) Reflect the best available medical research as indicated by the ACIP or the state health officer recommendation;

- (b) Identify a specific vaccine-preventable disease or immunizing agent;
- (c) Identify a specific cohort of children by age or grade level;
- (d) Be limited in duration; and
- (e) Be approved by the board.

WSR 09-02-008
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed December 29, 2008, 10:33 a.m., effective January 29, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Simplify and clarify the regulations; strengthen the requirements for authorization of degree-granting institutions; and update regulations to include changes to chapter 28B.85 RCW.

Citation of Existing Rules Affected by this Order: Repealing WAC 250-61-220; and amending WAC 250-61-010 through 250-61-210.

Statutory Authority for Adoption: RCW 28B.76.120 and 28B.85.020.

Adopted under notice filed as WSR 08-18-060 on September 17 [2], 2008.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 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 2, Amended 20, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 21, 2008.

Michael J. Ball
Associate Director

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-010 ((Scope and)) Purpose. The Degree ((Authorization))-Granting Institutions Act, chapter 28B.85 RCW ((establishes a requirement)) requires that degree-granting institutions operating in Washington obtain authorization from the higher education coordinating board, unless specifically exempted from the authorization requirement by the act. This chapter is ((promulgated)) declared by the board as a supplement to the act in order to establish necessary regulations for the authorization of degree-granting institutions. ((The standards set forth in this chapter also supplement the

~~federal regulations governing institutions seeking approval from the appropriate Washington state approving agency (Washington higher education coordinating board or Washington work force training and education coordinating board) to offer degrees to persons eligible to receive benefits from the United States Department of Veterans Affairs.))~~

The purpose of the act is to ((insure)) ensure fair business practices and adequate quality among degree-granting institutions operating in the state of Washington and to protect citizens against substandard, fraudulent, and deceptive practices.

~~((The act applies to degree programs and academic credit courses offered within the state. The act does not apply to degree programs and academic credit courses offered exclusively from outside the state through individual and private interstate communication.~~

~~A degree-granting institution shall not operate, conduct business, grant or offer to grant any courses or degree programs unless the institution has obtained authorization from the board or has been determined by the board to be exempt.~~

~~Institutions accredited by any association recognized by the federal government seeking approval to offer degrees to persons eligible to receive benefits from the United States Department of Veterans Affairs shall first be authorized by the board or exempted under WAC 250-61-060 and shall meet the requirements of the appropriate Washington state approving agency.~~

~~Nonaccredited institutions seeking approval to offer degrees to persons eligible to receive benefits from the United States Department of Veterans Affairs shall first be authorized by the board and shall meet the requirements of the appropriate Washington state approving agency.~~

~~Institutions seeking approval for their professional education programs from the state board of education first must be accredited by an accrediting association recognized by the federal government and authorized or exempted by the board.))~~

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-020 ((Previous regulations repealed.))
Applicability. ((Regulations previously adopted by this agency pursuant to chapter 28B.05 are repealed and superseded by this chapter. Degree-granting institutions authorized under the previous regulations will be governed by the previous rules and are not required to apply for authorization until the expiration date of such authorization. Degree-granting private vocational schools exempted under the previous regulations shall be required to apply for authorization within six months of the effective date of these regulations. Such degree-granting private vocational schools shall also be required to make their proportional initial capitalization contribution into the board's tuition recovery trust fund account at the time of application. Religious institutions exempted under the previous regulations shall be required to apply for religious exemption under these regulations within six months of the effective date of these regulations.)) A degree-granting institution shall not operate, conduct business, grant or offer to grant any academic courses or degree programs

unless the institution has obtained authorization from the board, been granted a waiver of the requirements of authorization, or has been determined by the board to be exempt.

The act applies to:

(1) Institutions granting or offering to grant degree programs and/or academic credit courses either at or from a location within the state; and

(2) Institutions maintaining or advertising a Washington location, mailing address, or telecommunications number for any purpose or any function of a degree-granting institution other than contact with the institution's former students; and

(3) Institutions specifically targeting Washington citizens with promotion of their degree programs and/or academic credit courses.

The act does not apply to degree programs and academic credit courses offered exclusively from outside the state through individual and private interstate communication.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-030 Delegation and board supervision.

~~((See RCW 28B.80.430.))~~

~~(4))~~ Unless otherwise indicated, the board delegates authority for administering the act and these rules to the executive director.

~~((2-Any))~~ Actions taken pursuant to these rules by the executive director or designee shall be subject to supervision by the board.

~~((3-AH))~~ Such actions ~~((taken by the executive director pursuant to these rules))~~ shall be reported periodically to the board for its review.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-040 Duties of executive director.

In addition to other administrative responsibilities vested in the executive director of the higher education coordinating board under the act and this chapter, the executive director shall carry out the following administrative responsibilities:

(1) Process authorization applications, fee payments, bonds or security deposits, to include the denial and issuance of authorization, signed by the executive director or designee.

(2) Cause the payment of any unsatisfied final judgment against an authorized institution, from the resources available through the institution's surety bond or other security deposit.

(3) Upon written notice from an authorized institution, release the surety on the institution's bond or return the institution's security deposit, as prescribed in RCW 28B.85.070.

(4) In the event of impaired liability of the ~~((surety upon a bond))~~ security, notify the institution of suspension until the ~~((bond))~~ security liability in the required amount, unimpaired by unsatisfied judgment claims, shall have been furnished.

(5) To the extent that there is a payment ~~((by a surety))~~, release the ~~((bond))~~ security to the extent of the payment.

~~((Maintain and administer a separate account for authorized degree-granting private vocational schools in the tuition recovery trust fund established under RCW 43.84.092.~~

~~(7))~~ Establish and maintain all records called for under the provisions of the act and this chapter.

~~((8))~~ (7) Maintain a current inventory of degree-granting institutions authorized or exempted under this chapter, including student complaints against such institutions.

~~((9))~~ ~~The executive director may waive or modify the authorization requirements contained in this chapter for a particular institution if the executive director finds that such waiver or modification will not frustrate the purposes of this chapter and that literal application of this chapter creates a manifestly unreasonable hardship on the institution.)~~

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-050 Definitions. The definitions set forth in this section are intended to supplement the definitions in chapter 28B.85 RCW and shall apply throughout this chapter.

(1) "Act" means the Degree ~~((Authorization))-Granting Institutions Act~~, chapter 28B.85 RCW.

(2) "Board" means the Washington higher education coordinating board.

(3) "Executive director" means the executive director of the board or the executive director's designee.

(4) "Accrediting association" means a national or regional accrediting association that is recognized by the ~~((federal government))~~ board and the Secretary of the U.S. Department of Education.

(5) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of a degree.

(6) "College" means an institution which offers two-year and/or four-year programs culminating with associate and/or baccalaureate degrees. In some instances, a college may also offer first professional degree programs and/or graduate programs culminating with master's degrees.

(7) "University" means a multiunit institution with varied educational roles including instruction, promotion of scholarship, preservation and discovery of knowledge, research and public service. Such institutions provide a wide range of undergraduate and graduate studies, programs in professional fields, and may also provide programs leading to ~~((the))~~ a doctorate.

(8) "Private vocational school" means a nonpublic entity that offers postsecondary programs designed to prepare individuals with the skills and training required for employment in a specific trade, occupation, or profession related to the educational program.

(9) "Seminary" means an institution which offers one or more professional programs to candidates for the ministry, rabbinite, or priesthood.

(10) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or ~~((purport to signify))~~ imply satisfactory completion of the requirements of an academic program of study ~~((beyond))~~ at the ~~((secondary school))~~ postsecondary level.

(11) "Associate degree" means a lower division undergraduate degree that requires no fewer than 60 semester hours or 90 quarter hours.

(12) "Bachelor's degree" or "baccalaureate degree" means an undergraduate degree that requires no fewer than 120 semester hours or 180 quarter hours.

(13) "Master's degree" means a graduate degree that requires no fewer than 24 semester hours or 36 quarter hours beyond the baccalaureate degree.

(14) "Doctor's degree" or "doctorate" means a postgraduate degree that requires no fewer than 60 semester hours or 90 quarter hours beyond the baccalaureate degree.

(15) "False academic credential" means a document that signifies or implies satisfactory completion of the requirements of an academic program of study beyond the secondary level issued by a person or entity that:

(a) Is not accredited by a board-recognized accrediting association or does not have the international equivalent to such accreditation; or

(b) Is not authorized by the board; or

(c) Has not been exempted or granted a waiver from the requirements of authorization by the board.

Additionally, it can mean a credential falsely claimed to have been earned from an institution accredited by a board-recognized accrediting association; authorized by the board; or that has been exempted or granted a waiver by the board.

(16) "Program of study" means any course or grouping of courses prerequisite to or indicative of a degree.

((16)) (17) "Resident-based instruction" means a course or series of courses or degree programs which are taught by faculty at a specific location where students physically attend the course or program.

((17)) (18) "(Telecommunication instruction) Distance learning" means a ((course or series of courses or degree programs which have as their primary mode of delivery)) form of educational instruction other than classroom instruction, to include, but not limited to, correspondence, video-conferencing, television, ((video, computer, film)) internet transmission, or other electronic communication(s).

((18)) (19) "Credit ((hour))" means the unit by which an institution measures its course work. The number of credit ((hours)) assigned to a course is generally defined by the number of hours per week in class and preparation and the number of weeks in a term. One credit ((hour)) is usually assigned for three hours of student work per week or its equivalent. The three hours of student work per week is usually comprised of a combination of one hour of lecture and two of homework or three hours of laboratory. Semester and quarter credits ((hours)) are the most common systems of measuring course work. A semester credit ((hour)) is generally based on at least a fifteen week calendar or ((its equivalent)) 45 hours of student work. A quarter credit ((hour)) is generally based on at least a ten week calendar or ((its equivalent)) 30 hours of student work.

((19)) (20) "((Full-time)) Faculty" means personnel who are appointed ((as such and have an employment agreement related to)) by the institution for purposes of teaching, research, mentoring, advisory roles and/or other ((aspects)) activities relating to the development and delivery of the instructional programs of the institution. ((These personnel participate in faculty meetings, staff development activities, and in the design of the curriculum.

~~(20) "Permanent part-time faculty" means personnel who are appointed as such and have an employment agreement for teaching less than full time. These personnel participate in faculty meetings, staff development activities, and in the design of the curriculum.~~

~~(21) "Part-time faculty" means personnel usually assigned to teach one or more specific classes and perform class-related activities.~~

~~((22)) (21) "To operate" means but is not limited to the following:~~

~~(a) Offering courses ((in person, by correspondence, or electronic media,)) for academic credit at any Washington location ((for degree credit, including electronic courses transmitted into the state of)) or via distance learning from a Washington location.~~

~~(b) Granting or offering to grant degrees in Washington for credit obtained within or outside the state.~~

~~(c) Maintaining or advertising a Washington location, mailing address, telecommunications number or ((telephone number)) internet server for any purpose or any other function of a degree-granting institution, other than contact with the institution's former students for any legitimate purpose related to their having attended.~~

~~((23) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" shall also mean to solicit or encourage any person, directly or indirectly, to perform the act described.~~

~~((24)) (d) Advertising, promoting, publicizing, soliciting or recruiting for the institution or its offerings that is targeted specifically at Washington citizens, excluding multi-institutional college fairs.~~

(22) "Suspend" means that ((because of)), due to deficiencies, the board interrupts for a stated time the institution's authority to recruit and enroll new students, but it may continue serving currently enrolled students for the remainder of the term. Authorization or exemption may be reinstated, provided the deficiencies have been resolved to the satisfaction of the board.

(23) "Withdraw" means that, due to significant deficiencies or failure to meet the criteria of authorization or exemption, the board has withdrawn the authorization or exemption granted to an institution. Upon withdrawal, the institution must cease all degree-granting operations immediately.

~~((25)) (24) "((Recognized)) Accrediting ((association)) institution" means an institution that has been accredited by an accrediting association recognized by the ((higher education coordinating)) board ((for purposes of this chapter and recognized by the federal government for purposes of financial aid program eligibility)) and the Secretary of the U.S. Department of Education.~~

AMENDATORY SECTION (Amending WSR 99-06-022, filed 2/22/99, effective 3/25/99)

WAC 250-61-060 Exemption((s)) criteria. No exemption from the requirements for degree authorization is considered to be permanent. The exemption granted is dependent upon the institution's maintenance of the conditions under which the exemption was granted.

The provisions of this chapter do not apply to:

(1) Honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) Any public college, public university, public community college, or public technical college or institute operating as part of the public higher education system of this state.

(3) Institutions that have received institutional accreditation from an ~~((agency))~~ association recognized by the board and the Secretary of the U.S. Department of Education, Provided:

(a) The institution has been continuously offering degree program(s) in Washington for fifteen years or more; and

(b) The institution was established originally within the state of Washington and has operated as the same organization continuously from that date until the present. An institution is considered to have operated as the same organization continuously if it has no significant alteration of primary location, ownership, or incorporation and no closure involving cessation of substantially all organized instructional and administrative activity; and

(c) The institution has been accredited as a degree-granting institution for ten years or more by an accrediting association recognized by the ~~((federal government))~~ board and the Secretary of the U.S. Department of Education, and maintains such accreditation status; and

(d) The institution maintains eligibility to participate in Title IV financial aid programs~~((s))~~.

~~((e))~~ (4) A branch campus, extension center, or off-campus facility operating within the state of Washington, which is affiliated with an institution domiciled outside this state, Provided:

(a) It has continuously offered degree programs in Washington for fifteen years or more; and

(b) It has held separate institutional accreditation as a free-standing institution for ten years or more by ~~((a recognized))~~ an accrediting association recognized by the board and the Secretary of the U.S. Department of Education, and maintains such accreditation status; and

(c) It maintains eligibility to participate in Title IV financial aid programs.

~~((4))~~ (5) Institutions offering instruction on a federal enclave solely to federal employees and their dependents. If the institution offers or advertises instruction for other persons, the institution shall be subject to authorization.

~~((5))~~ (6) Tribally controlled Native American colleges.

~~((6))~~ (7) Institutions which offer program(s) of study whose sole stated objective is training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related ~~((and))~~, Provided:

(a) The institution's mission reflects its religious nature; and

(b) The institution's degree program(s) in title and abbreviation, curriculum content, and objectives reflect the strictly religious nature of the institution; and

(c) The institution's program(s) of study require a prescribed program of study, which must be successfully completed prior to the granting of a degree; and

(d) The institution's program(s) of study are represented in an accurate manner in institutional catalogs, web sites, and other official ~~((publications: Provided, That an institution's degree programs in title (e.g., bachelor of religious studies, master of divinity, doctorate of ministry), curriculum content, and objectives reflect the strictly religious nature of the institution. The following procedures shall be employed in the implementation of this subsection:~~

~~((a))~~ The chief academic officer shall contact board staff and arrange for a preliminary conference to discuss the religious exemption standards and the application/review procedures.

~~((b))~~ The chief academic officer shall forward to the board office a copy of the institution's catalog and/or any other official publications that describe the nature of the institution and its programs. This information shall be used by the executive director to verify the religious exempt status of the institution.

~~((c))~~ A religious institution which is granted an exemption under this regulation shall place the following statement in a prominent position on the front page of any catalog, general bulletins, and course schedules: "The Washington Higher Education Coordinating Board has determined that (name of institution) qualifies for religious exempt status from the Degree Authorization Act for the following programs: (List). Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the board at P.O. Box 43430, Olympia, WA 98504 3430."

~~((d))~~ A religious institution which is granted a religious exemption is subject to biennial reporting, and maintenance of the conditions under which exemption is granted. Such institutions are prohibited from publicizing that they are accredited, unless they are accredited by an accrediting association recognized by the federal government.

~~((e))~~ In the case of a religious institution that offers both religious and secular programs of instruction, the requirements of chapter 28B.85 RCW and this chapter shall pertain only to the secular programs of the institution.

~~((f))~~ The executive director shall suspend or revoke an institution's religious exemption if it is found that:

(i) Any statement contained in the application for exemption is untrue.

(ii) The institution has failed to maintain the conditions under which the exemption was granted.

(iii) Advertising or representations made on behalf of and sanctioned by the institution are deceptive or misleading.

(iv) The institution has violated any provision of the religious exemption regulations.

(g) Suspension or revocation shall be made only after the institution has been informed in writing of its deficiencies and has been given a reasonable time to regain compliance.

~~((7))~~ published materials; and

~~((e))~~ The institution does not claim or publicize accreditation from an accrediting association that is not recognized by the board and the Secretary of the U.S. Department of Education.

(8) In the case of institutions which offer both religious and secular programs, the secular programs shall be subject to the requirements of chapter 28B.85 RCW.

(9) Institutions not otherwise exempt which offer only workshops and seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days (~~and for which academic credit is not awarded~~).

NEW SECTION

WAC 250-61-063 Exemption requirements. In order to apply for and maintain an exemption from the requirements for degree authorization, an institution must comply with the following:

(1) The chief academic officer of the institution shall contact board staff and arrange for a preliminary conference to discuss the exemption criteria and procedures pertaining to the request for exemption.

(2) Any institution granted exemption from the requirements for degree authorization may be subject to periodic review by the board to ensure that all criteria for the exemption continue to be met. The institution is to provide all information requested by the board to assist in making this determination.

(3) The institution shall inform the board immediately of any proposed changes within the institution and/or its offerings that may affect the exemption granted.

(4) The executive director may suspend or withdraw the exemption granted to an institution that fails to maintain the conditions under which the exemption was granted; engages in false advertising; or allows misleading representations to be made on its behalf. Suspension shall allow the institution a prescribed period of time to address the issues that may have brought the suspension. Withdrawal shall require the institution to cease all degree-granting activities immediately.

(5) In the case of religious exemption, a religious institution shall be required to place the following statement in a prominent position within any catalog, general bulletins, web sites, and course schedules: "The Washington Higher Education Coordinating Board has determined that (name of institution) qualifies for religious exempt status from the Degree-Granting Institutions Act for the following programs: (List). The HECB makes no evaluation of the administration, faculty, business practices, financial condition or quality of the offerings by this institution. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the HECB at P.O. Box 43430, Olympia, WA 98504-3430."

NEW SECTION

WAC 250-61-065 Waiver of requirements. The executive director or the director's designee may waive or modify the authorization requirements contained in this chapter for a particular institution if the executive director or the director's designee finds that such waiver or modification will not frustrate the purposes of this chapter and that literal application of this chapter creates a manifestly unreasonable hardship on the institution. No waiver granted under this chapter is permanent. The board will periodically review institutions granted waivers and continue the waiver only if the condi-

tions under which the waiver was initially granted remain in effect.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-070 (~~Interagency agreement for degree-granting~~) Applicability to private vocational schools. Degree-granting private vocational schools' programs shall be regulated pursuant to the terms of an interagency agreement between the higher education coordinating board and the work force training and education coordinating board. As stipulated in the interagency agreement, degree programs shall be regulated by the higher education coordinating board and nondegree programs shall be regulated by the work force training and education coordinating board. Copies of the agreement are available from either agency upon request.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-080 Authorization standards. These standards form the basis for the review of an institution by the board staff and guide the decisions of the executive director and the board. To receive authorization, the institution shall meet (~~each of the following~~) all of the specific requirements (~~(for administration, academic programs, and instructional resource and support services in addition to the specific requirements)~~) of this chapter.

NEW SECTION

WAC 250-61-085 Accreditation requirements. An institution seeking initial degree authorization shall:

(1) Be accredited by a board-recognized accrediting association; or

(2) Have applied for accreditation and such application is pending before the accrediting association; or

(3) Have been granted a temporary waiver by the board of the requirement for accreditation based upon submission of a plan for accreditation as outlined in the initial authorization application; or

(4) Have been granted an exemption by the board of the requirement for accreditation based upon the following condition: The school has filed, and kept current with appropriate amendments, at the higher education coordinating board an affidavit by each president of two separate accredited colleges or universities accredited by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education stating that the majority of course credits offered by the unaccredited institution are generally acceptable or transferable to the accredited college or university which each president represents.

AMENDATORY SECTION (Amending WSR 99-06-021, filed 2/22/99, effective 3/25/99)

WAC 250-61-090 Administrative requirements. (1) Name. The official name of the institution shall be consistent with and appropriate to the program(s) of study offered.

(2) Purpose. The institution shall clearly define its purpose or mission in an official statement which describes its role in higher education. The statement shall reflect the practices of the institution.

(3) Administration and governance. The institution shall be governed by bylaws or policies defining a chain of authority and responsibility.

(a) Administrators shall normally be graduates of ~~((recognized))~~ accredited institutions and ~~((possess))~~ have academic credentials and prior higher education administrative experience for their area of responsibility.

(b) The main campus of the institution shall have, as a minimum, personnel to adequately staff the following roles: A chief executive officer, ~~((an))~~ academic officer, ~~((a))~~ registrar, ~~((a))~~ business officer, ~~((a))~~ student services officer, ~~((a))~~ library director, and, if financial aid services are offered, ~~((a))~~ financial aid officer. These officers shall be accessible to students, faculty, and other personnel located at the main campus and at educational sites or centers in Washington. In the event that the proposed Washington site is a branch campus of an out-of-state institution, the branch campus shall also have sufficient personnel to adequately serve the students at that location.

(i) The chief executive and academic officers shall ~~((possess))~~ have at least the master's degree and experience in college-level management, teaching, and academic administration, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(ii) The registrar ~~((s))~~ shall have at least a baccalaureate degree from an accredited institution and college-level experience in admissions and student records, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(iii) The business, ~~((and))~~ student services, and financial aid officers and library director shall ~~((possess))~~ have at least the baccalaureate degree from an accredited institution and ~~((college-level))~~ experience in ~~((admissions/student records, accounting/managerial services, and student services respectively))~~ their assigned areas, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

~~((iii)) The financial aid officer and library director shall possess at least the baccalaureate degree and experience in their assigned areas, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.~~

(c) The institution shall specify an individual who will serve as the principal contact person for each educational site or academic center in Washington. ~~((This institutional representative shall be responsible for instructional program coordination and student services.))~~

(d) The institution shall have policies and provisions for the involvement of faculty in the academic affairs, curriculum development, and governance of the institution.

(e) The institution also shall have policies and provisions for faculty selection, orientation, teaching load, supervision, evaluation, and professional development.

(4) The following conditions shall disqualify individuals as an administrator of a degree-granting institution:

(a) Conviction of a felony within the past ten years;

(b) Involuntary surrender of authorization or a license to operate a school in Washington;

(c) Having been served with a cease and desist order for activities in violation of the current *Washington Administrative Code*; or

(d) Denial of renewal of authorization or a license because of violation of the current *Washington Administrative Code*.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-100 Academic ~~((program))~~ requirements. (1) Educational programs. Each program shall require the completion of a prescribed program of study leading to the attainment of competence in an interdisciplinary area or specific field of study. Programs shall generally meet the guidelines or standards of ~~((the))~~ an accrediting association ~~((s)) to which the institution would apply for institutional or program accreditation~~ recognized by the board and the Secretary of the U.S. Department of Education that accredits similar programs of study.

(a) Associate degrees:

(i) An associate degree shall require at least ninety quarter credits or sixty semester credits.

~~((A))~~ An associate degree intended for occupational preparation shall require, as a minimum, general education requirements ~~((consistent with the standards established by the Washington state board for community and technical colleges)) that comprise a recognizable body of instruction in three program-related areas:~~

(I) Communications;

(II) Computation; and

(III) Human relations.

~~((B))~~ The general education requirements of all other associate degrees shall be consistent with the current guidelines of the Washington inter-college relations commission.

~~((b))~~ (ii) The following associate degree designations shall be acceptable:

~~((i))~~ ~~((A))~~ The associate ~~((in))~~ of arts (A.A.), and associate ~~((in))~~ of sciences (A.S.) ~~((and associate in arts and sciences (A.A.S.)))~~ for programs which emphasize the liberal arts and sciences. These programs generally satisfy the general education requirements for a baccalaureate degree and are transfer oriented.

~~((ii))~~ ~~((B))~~ The associate in applied technology (A.A.T.), associate in ~~((technical arts (A.T.A.)), associate in technology (A.T.))~~ applied science (A.A.S.), associate of occupational science (A.O.S.) and other such applied or technology-related degree designations for programs which emphasize preparation for occupations at the technical level. These programs generally do not satisfy the general education requirements for a baccalaureate degree and are not transfer-oriented.

~~((e))~~ ~~((The))~~ (b) Baccalaureate degrees: A baccalaureate degree shall require at least one hundred eighty quarter credits ~~((s))~~ or one hundred twenty semester credits ~~((or four full~~

academic years of postsecondary study)). The degree shall require ~~((approximately two academic years of study in))~~ a distinct major ~~((and related subjects))~~ and, as a minimum, twenty-five percent of the program shall be in general education curricula.

~~((d))~~ (c) Master's degrees:

~~((i))~~ (i) A master's degree program(s) shall require at least thirty-six quarter credits ~~((or twenty-four semester credits, ((or one full academic year of postgraduate study,))~~ specialization in an academic or professional area, and a demonstration of mastery.

~~((e))~~ (ii) The following master's degree designations shall be acceptable:

~~((i))~~ (A) The master of arts (M.A.) and master of science (M.S.) for programs which advance study and exploration in the discipline. The majority of credit for M.A. and M.S. degrees shall be at the graduate level in the major field.

~~((ii))~~ (B) The master of business administration (M.B.A.), master of fine arts (M.F.A.), master of education (M.Ed.), etc., for programs which emphasize professional preparation. ~~((For students with disparate academic backgrounds, it may be appropriate to require a limited number of introductory courses in the field.~~

~~((f))~~ (d) Doctoral degrees:

~~((i))~~ (i) Doctoral degree programs shall provide a broad range of advanced course offerings, faculty in ancillary and supporting fields, access to adequate laboratory and research facilities, and a wide range of current reference materials in the subject field. A doctoral degree shall require at least three full academic years of specialized postbaccalaureate study. To obtain a doctoral degree a student shall be required to demonstrate, through comprehensive examination, the ability to perform research at the level of the professional scholar or perform the work of a professional that involves the highest levels of knowledge and expertise.

~~((g))~~ (ii) The following doctoral degree designations shall be acceptable:

~~((i))~~ (A) The doctor of philosophy (Ph.D.) degree for programs which are oriented toward original research and require a dissertation.

~~((ii))~~ (B) A professional doctoral degree (Ed.D., etc.) for programs which emphasize technical knowledge and professional competence and require either a research thesis or a project involving the solution of a substantial problem of professional interest.

~~((h))~~ ~~Home study, correspondence, and electronic media~~) (e) Distance learning program(s) of study must be comparable in content, faculty, and resources to those offered in ~~((residency))~~ residence, and include regular student-faculty interaction by computer, telephone, mail, or face-to-face meetings.

~~((i))~~ (f) Noncollegiate learning.

~~((i))~~ (i) Undergraduate credit for noncollegiate learning may be awarded when validated through a portfolio or similar procedure. The institution shall maintain copies of examinations, portfolios, and evaluations used in this process. Noncollegiate learning credit shall constitute no more than twenty-five percent of an undergraduate degree program.

~~((j))~~ ~~No credit shall be awarded for noncollegiate learning at the graduate level.~~) (ii) Credit awarded for noncolle-

giate learning at the graduate level must be consistent with the minimum standards as published by the school's accrediting association.

~~((5))~~ (2) Faculty.

~~((a))~~ (a) Faculty shall be professionally prepared ~~((, with background, degree levels, college-level teaching experience demonstrably higher than the instructional activities for which they are responsible. Faculty shall be))~~ and graduates of accredited institutions and, as a group, the institutions from which they earned their degrees shall be diverse. ~~((The composition and qualifications of faculty shall generally meet the standards of the accrediting association(s) to which the institution would apply for institutional or program accreditation.~~

~~((a))~~ (b) Faculty shall be sufficient in number and kind and in the proportion of full-time and part-time positions to sustain rigorous courses, programs, and services.

~~((c))~~ (c) Faculty teaching academic courses at the undergraduate degree level shall ((possess)) have a master's degree in the assigned or related program area from an accredited institution. Faculty assigned to teach in vocational-technical ~~((program areas))~~ subjects shall ~~((possess))~~ have educational credentials and experience compatible with their teaching assignment. Faculty assigned to teach general education courses within any undergraduate program shall have a master's degree in a related area from an accredited institution.

~~((b))~~ (d) Faculty teaching at the master's degree level in programs which emphasize advanced study and exploration in a discipline shall ~~((possess))~~ have an earned doctorate in a related field from an accredited institution and experience in directing independent study and research. Faculty teaching in master's programs which emphasize professional preparation shall ~~((possess))~~ have, as a minimum, a master's degree from an accredited institution and documented achievement in a related field.

~~((e))~~ (e) Faculty teaching at the doctoral level shall ~~((possess))~~ have an earned doctorate in a related field from an accredited institution and experience in teaching and directing independent study and research.

~~((d))~~ ~~Faculty shall be sufficient in number and kind and in the proportion of full time and part time positions to sustain rigorous courses, programs, and services. As a minimum, 20 percent of the curriculum, defined in terms of the number of courses or credit hours necessary for program completion, shall be taught by full-time faculty.~~

~~((6))~~ (3) Admissions. Admission requirements shall be based on the institution's objectives and consistently applied to each program of study. Through preenrollment assessments, testing and advising ~~((based on the characteristics of the institution))~~, the institution shall determine the readiness and ability of each student to succeed in his/her degree program. Institutions shall use only those tests reviewed and approved by the ~~((United States))~~ U.S. Department of Education.

High school graduation or the equivalent shall be required for undergraduate admission. A baccalaureate degree or the equivalent shall be required for admission into graduate programs. Special undergraduate admission may be granted, based on the applicant's general educational development.

~~((7))~~ (4) Enrollment contract. If an enrollment contract is utilized, the institution shall discuss all terms and provisions of the ((enrollment)) contract with the student prior to the student's execution of the ((enrollment)) contract. The ((enrollment)) contract shall contain an acknowledgement section directly above the student's signature blank for the student to acknowledge that the institution discussed all terms and provisions of the contract with the student and that the student understands all financial obligations and responsibilities.

~~((8))~~ (5) Evaluation. The institution shall provide ~~((provisions for continual))~~ evidence that it has procedures for continuing evaluation and improvement of educational programs, ((improvement)) quality of instruction, and overall operations of the institution.

(a) Student, alumni, and employer evaluations of the effectiveness of the curricula shall be considered in these evaluations.

(b) ~~((All areas of the institution and its employees and authorized programs shall be evaluated periodically by))~~ The institution's chief academic officer or designee shall periodically evaluate all areas of the institution to determine their effectiveness in fulfilling institutional objectives and meeting the standards set forth in these regulations or implied in the statute. ((At a minimum, every four years)) The results of those evaluations shall be submitted to board staff upon request.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-110 Student services and instructional resources ((and support services)) requirements. (1) Student services. The institution shall provide adequate services for students in addition to formal instruction. These services shall normally ~~((shall))~~ include admissions, advising and guidance, financial assistance, student records, and ~~((job placement))~~ disability accommodation.

(a) Advising and guidance services shall be readily available to students to assist them in program planning, course selection, and other academic activities.

(b) Financial aid administration and distribution, if provided, shall be performed according to institutional, state, and federal policies.

(c) Student records shall be maintained in accordance with the guidelines established by the ~~((United States))~~ U.S. Department of Education.

~~((b))~~ (d) Students with disabilities shall have access to, and reasonable accommodations in, all programs for which they are qualified consistent with the provisions of the Americans with Disabilities Act.

~~((e))~~ (e) Placement services and employment opportunities, if provided, shall be accurately described.

~~((d))~~ Financial aid administration and distribution shall be performed according to institutional, state, and federal policies.

~~((e))~~ Advising and guidance services shall be readily available to students to assist them in program planning, course selection, and other academic activities.

(2) Facilities ~~((and academic support resources))~~ for site-based instruction.

(a) The institution shall have adequate space, facilities and equipment, instructional materials, and staff to support quality education and services.

~~((a))~~ (b) The institution shall comply with all applicable ordinances, laws, codes, and regulations concerning the safety, health, and access of all persons on its premises.

~~((b))~~ (3) Disability accommodations. The institution shall provide reasonable accommodations for students and employees with disabilities. The institution shall inform students and employees of local, state, and federal laws regarding discrimination against people with disabilities.

~~((3))~~ (4) Library. The institution shall provide adequate and accessible library resources and facilities to support the educational needs of students and faculty. ~~((a))~~ If the institution, educational site, or academic center does not maintain its own library on site, it must demonstrate that it can provide sufficient library resources to meet the needs of the program(s) through a written agreement with another institution or organization, or through other mechanisms.

~~((b))~~ The institution shall provide a biennial library operating budget which appropriates sufficient financial support to sustain library holdings, facilities, and services for the needs of the program(s) of study.

~~((4))~~ Finances- (5) Financial resources.

(a) The institution shall ~~((possess and maintain))~~ have adequate financial resources necessary to sustain its purpose and commitment to students.

(b) In the case of an institution seeking initial authorization, it shall have sufficient financial resources to sustain itself for one full academic year without the assistance of revenue from tuition and fees.

(6) Financial records.

(a) The institution shall maintain financial records in conformity to generally accepted accounting principles.

(b) The institution shall be audited annually by an independent certified public accountant according to generally accepted auditing standards.

~~((5))~~ (c) Such records shall be made available to the board upon request.

(7) Recruitment and publications. All publications relating to the institution, including advertisements, catalogs, and other communications shall be accurate and not misleading. Any catalog and/or web site that is made available to students describing the educational services offered shall include the statement of authorization as provided by the board upon the granting of authorization.

~~((a))~~ The institution shall provide disclosure statements in its catalog regarding its authorization and accreditation status.

~~((b))~~ Authorized institutions shall not advertise or publicize that they are approved, recommended, accredited, or otherwise endorsed by the board. Such institutions may only state that they are authorized by the board.

~~((6))~~ Educational (8) Transcripts and academic credentials. The institution shall provide accurate and appropriate transcripts of credit for enrolled students and diplomas for graduates.

(a) For each student, the institution shall maintain and make available a transcript that specifies the name of the institution, the name of the student, all courses completed, and an explanation of the institution's evaluation system. Each course entry shall include a title, the number of credits awarded, and a grade or written evaluation. The transcript shall distinguish credits awarded by transfer, for prior learning experience, ~~((correspondence,))~~ and credit by examination.

(b) The institution shall not be required to make copies of transcripts available unless all tuition and fees and other expenses owed by the student to the institution have been paid.

(c) In addition to transcripts, the institution shall maintain records to document the performance and progress of each student, including, but not limited to: Financial transactions, admissions records, and records of interruption for unsatisfactory progress or conduct. ~~Transcripts~~~~(, records, and accounts)~~ shall be kept permanently after a student has discontinued enrollment. All other records and accounts shall be kept for a minimum of six years after a student has discontinued enrollment.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-120 Catalog requirements. ~~(((1) An institution shall publish a catalog supplemented as necessary by other published materials (a draft copy may be provided for initial application) which shall include at least the following information:~~

~~(a) Official name, address, and telephone number of institution.~~

~~(b) Identifying data, such as volume number, date of publication, and year(s) for which the catalog is effective.~~

~~(c) A statement of purpose, objectives, and educational program of the institution.~~

~~(d) A listing of the names of all faculty, showing earned degrees and the institution conferring them; names of administrative officers, owner(s) and/or board.~~

~~(e) Specific programs of study, listing the degrees and majors offered, a brief description of each course offering, and the requirements for successful completion of each program.~~

~~(f) Admission, retention, and degree completion requirements.~~

~~(g) A detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, deposits, and all other student charges necessary for the completion of each program of study.~~

~~(h) Cancellation and refund policies.~~

~~(i) Policies and procedures relative to the granting of credit for experience, along with the maximum amount of credit which can be obtained in this manner.~~

~~(j) A statement of the institution's policy on acceptance of transfer credits and credit by examination.~~

~~(k) A statement explaining the transferability of the institution's credits to other institutions and the process by which a student may determine whether the institution's credits are transferable to another institution.~~

~~(l) Policies and procedures for the development of individualized courses and programs.~~

~~(m) A description of the types of financial aid assistance available to students enrolled in the institution.~~

~~(n) A description of student support services and auxiliary services available to students enrolled in the institution.~~

~~(o) A description of the institution's library facilities, and equipment.~~

~~(p) A table of contents.~~

~~(q) An institutional calendar showing legal holidays, beginning and ending dates of each term, and other important dates.~~

~~(r) Policies outlining students' academic responsibilities, standards of academic progress, grading, grievance and appeal process, and reentrance after dismissal for unsatisfactory progress.~~

~~(s) Regulations of conduct and disciplinary procedures.~~

~~(t) Name, title, and address/office location of personnel responsible for handling student complaints.~~

~~(u) An authorization statement on the cover or front page of the catalog which reads: The (name of institution) is authorized by the Washington higher education coordinating board and meets the requirements and minimum educational standards established for degree granting institutions under the Degree Authorization Act. This authorization is valid until (expiration date) and authorizes (name of institution) to offer the following degree programs: (List). Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the board office at P.O. Box 43430, Olympia, WA 98504-3430.~~

~~(2) An institutional catalog and other official publications shall not include accreditation statements unless the institution is accredited by an association recognized by the federal government.~~

~~(3) An institutional catalog shall be published at least once every two years and be provided to students at the time of their enrollment.) (1) An institution granted authorization shall publish a catalog supplemented as necessary by other published materials, providing sufficient information for students to obtain an adequate understanding of the institution, its programs, policies and procedures. Institutional catalogs shall be published at least once every two years and be provided to students at the time of their enrollment. Electronic catalogs must be archived and students must have access to the archived information.~~

(2) An institution granted authorization shall print a statement in a prominent position in the catalog and on its web site that reads: "The (name of institution) is authorized by the Washington Higher Education Coordinating Board (HECB) and meets the requirements and minimum educational standards established for degree-granting institutions under the Degree-Granting Institutions Act. This authorization is subject to periodic review and authorizes (name of institution) to offer the following degree programs: (List). Authorization by the HECB does not carry with it an endorsement by the board of the institution or its programs. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may

contact the HECB at P.O. Box 43430, Olympia, WA 98504-3430."

(3) The catalog shall include elements as required by the board in application materials such that a prospective student may become reasonably informed about the institution, its offerings, policies and procedures.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-130 Cancellation and refund requirements. (1) Each institution shall publish its cancellation and refund policies in clear language that can be easily understood by prospective students. No student shall be enrolled without having received the explanatory materials. These policies shall apply to all terminations for any reason, by either party.

(2) The refund policy ~~((for nonaccredited institutions))~~ shall comply with the federal guidelines established by the ~~((United States))~~ U.S. Department of Education~~((-~~

~~((3) The refund policy for accredited institutions shall comply with the federal guidelines established by the United States Department of Education))~~ and the standards established by ~~((the institution's accrediting association))~~ the accrediting association which accredits the institutions or from which the institution is seeking accreditation.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-140 ~~((Surety bond))~~ Security requirements. The institution is required to have on file with the board an original surety bond or other security acceptable to the board in lieu of the bond.

(1) For institutions seeking initial authorization, the surety bond or security amount for the initial period of authorization shall be twenty-five thousand dollars.

(2) For institutions seeking renewal authorization, the ~~((amount of the))~~ surety bond or ~~((other))~~ security amount shall be ten percent of the preceding fiscal year's total tuition and fee ~~((charges))~~ revenue received for educational services in Washington, but not less than twenty-five thousand dollars nor more than two hundred fifty thousand dollars. For private vocational schools that offer nondegree programs as well as degree programs, the amount required shall be based only on the degree program portion of its revenue from tuition and fees.

~~((2) In the case of new institutions, the bond or security amount for the first year shall be twenty-five thousand dollars.))~~

(3) Release of surety bonds and other securities shall be made in compliance with chapter 28B.85 RCW.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-160 Discontinuance or closure requirements. (1) In the event an institution chooses to discontinue a program and/or site currently available to Washington residents, but maintain other operations, it shall notify the board well in advance of any such proposed action and provide

information to the board pertaining to accommodations to be made for any currently enrolled students to ensure they are provided the opportunity to complete their studies.

(2) In the event an institution proposes to discontinue all its operation, the chief administrative officer of the institution shall:

(a) Notify the executive director immediately by certified mail~~((:))~~; and

(b) Furnish enrolled students with a written notice explaining the reasons for closure and what procedures they are to follow to secure refunds and their official records, and what arrangements have been made for providing continuing instruction at other institutions~~((:))~~; and

(c) The institution shall make all reasonable efforts to ensure that current students are provided with alternative opportunities to complete their studies; and

~~((2))~~ (d) Provide for the permanent maintenance of official records in a manner acceptable to the executive director.

~~((3))~~ In the event it appears to the executive director that the official records of an institution discontinuing its operation are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the students and the board, the executive director may seek a court order to take possession of the records and provide for their permanent maintenance.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-170 Application requirements. (1) Initial application ~~((requirements))~~:

(a) ~~((To apply for authorization an institution based outside of Washington shall be authorized to do business in the state in which it is primarily located, and shall furnish evidence that the institution is in good standing with its accrediting association and that the association has either approved or been notified of the proposed Washington operation(s). An institution based in Washington shall also furnish evidence that it is in good standing with its accrediting association.~~

~~((b))~~ Institutions seeking initial authorization shall contact the board staff ~~((and))~~ to arrange for a preliminary conference to discuss the authorization ~~((standards))~~ criteria, application procedures and ~~((application))~~ the review ~~((procedures))~~ process.

~~((c) At least one year prior to operation, an institution shall apply to the board for authorization by completing application forms provided by the executive director.~~

~~((d) Within six months of the effective date of these regulations, degree granting private vocational schools exempted under the previous regulations shall apply to the board for authorization by completing an application form and making their proportional initial capitalization contribution into the board's tuition recovery trust fund account at the time of application.~~

(e) As a minimum, the application shall include:

(i) Name and address of institution.

(ii) Purpose of institution.

(iii) Names and addresses of the owner(s) of the institution and shareholders holding more than a ten percent interest, and, if applicable, members of the institution's board.

(iv) Name and address of the chief administrative officer and representatives of the institution in Washington.

(v) Bylaws and regulations established for the governance and operation of the institution.

(vi) Bank or other financial institution that may be consulted as a financial reference.

(vii) Resumes for administrators and faculty and their respective duties, course assignments, and full-time/part-time employment status.

(viii) A description of the degrees and programs of study offered, including course syllabi as requested that specify course title and description, required text(s), sequence of instruction, instructional methodology, method of evaluation, and expected student learning outcomes.

(ix) A description of the facilities and equipment utilized.

(x) A signed written statement from the chief administrative officer attesting to the truth and accuracy of the information provided and pledging that the institution will comply with the requirements of the act and this chapter.

(xi) Projected enrollments.

(f) Each application shall be accompanied by the following:

(i) An initial application fee payable to the Washington state treasurer for two thousand dollars.

(ii) A surety bond or other form of security as specified in chapter 28B.85 RCW and this chapter.

(iii) A financial statement, prepared by an independent certified public accountant, conforming to generally accepted accounting principles, and a two-year budget for the proposed Washington operation.

(iv) A copy of enrollment agreements or student contracts utilized by the institution.

(v) A copy of the institution's articles of incorporation on record with the Washington state office of the secretary of state.

(vi) A copy of the institution's catalog.

(vii) Documentation verifying the institution's accreditation status and authorization status in primary location.

(viii) Documentation that fire, safety, and health codes are met by the institutional facility in Washington.

(g) If additional program(s) of study or new locations for existing programs are proposed during the current authorization period, the institution shall submit to the board a supplemental application at least ninety days before the program is to be offered. The program(s) of study and location(s) shall be authorized prior to operation, which includes advertising and recruitment.) (b) An institution shall submit a fully completed application packet using forms provided by board staff. The application packet will not be considered complete until all required elements have been received by the board.

(c) An initial application fee in the amount of two thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(2) ((Biennial)) Renewal application ((for authorization)).

(a) ((At least six months prior to the expiration date of the institution's current authorization, an institution based outside of Washington shall provide evidence that it continues to be authorized to do business in the state in which it is primarily located and it continues to be in good standing with its accrediting association and that association continues to approve the Washington operation(s). An institution based in Washington shall also furnish evidence that it continues to be in good standing with its accrediting association. Additionally, such institutions shall:

(i) Submit a renewal application fee payable to the Washington state treasurer for one thousand dollars.

(ii) Provide evidence of continued compliance with the surety bond or security requirement.

(iii) Submit financial statement, prepared by an independent certified public accountant, conforming to generally accepted accounting principles, and a two-year budget for the continuing Washington operation.

(iv) File a renewal application on a form developed by the executive director, together with a signed, written statement from the chief administrative officer, attesting to the truth and accuracy of the information provided in the renewal application and pledging continued compliance with all the requirements of the act and this chapter.) Authorized institutions must submit an application for renewal of authorization on a biennial basis when requested by board staff.

(b) No later than the due date provided by the board, an institution seeking renewal must submit a fully completed renewal application packet using the forms provided by board staff. Failure to provide all requested materials by the due date may result in temporary suspension of the institution's authorization.

(c) A renewal application fee in the amount of one thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(3) Additional program(s).

(a) If an institution proposes to offer additional program(s) of study during the current authorization period, the institution shall submit a new program application well in advance of the proposed offering.

(b) The program(s) of study may not be offered, advertised or promoted prior to the granting of authorization.

(4) Additional site(s).

(a) If an institution proposes to offer programs at a new site in Washington, the institution shall submit a new site application well in advance of the proposed start of operations at that site.

(b) The site may not be utilized, advertised or promoted prior to the granting of authorization.

((b)) (5) Change of ownership or control. A significant change of ownership or control of an institution shall nullify any previous authorization(, and). The chief administrator, representing the new owner(s), shall ((comply with all the application requirements applicable to the initial application for authorization outlined in this section)) notify the board as soon as the change is known. If the chief administrator ((furnishes)) asserts in a written statement ((asserting)) that all conditions set forth in the act and these rules are being met or will be met before offering instruction, the executive director

may issue a temporary certificate of authorization for a maximum of ~~((ninety))~~ one hundred eighty days. The new ownership shall complete an application for initial authorization and submit the application to the board no later than sixty days prior to the expiration of the temporary certificate of authorization.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-180 Application review procedures. (1) Staff analysis. Following receipt of a ~~((complete))~~ fully completed application, board staff shall review and analyze the ~~((application and documentation))~~ material submitted.

(2) ~~((Site visit and))~~ Additional documentation and site visit. ~~((In the case of an application where the))~~ If board staff determines it is necessary to verify or supplement the information provided in the application, the staff may require additional written documentation and/or arrange for a site visit. The expense for any site visits shall be paid by the institution applying for authorization.

(3) ~~((Outside))~~ External consultants. At the discretion of the executive director ~~((and the executive director's designee, at their discretion, may utilize)),~~ the expertise of other higher education experts may be used to assist in the evaluation of the documentation submitted. The cost for the services of the evaluation expert(s) shall be paid by the institution applying for authorization. ~~((The institution applying for authorization shall reimburse a maximum of three outside consultants five hundred dollars each for their external reviews))~~ fee for such services is five hundred dollars per program per consultant, to be submitted by the institution upon request by the board during the review process. The check is to be made payable to the higher education coordinating board.

(4) Comment period. Upon completion of a preliminary review, the board shall post a notification of the request for authorization on its web site for a set period of time. Any persons having knowledge as to why the institution or its program(s) may not meet the requirements for degree authorization may provide comment to the board on the proposal.

~~((4))~~ (5) Staff ~~((report))~~ recommendations. ~~((Following the staff analysis))~~ After the final review has been completed, board staff shall summarize its findings and develop a recommendation to the executive director regarding the application. This recommendation ~~((shall be shared with the applicant as follows))~~ will take one of the following forms:

(a) That the institution be granted authorization, subject to biennial reporting and maintenance of the conditions under which authorization has been granted.

(b) That the institution be granted conditional authorization, subject to ~~((annual reporting))~~ additional conditions as established by the board, and maintenance of the conditions under which authorization has been granted.

(c) That the institution be denied authorization.

~~((5))~~ (6) Notification. Following the executive director's decision to authorize or deny the institution's request, a letter signifying the action shall be sent from the executive director to the chief administrative officer of the institution.

(a) The letter of authorization will serve as official authorization for the institution to operate in Washington ~~((and~~

~~offer the stated program(s) of study at stated location(s))~~ for the specific programs and locations designated in the letter.

~~((6))~~ (b) An institution denied authorization shall ~~((file))~~ be provided with an explanation as to how the institution and/or its programs failed to meet the criteria for authorization. Any institution denied authorization that wishes to reapply within one year of the denial date may submit a new fully completed initial application packet and pay a reapplication fee of one thousand dollars ~~((reapplication fee in order to have the new application considered for authorization)),~~ The check is to be made payable to the Washington state treasurer.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-190 Complaints. A student with a complaint against an authorized institution concerning loss of tuition and/or fees due to unfair or deceptive business practices by the institution shall make a reasonable effort to resolve the complaint directly with the institution. If a mutually satisfactory solution cannot be reached, the following procedure shall be pursued:

(1) Upon ~~((written))~~ receipt of a written complaint that an institution has failed or is failing to comply with the provisions of the act or this chapter, and documentation that the student has made a reasonable effort ~~((was made))~~ to resolve the complaint directly with the institution, the executive director shall notify the institution by mail of the nature of the complaint and shall conduct an investigation.

(2) If preliminary findings indicate that a violation(s) may have occurred or are occurring, the executive director shall attempt, through mediation and conciliation, to effect compliance and bring about a settlement.

(3) If no agreement is reached, the executive director shall file a formal complaint with the board and notify the institution of the conduct which warrants the complaint. Final resolution of the complaint shall be subject to hearing procedures provided for in this chapter and the institution may be subject to a summary suspension of its authorization, pending further proceedings for ~~((revocation,))~~ suspension, withdrawal or other actions deemed proper after the hearing.

(4) ~~((To be considered by the board, a complaint shall))~~ Any complaints must be filed within one year after the student's last recorded date of attendance in order to be considered by the board. Only the student or the student's legal guardian may file a complaint on behalf of the student.

(5) Complaints may also be filed with the board by an authorized staff member of the board or by the attorney general.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-200 Suspension ~~((and revocation))~~ or withdrawal of authorization. (1) The executive director may suspend or ~~((revoke))~~ withdraw an institution's authorization if it finds that:

(a) Any statement contained in the application for authorization is untrue~~((:))~~; or

(b) ~~The institution has failed to maintain ((faculty, facilities, equipment, and programs of study on the basis of which the authorization was granted.)) the standards for authorization as detailed in the act and this chapter; or~~

(c) Advertising or representations made on behalf of, and sanctioned by, the institution is deceptive or misleading(-); or

(d) The institution has violated any provision of this chapter.

~~(2) ((Suspension or revocation shall be made only after the institution has been informed in writing of its deficiencies and has been given reasonable time to restore itself to the level of the required standards. The executive director shall grant an institution a period of suspension if in the executive director's judgment any unsatisfactory condition can reasonably be corrected within such time.~~

~~(3)) The executive director may suspend the institution's authorization for a period of time if, in the executive director's judgment, the deficiencies can be corrected within the given time period. Upon suspension, the institution must immediately cease the recruitment and/or enrollment of new students. The institution may continue serving currently enrolled students for the remainder of the term. Authorization may be reinstated after any deficiencies have been resolved to the satisfaction of the board.~~

~~(3) Authorization shall be withdrawn only after the institution has been informed in writing of its deficiencies and been given reasonable time to meet the required standards. Upon withdrawal, the institution must immediately cease all degree-granting operations. To seek reinstatement of authorization, the institution must apply for initial authorization.~~

(4) The executive director's and board's actions are subject to due process hearing procedures of the Washington Administrative Procedure Act.

AMENDATORY SECTION (Amending WSR 95-01-003, filed 12/8/94, effective 1/8/95)

WAC 250-61-210 ((Request for adjudicative proceeding.)) Hearing process. (1) A party subject to the following actions may request a hearing ~~((as provided in WAC 250-61-220))~~:

(a) A denial of exemption from the Degree ~~((Authorization))~~-Granting Institutions Act;

(b) A denial of authorization under the Degree ~~((Authorization))~~-Granting Institutions Act;

(c) A cease and desist order issued under chapter 28B.85 RCW; or

(d) Other final action as defined in chapter 34.05 RCW, by the executive director that adversely affects the institution or student and which is contrary to the intent and purpose of the Degree ~~((Authorization))~~-Granting Institutions Act or this chapter.

(2) A party must submit a request for a hearing to the executive director at the board office no later than thirty days following receipt of the notice of final agency action. In the written request, the party must identify the final action in dispute and state that a hearing is requested.

(3) Any hearing called for under the act shall be conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW as follows:

(a) The presiding officer, who shall be the executive director or the hearing officer designated by the executive director, shall conduct the hearing under the provisions of chapter 34.05 RCW and shall enter an initial order under RCW 34.05.461 (2) through (9).

(b) The board shall review the initial order under RCW 34.05.464 and either enter a final order or remand the matter for further proceedings under RCW 34.05.464(7).

(c) If the challenged agency action is upheld, the party that initiated the hearing process shall pay the costs of the administrative hearing within sixty days following final disposition of the matter.

(d) Any further review of final action must be taken in accordance with RCW 34.05.510 et seq.

NEW SECTION

WAC 250-61-225 Issuance of false academic credentials. (1) It is unlawful for a person or entity to:

(a) Grant, award or offer to grant or award a false academic credential, in violation of this chapter; or

(b) Represent that a credit earned or granted by a person or entity, in violation of this chapter, can be applied toward a credential offered by another person; or

(c) Solicit another person to seek a credential or credit offered in violation of this chapter.

(2) The granting, awarding or issuance of a false academic credential is a Class C felony and is subject to criminal and civil penalties as prescribed in RCW 9A.20.021.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-61-220 Hearings.

WSR 09-02-009

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed December 29, 2008, 11:01 a.m., effective January 29, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule changes are a result of legislation passed in the 2008 legislative session. Three new sections were added to chapter 314-20 WAC.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.240, 66.24.244.

Adopted under notice filed as WSR 08-21-118 on October 17, 2008.

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 3, 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 3, 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.

Date Adopted: December 17, 2008.

Lorraine Lee
Chairman

NEW SECTION

WAC 314-20-017 Brewery and microbrewery retail liquor licenses—Selling kegs and containers. A brewery or microbrewery licensed under RCW 66.24.240 or 66.24.244 may hold up to two retail liquor licenses to operate a spirits, beer, and wine restaurant, a tavern, a beer and/or wine restaurant, or any combination thereof.

(1) Definitions.

(a) For the purposes of this section, a "container" is a sealable receptacle, such as a carton, jug, growler or keg, and has no minimum holding requirement. A "keg" is a container holding four gallons or more.

(b) "Malt liquor" is a specific type of "beer" (as explained in RCW 66.04.010).

(c) "Beer" includes malt liquor and flavored malt beverages (as explained in RCW 66.04.010).

(2) Applicable to retail licenses for spirits, beer, and wine restaurants, beer and/or wine restaurants, and taverns.

(a) A retail license is separate from a brewery or microbrewery license.

(b) All containers of beer must be sold from the retail premises.

(c) A retail location may be located on or off the brewery or microbrewery premises.

(3) A brewery-operated or microbrewery-operated spirits, beer, and wine restaurant may sell containers of beer of its own production without a kegs-to-go endorsement provided that it sells this beer for off-premises consumption only. A brewery or microbrewery may supply the container or use a container brought to the premises by a customer.

(4) A brewery-operated or microbrewery-operated spirits, beer, and wine restaurant may sell kegs of malt liquor of another brewery's or microbrewery's production provided that it:

(a) Sells this malt liquor for off-premises consumption only;

(b) Has a kegs-to-go endorsement; and

(c) Supplies the kegs.

(5) A tavern or beer and/or wine restaurant that is operated by a brewery or microbrewery and has an off-premises beer and wine retailer's privilege may:

(a) Sell kegs of malt liquor for either on-premises or off-premises consumption. The malt liquor may be of the lic-

ensee's own production or the production of another brewery or microbrewery; and

(b) Sell containers of beer for either on-premises or off-premises consumption provided that the customer supplies the container. The beer may be of the licensee's own production or the production of another brewery or microbrewery.

NEW SECTION

WAC 314-20-055 Microbrewery warehouse license.

(1) A licensee holding a microbrewery license under RCW 66.24.244 and acting as a distributor of its own products may apply for a microbrewery warehouse license. There is no fee for this license.

(2) A microbrewery warehouse is a premises located off the microbrewery premises that is used for the storage and distribution of the microbrewery's own products.

(3) There may be no retail sales from the microbrewery warehouse.

NEW SECTION

WAC 314-20-095 What are the requirements for contract production between microbreweries? This section clarifies the language for contract production found in RCW 66.24.244. For the purposes of this section, contract production is when one microbrewer, referred to as the "contractor," produces and packages beer for another microbrewer, referred to as the "contractee." This beer is referred to as the "product."

(1) The contractee is the product owner. As such, the contractee may distribute and retail the product.

(2) The contractor is required to physically transport all contracted product to the contractee. The contractor is not allowed to distribute or retail the product.

(3) The contractor must submit a copy of the contract to the board prior to production. Any changes in the contract must also be submitted to the board prior to subsequent production. The board may require additional information.

(4) The contractor is required to obtain federal label approval, and the contractee is required to obtain state label approval.

(5) State taxes listed under RCW 66.24.290.

(a) The contractor is not responsible for the taxes.

(b) The contractee is responsible for the taxes when the contractee is acting as its own distributor or retailer for the product.

(c) When the contractee uses a distributor to distribute the product, then the distributor is responsible for the taxes.

(6) Maintaining qualification as a microbrewery. Each microbrewery, whether in the capacity of a contractor or contractee, is allowed to produce under sixty thousand barrels of total product per year. Total product, in this instance, includes product (a) owned and produced by the microbrewery; (b) owned by the microbrewery but produced by another microbrewery; and (c) produced by the microbrewery on behalf of another microbrewery.

(7) Reporting and recordkeeping.

(a) The contractor must include the product produced when it reports its monthly production to the board.

(b) The contractee must include the sale of the product when it submits its monthly sales report to the board. The board may also require the contractee to include the product when the contractee reports its monthly production to the board.

(c) The contractor's and the contractee's recordkeeping documents must include the product information for each contract. The information must show the quantities produced.

WSR 09-02-010
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed December 29, 2008, 11:03 a.m., effective January 29, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule changes are a result of legislation passed in the 2008 legislative session.

Citation of Existing Rules Affected by this Order: [New section] WAC 314-24-161 and amending WAC 314-24-220.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 08-21-120 on October 17, 2008.

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 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.

Date Adopted: December 17, 2008.

Lorraine Lee
Chairman

NEW SECTION

WAC 314-24-161 Domestic winery—Additional locations for retail sales only. A licensee holding a domestic winery license under RCW 66.24.170 may apply for two additional location licenses.

(1) Wine-related retail activities allowed at an additional location include:

(a) Serving of samples provided with or without charge to customers (must be wine of the winery's own production). Samples are subject to taxes under WAC 314-19-015 (4)(b);

(b) Selling wine of the winery's own production for either on-premises or off-premises consumption; and

(c) Renting space for public and private events, such as catered events (subject to all of the provisions of this section,

to Title 66 RCW covering the "tied house" restrictions, and to RCW 66.24.320 and 66.24.420).

(2) A licensee may request approval for an outside designated area. For the purpose of this section, an "outside designated area" means a specific area located on an outside track of land where alcohol consumption is allowed.

(a) An outside designated area must have prior written approval from the board's licensing division.

(b) The outside designated area shall be marked as such, and shall be enclosed in accordance with WAC 314-02-130(1).

(c) The outside designated area shall be on the licensed premises.

(3) Anyone involved in the selling or serving of wine, including the pouring of samples, at an additional location for on-premises consumption must obtain a Class 12 or Class 13 alcohol server permit.

AMENDATORY SECTION (Amending WSR 04-24-097, filed 12/1/04, effective 1/1/05)

WAC 314-24-220 Licensing and operation of bonded wine warehouses. (1) There shall be a license for bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a bonded wine warehouse licensee. Applications for a bonded wine warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use. (~~Wine not under federal excise tax bond shall be identified as federally tax paid and physically separated on the premises to the extent required under the license holder's federal basic permit.~~)

(3) A bonded wine warehouse may provide storage for a domestic winery, for another bonded wine warehouse, and for a certificate of approval holder. The (~~wine may or may not be under federal bond, and the~~) Washington wine tax provided in RCW 66.24.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine distributor or, pursuant to RCW 66.12.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

(4) Every bonded wine warehouse licensee shall have on file and available for inspection records of all wine transactions, including receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) Removals of wine from a bonded wine warehouse may be made only for shipment (a) to a licensed independent Washington wine distributor; (b) to another licensed bonded wine warehouse; (c) to the liquor control board; (d) out of state; (e) for return to the producing winery; (~~(f)~~) (f) to a producing domestic winery licensee; or (g) directly to a consumer. For purposes of this section, "producing domestic

winery licensee" means the licensed Washington winery that produced the wine and its licensed agents. For purposes of this section, a "licensed agent" shall be an accredited representative, licensed pursuant to chapter 314-44 WAC, of only one producing domestic winery at the time of removal by such agent. A producing domestic winery licensee may take possession of wine from a bonded wine warehouse, after accepting an order therefor, and deliver the wine to a purchasing retail or special occasion licensee only by transporting the wine directly from the bonded wine warehouse to the licensed premises of the purchasing retail or special occasion licensee; provided, however, that in no event may a producing domestic winery licensee remove, in the aggregate, during any one calendar year, more than two thousand cases of wine for delivery directly to retail and special occasion licensees. Producing domestic winery licensees shall maintain records of removals and deliveries of wine from bonded wine warehouses and shall file with the liquor control board annually reports of the quantity of wine removed and delivered directly to retail and special occasion licensees. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns from the bonded wine warehouse and sales to Washington wine distributors, and/or the liquor control board on the twentieth day of the month following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage and handling of bottled wine ~~((only))~~" as used in RCW 66.24.185(1) shall mean the storage and handling of wine packaged for sale at retail (i.e., other than in bulk form).

~~(8) ((As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this section.~~

~~(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.)~~ Any winery contracting with a bonded wine warehouse for direct shipments to consumers must accept and process the orders and payments. This includes, but is not limited to, in-person, mail, telephone, and internet orders and payments. Only a winery licensee or a winery licensee's employees may accept and process such orders and payments. A contractor may not do so on behalf of a winery licensee.

(9) A bonded wine warehouse may not accept orders and payments from consumers for direct shipments.

WSR 09-02-011
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed December 29, 2008, 11:03 a.m., effective January 29, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule changes are a result of legislation that passed in the 2008 legislative session creating a craft distillery license.

Citation of Existing Rules Affected by this Order: Amending chapter title for chapter 314-28 WAC and WAC 314-28-010.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.145.

Adopted under notice filed as WSR 08-21-119 on October 17, 2008.

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 6, 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 6, 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.

Date Adopted: December 17, 2008.

Lorraine Lee
Chairman

Chapter 314-28 WAC

~~((FRUIT))~~ DISTILLERS

AMENDATORY SECTION (Amending Order 172, Resolution No. 181, filed 3/13/86)

WAC 314-28-010 Records. ~~((All fruit distillers, whether operating under the general distiller's license or under the two hundred dollar license, provided in section 23-D of the Washington State Liquor Act (RCW 66.24.140), and who manufacture brandy or wine spirits intended for use by domestic wineries for brandy or wine spirits addition in the manufacture of wine, must keep separate records concerning such brandy or wine spirits on forms approved by the board, and such records must be kept separate and apart from any other records kept or required to be kept and maintained.))~~ (1) All distilleries licensed under RCW 66.24.140 and 66.24.145, including craft, fruit, and laboratory distillers:

(a) Must keep records concerning any spirits, whether produced or purchased, for two years after each sale. These records must be kept separate from any other records. A distiller may be required to report on forms approved by the board;

(b) Must, in case of spirits exported or sold, preserve all bills of lading and other evidence of shipment; and

(c) Must submit duplicate copies of transcripts, notices, or other data that are required by the federal government to the board if requested, within thirty days of the notice of such request. A distiller shall also furnish copies of the bills of lading, covering all shipments of the products of the licensee, to the board within thirty days of notice of such request.

(2) A craft distiller must:

(a) Preserve all sales records, in the case of retail sales to consumers, in addition to the records listed in subsection (1)(b) of this section; and

(b) Submit duplicate copies of its monthly returns to the board upon request, in addition to the duplicate copies listed in subsection (1)(c) of this section. The same conditions apply as in subsection (1)(c) of this section.

NEW SECTION

WAC 314-28-050 What does a craft distillery license allow? (1) A craft distillery license allows a licensee to:

(a) Produce twenty thousand proof gallons or less of its own spirits per calendar year. A "proof gallon" is one liquid gallon of spirits that is fifty percent alcohol at sixty degrees Fahrenheit;

(b) Sell spirits of its own production directly to a customer for off-premises consumption, provided that the sale occurs when the customer is physically present on the licensed premises. A licensee may sell no more than two liters per customer per day. A craft distiller may not sell liquor products of someone else's production;

(c) Sell spirits of its own production to the board provided that the product is "listed" by the board, or is special-ordered by an individual Washington state liquor store;

(d) Sell to out-of-state entities;

(e) Provide, free of charge, samples of spirits of its own production to persons on the distillery premises. Each sample must be one-half ounce or less, with no more than two ounces of samples provided per person per day. Samples must be unaltered, and anyone involved in the serving of such samples must have a valid Class 12 alcohol server permit. Samples must be in compliance with RCW 66.28.040 and all applicable WACs, and are subject to taxes under WAC 314-28-070; and

(f) Provide, free of charge, samples of spirits of its own production to retailers. Samples must be unaltered, and in compliance with RCW 66.28.040 and all applicable WACs, including WAC 314-44-005 and 314-64-08001. Samples are considered sales and are subject to taxes under WAC 314-28-070.

(2) A craft distillery licensee may not sell directly to in-state retailers or in-state distributors, but only to on-premises customers, to the board, and to out-of-state entities, as stipulated in subsections (1)(b), (c) and (d) of this section.

NEW SECTION

WAC 314-28-060 What are the general requirements for a craft distillery license? Per RCW 66.24.140 and 66.24.145, a craft distillery licensee is required to:

(1) Submit copies of all permits required by the federal government;

(2) Submit other licensing documents as determined by the board. Other documents may include, but are not limited to, a personal criminal history statement, a financial statement, the right to the real property, and the tied house statement;

(3) Ensure a minimum of fifty percent of all raw materials (including any neutral grain spirits and the raw materials that go into making mash, wort or wash) used in the monthly production of the spirits product are grown in the state of Washington. Water is not considered a raw material grown in the state of Washington;

(4) Purchase any spirits sold at the distillery premises for off-premises consumption from the board, at the price set by the board;

(5) Purchase any spirits used for sampling at the distillery premises from the board;

(6) Purchase any spirits used for samples provided to retailers from the board; and

(7) Meet any other applicable requirements stated in RCW and WAC.

NEW SECTION

WAC 314-28-070 What are the monthly reporting and payment requirements for a craft distillery license? A craft distiller must submit monthly reports and payments to the board.

(1) Monthly reports. The required monthly reports must be:

(a) On a form furnished by the board or in a format approved by the board;

(b) Filed every month, including months with no activity or payment due;

(c) Submitted, with payment due, to the board on or before the twentieth day of each month, for the previous month. (For example, a report listing transactions for the month of January is due by February 20th.) When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. postal service no later than the next postal business day; and

(d) Filed separately for each liquor license held.

(2) For reporting purposes, production is the distillation of spirits from mash, wort, wash or any other distilling material. After the production process is completed, a production gauge shall be made to establish the quantity and proof of the spirits produced. The designation as to the kind of spirits shall also be made at the time of the production gauge. A record of the production gauge shall be maintained by the distiller. The completion of the production process is when the product is packaged for distribution. Production quantities are reportable within thirty days of the completion of the production process.

(3) Payments to the board. A distillery must pay the difference between the cost of the alcohol purchased by the board and the sale of alcohol at the established retail price, less the established commission rate during the preceding calendar month, including samples at no charge (see WAC 314-64-08001 for more information).

(a) Any on-premises sale or sample provided to a consumer is considered a sale reportable to the board.

(b) Samples provided to retailers are considered sales reportable to the board.

(c) Payments must be submitted, with monthly reports, to the board on or before the twentieth day of each month, for the previous month. (For example, payment for a report listing transactions for the month of January is due by February 20th.) When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, payment must be postmarked by the U.S. postal service no later than the next postal business day.

NEW SECTION

WAC 314-28-080 What if a craft distillery licensee fails to report or pay, or reports or pays late? If a craft distiller fails to submit its monthly reports or payment to the board, or submits late, then the licensee is subject to penalties and surety bonds.

(1) Penalties. A penalty of two percent per month will be assessed on any payments postmarked after the twentieth day of the month following the month of sale. When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. postal service no later than the next postal business day.

(2) Surety bonds. A "surety bond" is a type of insurance policy that guarantees payment to the state, and is executed by a surety company authorized to do business in the state of Washington. Surety bond requirements are as follows:

(a) Must be on a surety bond form and in an amount acceptable to the board;

(b) Payable to the "Washington state liquor control board"; and

(c) Conditioned that the licensee will pay the taxes and penalties levied by RCW 66.28.040 and by all applicable WACs.

(3) The board may require a craft distillery to obtain a surety bond or assignment of savings account, within twenty-one days after a notification by mail, if any of the following occur:

(a) A report or payment is missing more than thirty days past the required filing date, for two or more consecutive months;

(b) A report or payment is missing more than thirty days past the required filing date, for two or more times within a two-year period; or

(c) Return of payment for nonsufficient funds.

(4) As an option to obtaining a surety bond, a licensee may create an assignment of savings account for the board in the same amount as required for a surety bond. Requests for this option must be submitted in writing to the board's financial division.

(5) The amount of a surety bond or savings account required by this chapter must be either three thousand dollars, or the total of the highest four months' worth of liability for the previous twelve month period, whichever is greater. The licensee must maintain the bond for at least two years.

(6) Surety bond and savings account amounts may be reviewed annually and compared to the last twelve months'

tax liability of the licensee. If the current bond or savings account amount does not meet the requirements outlined in this section, the licensee will be required to increase the bond amount or amount on deposit within twenty-one days.

(7) If a licensee holds a surety bond or savings account, the board will immediately start the process to collect overdue payments from the surety company or assigned account. If the exact amount of payment due is not known because of missing reports, the board will estimate the payment due based on previous production, receipts, and/or sales.

NEW SECTION

WAC 314-28-090 Craft distilleries—Selling in-state, retail pricing and product listing—Selling out-of-state—Special orders. (1) What steps must a craft distillery licensee take to sell a spirits product in the state of Washington?

(a) *Selling a spirits product at a state liquor store.* There are two ways to sell a spirits product at a state liquor store. One way is through the special order process, which is explained in subsection (3) of this section ("How to special order a product."). The second way is through product listing (explained in this subsection). If a craft distillery licensee wants the board to regularly stock its product on the shelf at a state liquor store, a licensee must request the board to list its product. If the board agrees to list the product, a licensee must then sell its product to the board and transport its product to the board's distribution center.

(b) *Selling a spirits product at a craft distillery premises.* Before a craft distillery licensee may sell its product to a customer (i.e., any individual who is twenty-one years old or older) at its distillery premises, a licensee must first obtain a retail price from the board, sell its product to the board, and then purchase its product back from the board. Product that a licensee produces and sells at its distillery premises is not transported to the board's distribution center.

(c) *Listing a product.* A craft distillery licensee must submit a formal request to the board to have the board regularly stock its product at a state liquor store. The board's purchasing division administers the listing process.

(i) A licensee must submit the following documents and information: A completed standard price quotation form, a listing request profile, bottle dimensions, an electronic color photograph of the product, a copy of the federal certificate of label approval, and a signed "tied house" statement.

(ii) The purchasing division shall apply the same consideration to all listing requests.

(iii) A craft distillery licensee is not required to submit a formal request for product listing if a licensee sells its product in-state only by special order (see subsection (3) of this section, "How to special order a product.").

(d) *Obtaining a retail price.* A craft distillery licensee must submit a pricing quote to the board forty-five days prior to the first day of the effective pricing month. A pricing quote submittal includes a completed standard price quotation form, and the product's federal certificate of label approval. The board will then set the retail price.

(i) Pricing may not be changed within a calendar month.

(ii) A craft distillery licensee is required to sell to its on-premises customers at the same retail price as set by the board. If and when the board offers a temporary price reduction for a period of time, a licensee may also sell its product at the reduced price, but only during that same period of time.

(2) What are the requirements for a craft distillery licensee to sell its spirits product outside the state of Washington?

(a) A craft distillery licensee shall include, in its monthly report to the board, information on the product it produces in-state and sells out-of-state. Information includes, but is not limited to, the amount of proof gallons sold, and the composition of raw materials used in production of the product (see WAC 314-28-070).

(b) Product produced in-state and sold out-of-state counts toward a licensee's twenty thousand proof gallons per calendar year production limit (see WAC 314-28-050).

(c) Product produced in-state and sold out-of-state is subject to the fifty percent Washington grown raw materials requirement (see WAC 314-28-060).

(d) Product sold out-of-state is not subject to retail pricing by the board.

(e) A craft distillery licensee is not subject to Washington state liquor taxes on any product the licensee sells out-of-state.

(3) How to special order a product.

(a) If a customer, such as an individual person or a restaurant licensee, wants to purchase a spirits product that is not carried on the shelf at a state liquor store, then the following steps may be taken to special order the product:

(i) The customer must place a special order request with a state liquor store;

(ii) The store forwards the special order request to the board's purchasing division;

(iii) The purchasing division orders the product from the craft distillery licensee. To receive an order, the craft distillery licensee must have a product listing or a product retail price, as described in subsection (1)(c) and (d) of this section;

(iv) The craft distillery licensee sends the product to the board's distribution center; and

(v) The distribution center ships the product to the state liquor store that originally took the customer's special order request (see (a)(ii) of this subsection).

(b) For additional information regarding special order requests, refer to chapter 314-76 WAC.

NEW SECTION

WAC 314-28-200 Adoption of federal laws. All laws, rules and regulations of the federal government, or any subsequent modification thereof, applicable to the distillation of spirits, wines, cordials, liquors, etc., are by reference hereby adopted and promulgated as the rules and regulations of this board, unless the board implements different procedures by rule or policy.

**WSR 09-02-012
PERMANENT RULES
LIQUOR CONTROL BOARD**

[Filed December 29, 2008, 11:05 a.m., effective January 29, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of these rules is to implement legislation that passed in the 2007 and 2008 legislative sessions.

Citation of Existing Rules Affected by this Order: Amending 2 [WAC 314-02-015 and 314-02-120].

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 08-21-123 on October 17, 2008.

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 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 1, 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.

Date Adopted: December 17, 2008.

Lorraine Lee
Chairman

AMENDATORY SECTION (Amending WSR 05-22-022, filed 10/24/05, effective 11/24/05)

WAC 314-02-015 What is a spirits, beer, and wine restaurant license? (1) Per RCW 66.24.400, this license allows a restaurant to:

(a) Serve spirits by the individual ~~((serving))~~ glass for on-premises consumption;

(b) Serve beer by the bottle or can or by tap for on-premises consumption; ~~((and))~~

(c) Serve wine for on-premises consumption ~~((see RCW 66.24.400 regarding patrons removing recorked wine from the premises))~~;

~~(2) Per RCW 66.24.400, this license prohibits licensees from selling alcohol for off-premises consumption except for a licensee having an endorsement that allows the licensee to sell, for off-premises consumption, wine vinted and bottled in the state of Washington that has a label exclusive to the licensee's restaurant.~~

~~((3))~~;

(d) Allow patrons to remove recorked wine from the licensed premises in accordance with RCW 66.24.400;

(e) Sell wine by the bottle for off-premises consumption with the appropriate endorsement; and

(f) Sell kegs of malt liquor with the appropriate endorsement.

(2) To obtain and maintain a spirits, beer, and wine restaurant license, the restaurant must be open to the public at

least five hours a day during the hours of 11:00 a.m. and 11:00 p.m., five days a week. The board may consider written requests for exceptions to this requirement due to demonstrated hardship, and may grant an exception under such terms and conditions as the board determines are in the best interests of the public.

~~((4))~~ (3) All applicants for a spirits, beer, and wine license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant. The term "bona fide restaurant" is defined in RCW 66.24.410(2).

NEW SECTION

WAC 314-02-061 What is required for off-site storage of liquor under a caterer's endorsement? A spirits, beer, and wine restaurant licensee with a caterer's endorsement, or a beer and/or wine restaurant licensee with a caterer's endorsement, may store its alcohol at locations described in RCW 66.24.320 and 66.24.420 that are not on the licensed premises if the following conditions are met:

(1) The licensee must display the approval letter for storing liquor at each location;

(2) Liquor storage must be within the event location where catering services for events are provided;

(3) If the location is one for which the licensee has an on-going contract or agreement to provide liquor service at catered events, the contract or agreement must include the following:

(a) Names of the parties;

(b) Location and address where on-going liquor catering services are provided;

(c) A sketch and description of the facility that includes where the liquor will be stored, how the liquor will be secured to ensure public safety, and the provisions that restrict access to the liquor storage area to the licensee and the licensee's employees; and

(d) Signatures of the parties.

(4) For locations owned or leased by the licensee and for which the licensee provides liquor service at catered events, the licensee must submit copies of documents that evidence the ownership or leasehold interest.

AMENDATORY SECTION (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

WAC 314-02-120 How do licensees get keg registration forms? (1) The board will provide keg registration forms ~~((free of charge))~~ free of charge to licensees who hold (a) a beer and/or wine restaurant ~~((or))~~ license in combination with an off-premises beer and/or wine endorsement; (b) a tavern license in combination with an off-premises beer and/or wine endorsement; or (c) a beer and/or wine specialty shop license with a keg endorsement.

(2) Licensees who hold ~~((only an off-premises beer and/or wine license))~~ a grocery store license with a keg endorsement, or a spirits, beer, and wine restaurant license with a keg endorsement, must purchase the keg registration forms from their local board enforcement office for four dollars per book of twenty-five forms.

WSR 09-02-013 PERMANENT RULES LIQUOR CONTROL BOARD

[Filed December 29, 2008, 11:05 a.m., effective January 29, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule changes are a result of legislation passed in the 2006, 2007, and 2008 legislative sessions.

Citation of Existing Rules Affected by this Order: Amending WAC 314-05-020 and 314-05-030.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 08-21-121 on October 17, 2008.

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 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.

Date Adopted: December 17, 2008.

Lorraine Lee
Chairman

AMENDATORY SECTION (Amending WSR 04-22-078, filed 11/2/04, effective 12/3/04)

WAC 314-05-020 What is a special occasion license?

(1) Per RCW 66.24.380, a special occasion license allows a nonprofit organization to sell, at a specified date, time, and place:

(a) Spirits, beer, and wine by the individual serving for on-premises consumption; and

(b) Beer and wine in original, unopened containers for off-premises consumption.

(2) Special occasion licensees are limited to twelve days per calendar year (see RCW 66.24.380(1) for an exception for agricultural fairs).

(3) The fee for this license is \$60 per day, per event. Multiple alcohol service locations at an event are an additional sixty dollars per location.

(4) ~~((Guidelines for nonprofit organizations:~~

~~((a)))~~ Per RCW 66.24.375, all proceeds from the sale of alcohol at a special occasion event must go directly back into the nonprofit organization, except for reasonable operating costs for actual services performed at compensation levels comparable to like services within the state.

~~((b) Per RCW 66.28.010, officers, directors, and/or stockholders of the organization may not have an interest in a manufacturer, importer, or distributor of alcohol.))~~ (5) A charitable nonprofit organization or a local winery industry association is not disqualified from obtaining a special occa-

sion license even if its board members are also officers, directors, owners, or employees of either a licensed domestic winery or a winery certificate of approval holder. The charitable nonprofit organization must be registered under section 501 (c)(3) of the Internal Revenue Code, and the local wine industry association must be registered under section 501 (c)(6) of the Internal Revenue Code.

AMENDATORY SECTION (Amending WSR 07-02-076, filed 12/29/06, effective 1/29/07)

WAC 314-05-030 Guidelines for special occasion license events. (1) The special occasion license must be posted at the event.

(2) Special occasion licensees may get alcohol for the event only from the following sources:

(a) Spirits must be purchased from a Washington state-run or contract liquor store;

(b) Beer and wine must be purchased at retail from a licensed retailer, from a beer or wine distributor, from a domestic brewery, microbrewery, or winery, acting as a distributor of its own product, or from a certificate of approval holder with a direct shipping to Washington retailer endorsement; and

(c) Per RCW 66.28.040, in state breweries and wineries and out-of-state breweries and wineries holding a certificate of approval license may donate beer and wine to special occasion licensees that are nonprofit 501 (c)(3) charitable organizations or nonprofit 501 (c)(6) organizations.

(3) Special occasion licensees may not advertise or sell alcohol below cost. If donated product is sold by the special occasion licensee, it may not be advertised or sold below the manufacturers' cost.

(4) Per RCW 66.28.010, alcohol manufacturers, importers and distributors may provide advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, but may not provide money, goods, or services to special occasion licensees.

(5) Per RCW (~~66.28.380~~) 66.24.380, the sale, service, and consumption of alcohol must be confined to a designated location(s).

(6) If a special occasion license function is held at an establishment that has a liquor license:

(a) The special occasion function must be held in an area of the premises separate from areas open to the general public during the time the special occasion function is occurring, and the licensed premises' liquor cannot be sold or served in the same area(s) as the special occasion license function.

(b) The liquor licensee cannot charge for the liquor purchased by the special occasion licensee for service at the special occasion event, but can charge for room usage, services, etc. The liquor licensee must sign the special occasion application giving permission for the special occasion licensee to bring their alcohol onto the liquor licensed premises.

(c) The special occasion ((licensees)) license will not be issued for use at premises whose liquor license will be suspended on the date(s) of the scheduled event.

WSR 09-02-017
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-318—Filed December 29, 2008, 2:33 p.m., effective April 3, 2009]

Effective Date of Rule: April 3, 2009.

Purpose: The current rules on this subject were adopted in 1998 and do not reflect the current knowledge of impacts to fish life and habitat caused by mineral prospecting. The proposed rules modify permitted activities, equipment and tools, timing and location of authorized mineral prospecting activities under authority of the Gold and Fish pamphlet, application procedures for standard and pamphlet hydraulic project approvals, appeal procedures, and violation penalties.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-110-203, 220-110-204, 220-110-205, 220-110-207, 220-110-208, and 220-110-209; and amending WAC 220-110-020, 220-110-030, 220-110-031, 220-110-200, 220-110-201, 220-110-202, 220-110-206, 220-110-340, 220-110-350, and 220-110-360.

Statutory Authority for Adoption: RCW 77.55.091(2), 77.12.047, and 77.04.020.

Adopted under notice filed as WSR 08-17-055 on August 15, 2008.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-110-020, clarified definitions of "excavation site," "ganged equipment," and "habitat improvement structures or stream channel improvements." Added a definition for "stable slope."

WAC 220-110-200, added "(3) Nothing in these rules relieves a person of the duty to obtain landowner permission and any other necessary permits before conducting any mineral prospecting activity."

WAC 220-110-201(3), deleted "If your mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, you must remove the equipment from the wetted perimeter or move it so that a minimum of fifty percent of the wetted perimeter is free of equipment between one-half hour after official sunset to one-half hour prior to official sunrise."

WAC 220-110-201(4), added "You must avoid areas containing live freshwater mussels. If you encounter live mussels during excavation, you must relocate your operations."

WAC 220-110-201 (5)(h), added "...an unstable slope or..."

WAC 220-110-202(3), replaced "hose diameter" with "nozzle and hose."

WAC 220-110-202(15), added "...an unstable slope or..."

WAC 220-110-202 (19)(b), deleted "that have riffle areas totaling more than three, but less than ten, square feet."

WAC 220-110-206(4), deleted "site review and..."

WAC 220-110-206, combined work window listings for Washougal River and South Prairie Creek into a single entry. Reduced work window for Tucannon River, Clearwater River, and White River by fifteen days. Changed work window to "submit application" for a portion of the Cle Elum River, Columbia River, and Sauk River, and the NF Tean-

away River, Pend Oreille River, Skagit River, Baker River, Cascade River, Illabot Creek, and waters within Indian tribal reservation boundaries.

A final cost-benefit analysis is available by contacting Lisa Wood, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2260, fax (360) 902-2946, e-mail Lisa.Wood@dfw.wa.gov.

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 10, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 8, 2008.

Susan Yeager
for Jerry Gutzwiler, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-020 Definitions. As used in this chapter, unless the context clearly requires otherwise:

~~(1)~~ "Abandoning an excavation site" means not working an excavation site for forty-eight hours or longer.

~~(2)~~ "Aggregate" means a mixture of minerals separable by mechanical or physical means.

~~((2))~~ (3) "Aquatic beneficial plant" means native and nonnative aquatic plants not prescribed by RCW 17.10.010 (10), and that are of value to fish life.

~~((3))~~ (4) "Aquatic noxious weed" means an aquatic weed on the state noxious weed list as prescribed by RCW 17.10.010(10).

~~((4))~~ (5) "Aquatic plant" means any aquatic noxious weed and aquatic beneficial plant that occurs within the ordinary high water line of waters of the state.

~~((5))~~ (6) "Artificial materials" means clean, inert materials that you use to construct diversion structures for mineral prospecting.

~~(7)~~ "Bank" means any land surface above the ordinary high water line that adjoins a body of water and contains it except during floods. Bank also includes all land surfaces of islands above the ordinary high water line that adjoin a ~~(water)~~ body of water and that are below the flood elevation of their surrounding ~~(water)~~ body of water.

~~((6))~~ (8) "Beach area" means the beds between the ordinary high water line and extreme low tide.

~~((7))~~ (9) "Bed" means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or

other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

~~((8))~~ (10) "Bed materials" means naturally occurring material, including, but not limited to, gravel, cobble, rock, rubble, sand, mud and aquatic plants, found in the beds of state waters. Bed materials may be found in deposits or bars above the wetted perimeter of water bodies.

~~((9))~~ (11) "Biodegradable" means material that is capable of being readily decomposed by biological means, such as by bacteria.

~~((10))~~ (12) "Bioengineering" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

~~((11))~~ (13) "Bottom barrier or screen" means synthetic or natural fiber sheets of material used to cover and kill plants growing on the bottom of a watercourse.

~~((12))~~ (14) "Boulder" means a stream substrate particle larger than ten inches in diameter.

~~((13))~~ (15) "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

~~((14))~~ (16) "Classify" means to sort aggregate by hand or through a screen, grizzly, or similar device to remove the larger material and concentrate the remaining aggregate.

(17) "Cofferdam" means a temporary enclosure used to keep water from a work area.

(18) "Complete written application" means any document that serves as application for a written hydraulic project approval under WAC 220-110-030 which is signed and dated by the applicant and authorized agent, if one is acting for the applicant, and contains general plans for the overall project, complete plans and specifications for the proposed construction or work waterward of the mean higher high water line in salt water, or waterward of the ordinary high water line in fresh water, complete plans and specifications for the proper protection of fish life, and notice of compliance with any applicable requirements of the State Environmental Policy Act, chapter 43.21C RCW, unless otherwise provided for in chapter 77.55 RCW.

(19) "Concentrator" means a device used to physically or mechanically separate ~~(and enrich)~~ the valuable mineral content ~~((of))~~ from aggregate. ~~(Pans, sluice boxes and mini-rocker boxes are examples of concentrators.~~

(15) "Cofferdam" means a temporary enclosure used to keep water from a work area.

~~((16))~~ (20) "Control" means level of treatment of aquatic noxious weeds as prescribed by RCW 17.10.010(5).

~~((17))~~ (21) "Crevicing" means removing aggregate from cracks and crevices using hand-held mineral prospecting tools or water pressure.

(22) "Department" means the Washington department of fish and wildlife.

~~((18))~~ (23) "Diver-operated dredging" means the use of portable suction or hydraulic dredges held by SCUBA divers to remove aquatic plants.

~~((19))~~ (24) "Drawdown" means decreasing the level of standing water in a watercourse to expose bottom sediments and rooted plants.

~~((20))~~ (25) "Dredging" means removal of bed material using other than hand-held tools.

~~((21))~~ (26) "Early infestation" means an aquatic noxious weed whose stage of development, life history, or area of coverage makes one hundred percent control and eradication as prescribed by RCW 17.10.010(5) likely to occur.

~~((22))~~ (27) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions, other natural conditions, or fire.

~~((23))~~ (28) "Entrained" means the entrapment of fish into a watercourse diversion without the presence of a screen, into high velocity water along the face of an improperly designed screen, or into the vegetation cut by a mechanical harvester.

~~((24))~~ (29) "Equipment" means any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

~~((25))~~ (30) "Eradication(-)"; See "control."

~~((26))~~ (31) "Established ford" means a crossing place in a watercourse that was in existence and annually used prior to 1986 or subsequently permitted by the department, and(-) has identifiable approaches on the banks.

~~((27))~~ (32) "Excavation site" means the pit, furrow, or hole from which ~~((aggregate is being removed for the processing and recovery of))~~ you remove aggregate to process and recover minerals or into which wastewater is discharged to settle out sediments.

~~((28))~~ (33) "Extreme low tide" means the lowest level reached by a receding tide.

~~((29))~~ (34) "Farm and agricultural land" means those lands identified as such in RCW 84.34.020.

~~((30))~~ (35) "Filter blanket" means a layer or combination of layers of pervious materials (organic, mineral, or synthetic) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

~~((31))~~ (36) "Fish life" means all fish species, including but not limited to food fish, shellfish, game fish, and other nonclassified fish species and all stages of development of those species.

~~((32))~~ (37) "Fishway" means any facility or device that is designed to enable fish to effectively pass around or through an obstruction without undue stress or delay.

~~((33))~~ (38) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director of the Washington department of fish and wildlife.

~~((34))~~ (39) "Frequent scour zone" means the area between the wetted perimeter and the toe of the slope, comprised of aggregate, boulders, or bedrock. Organic soils are not present in the frequent scour zone.

(40) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

~~((35))~~ (41) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the Washington fish and wildlife commission.

~~((36))~~ (42) "Ganged equipment" means two or more pieces of mineral prospecting equipment coupled together to increase efficiency. An example is adding a second sluice to a high-banker.

(43) "General provisions" means those provisions that are contained in every HPA.

~~((37))~~ (44) "Gold and Fish pamphlet" means a document that details the rules for conducting small-scale and other prospecting and mining activities, and which serves as the hydraulic project approval for certain mineral prospecting and mining activities in Washington state.

(45) "Habitat improvement structures or stream channel improvements" means natural or human-made materials placed in or next to bodies of water to make existing conditions better for fish life. Rock flow deflectors, engineered logjams, and artificial riffles are examples.

(46) "Hand cutting" means the removal or control of aquatic plants with the use of hand-held tools or equipment, or equipment that is carried by a person when used.

~~((38))~~ (47) "Hand-held tools" means tools that are held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Some examples of hand-held tools are shovels, rakes, hammers, pry bars and cable winches. This definition does not apply to hand-held tools used for mineral prospecting. See "hand-held mineral prospecting tools."

~~((39))~~ (48) "Hand-held mineral prospecting tools" means:

(a) Tools that you hold by hand and are not powered by internal combustion, hydraulics, or pneumatics. Examples include metal detectors, shovels, picks, trowels, hammers, pry bars, hand-operated winches, and battery-operated pumps specific to prospecting; and

(b) Vac-pacs.

(49) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish and shellfish.

~~((40))~~ "Highbanker" means a stationary concentrator capable of being operated outside the wetted perimeter of the water body from which water is removed, and which is used to separate gold and other minerals from aggregate with the use of water supplied by hand or pumping, and consisting of a sluice box, hopper, and water supply. Aggregate is supplied to the highbanker by means other than suction dredging. This definition excludes mini-rocker boxes.

(41) "Highbanking" means the use of a highbanker for the recovery of minerals.

~~((42))~~ (50) "High-banker" means a stationary concentrator that you can operate outside the wetted perimeter of the body of water from which the water is removed, using water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water supply. You supply aggregate

gate to the high-banker by means other than suction dredging. This definition excludes rocker boxes. See Figure 1.



Figure 1: Highbanker

(51) "High-banking" means using a high-banker to recover minerals.

(52) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic projects include forest practice activities, conducted pursuant to the forest practices rules (Title 222 WAC), that involve construction or performance of other work in or across the ordinary high water line of:

- (a) Type 1-3 waters; or
- (b) Type 4 and 5 waters with identifiable bed or banks where there is a hatchery water intake within two miles downstream; or
- (c) Type 4 and 5 waters with identifiable bed or banks within one-fourth mile of Type 1-3 waters where any of the following conditions apply:
 - (i) Where the removal of timber adjacent to the stream is likely to result in entry of felled trees into flowing channels;
 - (ii) Where there is any felling, skidding, or ground lead yarding through flowing water, or through dry channels with identifiable bed or banks with gradient greater than twenty percent;
 - (iii) Where riparian or wetland leave trees are required and cable tailholds are on the opposite side of the channel;
 - (iv) Where road construction or placement of culverts occurs in flowing water;
 - (v) Where timber is yarded in or across flowing water;
- (d) Type 4 and 5 waters with identifiable bed or banks that are likely to adversely affect fish life, where the HPA requirement is noted by the department in response to the forest practice application.

Hydraulic projects and associated permit requirements for specific project types are further defined in other sections of this chapter.

~~((43)) "Hydraulic project application" means a form provided by and submitted to the department of fish and wildlife accompanied by plans and specifications of the proposed hydraulic project.~~

~~((44))~~ (53) "Hydraulic project approval" ~~((HPA))~~ or "HPA" means:

(a) A written approval for a hydraulic project signed by the director of the department of fish and wildlife, or the director's designates; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of fish and wildlife, or the director's designates; or

(c) The following printed pamphlet approvals ~~((and any supplemental approvals to them. See "supplemental approval"))~~:

(i) A "Gold and Fish" pamphlet issued by the department, which identifies and authorizes specific minor hydraulic project activities for mineral prospecting and placer mining; or

(ii) An "Irrigation and Fish" pamphlet issued by the department, which identifies and authorizes specific minor hydraulic project activities; or

(iii) An "Aquatic Plants and Fish" pamphlet and any supplemental approvals to it issued by the department, which identifies and authorizes specific aquatic noxious weed and aquatic beneficial plant removal and control activities.

~~((45)) "Hydraulic mining" means the use of water spray or water under pressure to dislodge minerals and other material.~~

~~((46))~~ (54) "Job site" means the space of ground including and immediately adjacent to the area where work is conducted under the authority of ~~((a hydraulic project approval))~~ an HPA. For mineral prospecting and placer mining projects, the job site includes the excavation site.

~~((47))~~ (55) "Joint aquatic resources permit application" or "JARPA" means a form provided by the department and other agencies which an applicant submits when requesting a written HPA for a hydraulic project.

(56) "Lake" means any natural or impounded body of standing freshwater, except impoundments of the Columbia and Snake rivers.

~~((48))~~ (57) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

~~((49))~~ (58) "Mean higher high water" or "MHHW," means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the ~~((MLLW))~~ mean lower low water = 0.0 tidal elevation.

~~((50))~~ (59) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each ~~((days'))~~ day's lowest tide at a particular location over a period of nineteen years. It is the tidal datum for vertical tidal references in the saltwater area.

~~((51))~~ (60) "Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with the use of aquatic mechanical harvesters, which cut and collect aquatic plants, and mechanical cutters, which only cut aquatic plants.

~~((52)) "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal other than the human body used in any aspect of prospecting for or recovering minerals. Classifications of mineral prospecting equipment are as follows:~~

- ~~(a) Class 0 – nonmotorized pans.~~
- ~~(b) Class I.~~
- ~~(i) Pans.~~

(ii) Nonmotorized sluice boxes, concentrators and mini-rocker boxes with a riffle area not exceeding ten square feet, and not exceeding fifty percent of the width of the wetted perimeter of the stream.

(c) Class II-

(i) Suction dredges with a maximum nozzle size of four inches inside diameter.

(ii) Highbankers or suction dredge/highbanker combinations with a maximum water intake size of two and one-half inches inside diameter, when operated wholly below the ordinary high water line.

(d) Class III-

(i) Highbankers supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

(ii) Suction dredge/highbanker combinations supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

(iii) Other concentrators supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

~~(53))~~ (61) "Mineral prospect" means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.

(62) "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal (other than the human body) that you use in any aspect of prospecting for or recovering minerals.

(63) "Mini high-banker" means a high-banker with a riffle area of three square feet or less. See Figure 2.



Figure 2: Mini high-banker

(64) "Mini(-)rocker box" means a (~~nonmotorized~~ ~~concentrator~~ operated with a rocking motion and consisting of a hopper attached to a cradle and a sluice box with a riffle area not exceeding ten square feet. The mini-rocker box shall only be supplied with water by hand and be capable of being

carried by one individual. A mini-rocker box shall not be considered a highbanker.

~~(54))~~ rocker box with a riffle area of three square feet or less. See Figure 3.

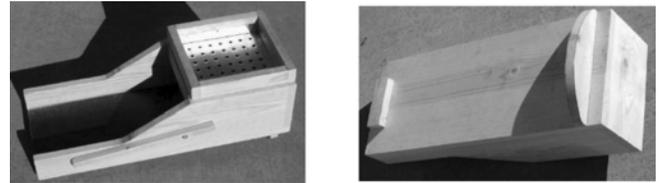


Figure 3: Mini rocker box (top view and bottom view)

(65) "Mining" means the production activity that follows mineral prospecting.

(66) "Mitigation" means actions (~~(which)~~ ~~that~~ shall be required as provisions of the HPA to avoid or compensate for impacts to fish life resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; or

(f) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

For projects with potentially significant impacts, a mitigation agreement may be required prior to approval. Replacement mitigation may be required to be established and functional prior to project construction.

~~((55))~~ (67) "Natural conditions" means those conditions (~~(which)~~ ~~that~~ arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

~~((56))~~ (68) "No-net-loss" means:

(a) Avoidance or mitigation of adverse impacts to fish life; or

(b) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(c) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no-net-loss should benefit those organisms being impacted.

~~((57))~~ (69) "Ordinary high water line" or "OHWL" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland(~~(:)~~), ~~provided((:))~~ that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater shall be the line of mean higher high

water, and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

~~((58))~~ (70) "Pan" means ~~((the following equipment used to separate gold or other metal from aggregate by washing:~~

- ~~(a) An open, metal or plastic dish operated by hand; or~~
- ~~(b) A motorized rotating open, metal or plastic dish without pumped or gravity fed water supplies.~~

((59)) an open metal or plastic dish that you operate by hand to separate gold or other minerals from aggregate by washing the aggregate. See Figure 4.



Figure 4: Pan

(71) "Panning" means ~~((the use of))~~ using a pan to wash aggregate.

~~((60))~~ (72) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

~~((61))~~ (73) "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

~~((62))~~ (74) "Pool" means a portion of the stream with reduced current velocity, often with water deeper than the surrounding areas.

~~((63))~~ (75) "Power sluice" means "high-banker."

(76) "Power sluice/suction dredge combination" means a machine that can be used as a power sluice, or with minor modifications, as a suction dredge. See Figure 5.



Figure 5: Power sluice/suction dredge combination

(77) "Process aggregate" or "processing aggregate" means the physical or mechanical separation of the valuable mineral content within aggregate.

(78) "Prospecting" means the exploration for minerals and mineral deposits.

(79) "Protection of fish life" means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations.

~~((64))~~ (80) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum virgatum* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(b).

~~((65))~~ (81) "Redd" means a nest made in gravel, consisting of a depression dug by a fish for egg deposition, and associated gravel mounds. See Figure 6.

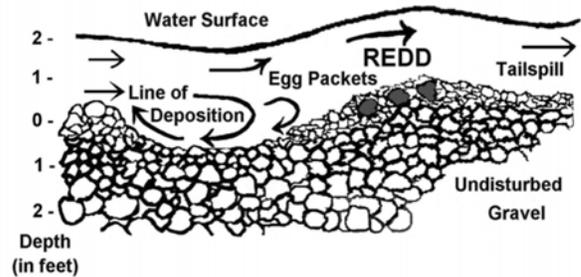


Figure 6: Cross section of a typical redd

(82) "Riffle" means the bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold.

~~((66))~~ (83) "River or stream." See "watercourse."

~~((67))~~ (84) "Rocker box" means a nonmotorized concentrator consisting of a hopper attached to a cradle and a sluice box that you operate with a rocking motion. See Figure 7.

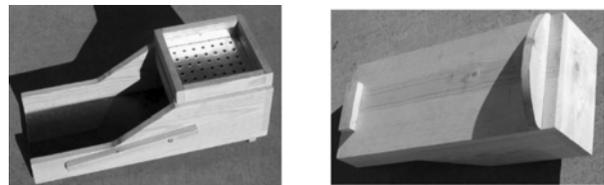


Figure 7: Rocker box (top view and bottom view)

(85) "Rotovation" means the use of aquatic rotovators which have underwater rototiller-like blades to uproot aquatic plants as a means of plant control.

~~((68))~~ (86) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

~~((69))~~ (87) "Shellfish" means those species of saltwater and freshwater invertebrates that shall not be taken except as authorized by rule of the director of the department of fish and wildlife. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((70))~~ (88) "Slope" means:

- (a) Any land surface above the frequent scour zone and wetted perimeter that adjoins a body of water. Slope also

includes land surfaces of islands above the frequent scour zone that adjoin a body of water; or

(b) A stretch of ground forming a natural or artificial incline.

(89) "Sluice (~~(box)~~)" means a trough equipped with riffles across its bottom, ~~((used to recover gold and other minerals with the use of water.~~

(71) "Sluicing" means the use of a sluice box for the recovery of gold and other minerals.

(72) "Small scale mineral prospecting equipment" encompasses the equipment included in "mineral prospecting equipment, Class I."

(73)) which you use to recover gold and other minerals with the use of flowing water. See Figure 8.

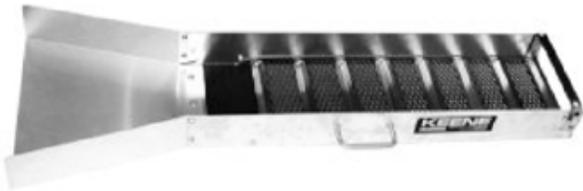


Figure 8: Sluice

(90) "Spartina" means *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*, and *Spartina patens* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(a).

((74)) (91) "Special provisions" means those conditions that are a part of the HPA, but are site- or project-specific, and are used to supplement or amend the technical provisions.

((75)) (92) "Spiral wheel" means a hand-operated or battery powered rotating pan that you use to recover gold and minerals with the use of water. See Figure 9.



Figure 9: Spiral wheel

(93) "Stable slope" means a slope without visible evidence of slumping, sloughing or other movement. Stable slopes will not show evidence of landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically present on stable slopes.

(94) "Stream-bank stabilization" means those projects which prevent or limit erosion, slippage, and mass wast-

ing(~~(s)~~), including, but not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection (physical armoring of banks using rock or woody material, or placement of jetties or groins), gravel removal, or erosion control.

((76)) (95) "Suction dredge" means a machine ~~((equipped with an internal combustion engine or electric motor powering a water pump which is used))~~ that you use to move submerged ((bed materials by means of)) aggregate via hydraulic suction. ((These bed materials are processed)) You process the aggregate through an attached sluice box for the recovery of gold and other minerals. See Figure 10.

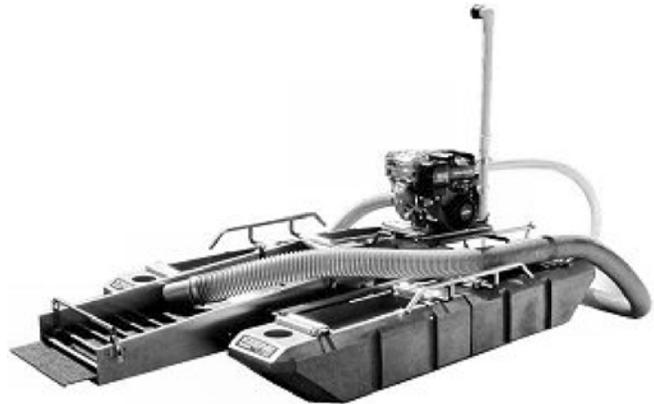


Figure 10: Suction dredge

((77)) (96) "Suction dredging" means ~~((the use of))~~ using a suction dredge for the recovery of gold and other minerals.

((78)) (97) "Supplemental approval" means a written addendum issued by the department to ~~((a))~~ an *Aquatic Plants and Fish* pamphlet HPA for approved exceptions to conditions of that pamphlet HPA or for any additional authorization by the department when required by ((a)) the pamphlet HPA. See "hydraulic project approval."

((79)) (98) "Tailings" means the waste material ((remaining)) that remains after ((processing)) you process aggregate for minerals.

((80)) (99) "Technical provisions" means those conditions that are a part of the HPA and apply to most projects of that nature.

((81)) (100) "Toe of the bank" means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

((82)) (101) "Toe of the slope" means the base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.

(102) "Unstable slope" means a slope with visible evidence of slumping, sloughing or other movement. Evidence of unstable slopes includes landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the

recent erosion of soils and sediment. Woody vegetation is typically not present on unstable slopes.

(103) "Vac-pac" means a motorized, portable vacuum used for prospecting. See Figure 11.



Figure 11: Vac pac

(104) "Viable" means that any plant or plant part is capable of taking root or living when introduced into a body of water.

~~((83))~~ (105) "Watercourse" and "river or stream" means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state, including areas in which fish may spawn, reside, or (~~through which they may~~) pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse (~~which~~) that has been altered by humans.

~~((84))~~ (106) "Water right" means a certificate of water right, a vested water right or a claim to a valid vested water right, or a water permit, pursuant to Title 90 RCW.

~~((85))~~ (107) "Waters of the state" or "state waters" means all salt waters and fresh waters waterward of ordinary high water lines and within the territorial boundaries of the state.

~~((86))~~ (108) "Water type" means water categories as defined in WAC 222-16-030 of the forest practice rules and regulations.

~~((87))~~ (109) "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

~~((88))~~ (110) "Wetted perimeter" means the areas of a watercourse covered with flowing or nonflowing water(~~;- flowing or nonflowing~~).

(111) "Woody vegetation" means perennial trees and shrubs having stiff stems and bark. Woody vegetation does not include grasses, forbs, or annual plants.

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

WAC 220-110-030 Hydraulic project approvals—Procedures. (1) A person shall obtain an HPA before conducting a hydraulic project.

(2) ~~((A person seeking an HPA shall submit))~~ Receipt by the department of any one of the following documents constitutes an application for a written HPA:

(a) A joint aquatic resources permit application (JARPA) submitted to the department;

(b) A forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010; or

(c) A section 10 or 404 public notice circulated by the United States Army Corps of Engineers or United States Coast Guard.

(3) You shall request a written HPA by submitting a complete written application to the department. ~~((The))~~ You shall request a pamphlet HPA by following the procedures in WAC 220-110-031. Your application for a written HPA shall contain general plans for the overall project, complete plans and specifications for the proposed construction or work waterward of the ~~((mean higher high water))~~ MHHW line in salt water, or waterward of the ~~((ordinary high water line))~~ OHWL in fresh water, ~~((and))~~ complete plans and specifications for the proper protection of fish life, and notice of compliance with any applicable requirements of the State Environmental Policy Act, chapter 43.21C RCW, unless otherwise provided for in chapter 77.55 RCW. You and your authorized agent, if one is acting for you, must sign and date the application ~~((shall be signed and dated by the applicant or their agent.~~

~~(3) Receipt of any one of the following documents constitutes application for an HPA:~~

~~(a) A completed hydraulic project application submitted to the department;~~

~~(b) A completed forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010; or~~

~~(c) A section 10 or 404 public notice circulated by the United States Army Corps of Engineers or United States Coast Guard).~~

(4) The department shall grant or deny approval within forty-five calendar days of the receipt of a complete written application ~~((and notice of compliance with any applicable requirements of the State Environmental Policy Act (SEPA) (chapter 43.21C RCW))).~~ The department shall strive to issue HPAs in less than thirty days. The forty-five day requirement shall be suspended if:

~~(a) ~~((An incomplete application is received;~~~~

~~(b))~~ The site is physically inaccessible for inspection;

~~((c))~~ (b) You or your authorized agent, if one is acting for you, remains unavailable or unable to arrange for a timely field evaluation of the proposed project after ten working days of the department's receipt of the application(~~;- the~~

applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project));

~~((d))~~ (c) You or your authorized agent, if one is acting for you, requests a delay;

(d) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161 (3)(b); or

(e) The department is reviewing the application as part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

(5) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(6) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property.

(7) The department may issue an expedited written HPA in those instances where normal processing would result in ~~((unanticipated extreme))~~ significant hardship for the applicant, or unacceptable environmental damage would occur. ~~((An expedited HPA may be granted upon request for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources that are subject to imminent danger by weather, flow, or other natural conditions.))~~

(8) Expedited HPA requests require a complete written application and shall take precedence over other nonemergency applications ~~((and))~~. These will ~~((normally))~~ be issued within ~~((ten))~~ fifteen calendar days of ~~((request))~~ receipt of a complete written application. ~~((All SEPA requirements shall be met prior to issuance of an expedited HPA.))~~ The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for expedited written HPAs.

~~((7))~~ (9) The county legislative authority or the department may declare an emergency or continue an existing declaration of an emergency where there is an immediate threat to life, the public, property, or of environmental degradation. Upon the declaration of an emergency, the department shall grant verbal approval ~~((shall be granted))~~ immediately upon request for ~~((emergency work to repair existing structures, move obstructions, restore banks, or protect property that is subject to immediate danger by weather, flow, or other natural conditions. Verbal approval shall be granted immediately upon request for driving across a stream during an emergency, as defined in WAC 220-110-020))~~ a stream crossing, or work to remove any obstructions, repair existing obstructions, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow. The verbal approval shall be obtained prior to commencing emergency work and the department must issue a written HPA reflecting the conditions of the verbal approval within thirty days. The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for emergency HPAs.

~~((8))~~ (10) The department may accept written or verbal requests for time extensions, renewals, or alterations of an existing HPA. The request must be processed within forty-five calendar days of receipt of the request. Approvals of such requests shall be in writing. Transfer of an HPA to a new permittee requires written request by the original permittee or their authorized agent, if one is acting for the permittee, and such request shall include the HPA number. This written request shall be in a form acceptable to the department and shall ~~((contain an affirmation by))~~ include a statement that the new permittee ~~((that he/she))~~ agrees to be bound by the conditions ~~((on))~~ in the HPA. ~~((Project activity))~~ The new permittee shall not ~~((be conducted by the new permittee))~~ conduct any project activities until ~~((approval has been issued by))~~ the department has issued approval.

~~((9))~~ (11) Each HPA is usually specific to a watercourse, stating the exact location of the project site, and usually consists of general, technical, and special provisions.

~~((10))~~ (12) The written HPA, or clear reproduction, shall be on the project site when work is being conducted and shall be immediately available for inspection.

~~((11))~~ (13) The department may grant HPAs ~~((may be granted))~~ for a period of up to five years. Permittees shall demonstrate substantial progress on construction of that portion of the project relating to the ~~((H))~~HPA ~~((H))~~ within two years of the date of issuance. The following types of HPAs issued under RCW ~~((75.20.103))~~ 77.55.021 shall remain in effect without the need for periodic renewal, provided the permittee notifies the department before commencing ~~((the))~~ work each year~~((:))~~:

(a) Work of a seasonal nature that diverts water for irrigation or stock watering purposes~~((:))~~; and

(b) Stream-bank stabilization projects if the problem causing the erosion occurs on an annual or more frequent basis as demonstrated by the applicant. Evidence of erosion may include, but is not limited to, history of permit application, approval, or photographs. Periodic ~~((flood waters))~~ floodwaters by themselves do not constitute ~~((the))~~ a problem that requires ~~((a))~~ an HPA.

~~((12))~~ ~~A hydraulic project application~~ (14) An HPA shall be denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless adequate mitigation can be assured by conditioning the HPA or modifying the proposal. If approval is denied, the department shall provide the applicant, in writing, a statement of the specific reason(s) why and how the proposed project would adversely affect fish life.

~~((13))~~ (15) Protection of fish life shall be the only grounds upon which the department may deny or condition an HPA ~~((may be denied or conditioned))~~.

~~((14))~~ (16) The department may place specific time limitations on project activities in HPAs ~~((may have specific time limitations on project activities))~~ to protect fish life.

~~((15))~~ (17) HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations of local, federal, and other Washington state agencies.

~~((16))~~ ~~Administration of~~ (18) The department shall administer this chapter ~~((shall be conducted))~~ in compliance

with SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100, and 232-19 WAC.

~~((17)) All HPAs issued pursuant to RCW 75.20.100 and 75.20.160 may be subject to additional restrictions, conditions, or revocation if the department determines that new biological or physical information indicates the need for such action. The permittee has the right to request an informal or formal appeal in accordance with chapter 34.05 RCW. All HPAs issued pursuant to RCW 75.20.103 may be modified by the department due to changed conditions after consultation with the permittee. Provided however, That modifications of HPAs issued pursuant to RCW 75.20.103 and 75.20.160 shall be subject to appeal to the hydraulic appeals board established in RCW 75.20.130.)) (19) The department may, after consultation with the permittee, modify an HPA due to changed conditions. The modification becomes effective unless appealed to the department or the hydraulic appeals board as specified in RCW 77.55.021(4), 77.55.301(5), WAC 220-110-340 and 220-110-350.~~

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-031 Pamphlet hydraulic project approvals—Procedures. (1) In those instances where a pamphlet is the equivalent of ~~((an HPA))~~ a hydraulic project approval (HPA) as defined in WAC 220-110-020~~((44))~~ (53), a person shall obtain a pamphlet HPA issued by the department, which identifies and authorizes specific minor hydraulic project activities before conducting a hydraulic project.

(2) You may submit requests for pamphlet HPAs to the department verbally or in writing.

(3) The department may grant exceptions to a pamphlet HPA if you apply for a written HPA as described in WAC 220-110-030, or for supplemental approvals to the *Aquatic Plants and Fish* pamphlet HPA as defined in WAC 220-110-020~~((44))~~ (53) and 220-110-020~~((78))~~ (96). Exceptions to a pamphlet HPA shall require written authorization by the department.

~~((3))~~ (4) You may submit applications ~~((submitted to the department))~~ for *Aquatic Plants and Fish* pamphlet supplemental approvals ~~((may be verbal or written))~~ verbally or in writing to the department.

(a) Your supplemental approval application(s) shall specify the requested exception or request for additional authorization and shall include ~~((the applicant's))~~ your name, address and phone number. You shall sign and date written applications ~~((shall be signed and dated))~~.

(b) The department shall grant or deny a request for a supplemental approval within forty-five calendar days of the receipt of a request for supplemental approval.

~~((4)) The supplemental approval shall be attached to the pamphlet HPA and shall be on the job site when work is being conducted and shall be immediately available for inspection.))~~

(5) Except as provided in WAC 220-110-201, you shall have the pamphlet HPA, ~~((or clear reproduction, shall be))~~ and any supplemental approvals to it on the job site when

work is being conducted and shall ~~((be))~~ make them immediately available for inspection upon request.

(6) ~~((The pamphlet HPA shall be conditioned to ensure protection of fish life.~~

~~((7)) Pamphlet HPAs do not exempt ~~((the applicant))~~ you from obtaining other appropriate permits and following the rules ~~((or))~~ and regulations of local, federal, and other Washington state agencies.~~

~~((8) Administration of this chapter shall be conducted in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100, and 232-19 WAC.))~~

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-200 Mineral prospecting ~~((technical provisions))~~. (1) WAC 220-110-201 through ~~((220-110-205))~~ 220-110-206 set forth ~~((technical provisions))~~ the rules necessary to protect fish life that ~~((shall))~~ apply to mineral prospecting and placer mining projects ~~((as necessary to protect fish life. Additional special provisions may be included in written HPAs as necessary to address site-specific conditions. Written HPAs shall also have specific time limitations on project activities to protect fish life. Timing limitations for projects conducted under authority of the *Gold and Fish* pamphlet are found in WAC 220-110-206 through 220-110-209. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable in written HPAs))~~. A copy of the current *Gold and Fish* pamphlet is available from the department, and it contains the rules which you must follow when mineral prospecting under its authority.

(2) Alternatively, you may request exceptions to the *Gold and Fish* pamphlet by applying for an individual written HPA as indicated in WAC 220-110-031. An HPA shall be denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless adequate mitigation can be assured by conditioning the HPA or modifying the proposal. The department may apply saltwater provisions to written HPAs for tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

(3) Nothing in these rules relieves a person of the duty to obtain landowner permission and any other necessary permits before conducting any mineral prospecting activity.

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-201 ~~((Common))~~ mineral prospecting ~~((technical provisions))~~ without timing restrictions. ~~((A copy of the current *Gold and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no net loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following~~

technical provisions shall apply to all mineral prospecting and placer mining projects:

(1) Excavation, collection and processing of aggregate from the bed shall comply with the timing and location restrictions specified in WAC 220-110-206 through 220-110-209. Excavation, collection and processing of aggregate within the wetted perimeter shall only occur between 5:00 a.m. and 11:00 p.m.

(2) Excavation sites shall be separated by at least two hundred feet.

(3) There shall be no excavation, collection or processing of aggregate within four hundred feet of any fishway, dam or hatchery water intake.

(4) Except as specified in WAC 220-110-203, aggregate collected from outside the bed shall not be washed, sluiced, processed or deposited within two hundred feet landward of the ordinary high water line.

(5) A maximum of five individuals eight years of age and over may collect and process aggregate from any excavation site. No more than one pit, furrow or pothole at a time shall be excavated by any one individual.

(6) Excavations shall not occur between the ordinary high water line and two hundred feet landward of the ordinary high water line. Excavations between the ordinary high water line and the toe of the bank shall not result in undercutting below the ordinary high water line or in disturbance of land surfaces above the ordinary high water line.

(7) There shall be no disturbance of live rooted vegetation of any kind. Woody debris jams and large woody material shall not be disturbed in any manner.

(8) With the exception of aggregate excavated by a suction dredge, all excavations of aggregate shall only be performed by hand or with hand held tools. A maximum of one hand-operated cable, chain or rope winch may be used to move bed material below the ordinary high water line. Additional safety cables, chains or ropes may be attached to this material provided they do not offer a mechanical advantage and are used solely to hold material in place. The use of horses, other livestock or motorized mineral prospecting equipment, except those specifically authorized under WAC 220-110-203 through 220-110-205, is prohibited. Materials too large to be moved with a single hand-operated cable, chain or rope winch shall not be disturbed.

(9) Boulders may be moved only to facilitate collection of aggregate underneath them. Boulders shall be immediately replaced in their original location prior to working another excavation site or leaving the excavation site. Not working the excavation site for more than sixteen hours constitutes leaving the site.

(10) Only equipment, methods, locations and timing for processing aggregate specified in WAC 220-110-201 through 220-110-209 are authorized. Exceptions shall require additional authorization from the department in the form of a supplemental approval to the *Gold and Fish* pamphlet or a written HPA. A written HPA shall be required for exceptions in cases where "submit application" or "closed" is listed for state waters in WAC 220-110-206 through 220-110-209. Only the following exceptions may be authorized through a supplemental approval to the *Gold and Fish* pamphlet:

(a) Timing and location only for Class I and Class II mineral prospecting equipment.

(b) Location only for Class III mineral prospecting equipment.

(11) With the exception of sieves for classifying aggregate, mineral prospecting equipment shall not be combined in series, joined or ganged with additional mineral prospecting equipment to increase the riffle area or efficiency of mineral recovery of a single piece of mineral prospecting equipment.

(12) There shall be no damming or diversion of the flowing stream except as provided in WAC 220-110-203 (4)(d).

(13) Prior to working another excavation site or leaving the excavation site, tailings of aggregate collected from below the ordinary high water line shall be returned to the location from which the aggregate was originally collected. Sand and lighter material washed away by the streamflow during aggregate processing and tailings resulting from suction dredging may be left where processed.

(14) Except as required in subsection (13) of this section, tailings shall not be deposited in existing pools.

(15) Incubating fish eggs or fry shall not be disturbed. If fish eggs or fry are encountered during excavation of the bed, operations shall immediately cease and the department shall be notified immediately. No further excavations shall occur until all eggs and fry have emerged from the gravel. Further approval shall be required by the department prior to resuming mineral prospecting or placer mining activities in that stream.

(16) Beds containing live freshwater mussels shall not be disturbed. If live mussels are encountered during excavation of the bed, operations shall immediately cease and shall be relocated a minimum of two hundred feet from them.

(17) All pits, furrows, tailing piles, and potholes created during excavation or processing of aggregate shall be leveled or refilled with bed materials or tailings prior to working another excavation site or leaving the excavation site. Not working the excavation site for more than sixteen hours constitutes leaving the site. No more than one pit, furrow or pothole at a time shall be excavated.

(18) Fish entrapped within pits, furrows or potholes created during excavation or processing of aggregate shall immediately be safely collected and returned to flowing waters and the pits, furrows or potholes leveled or filled.

(19) At no time shall mining or prospecting activity create a blockage or hindrance to either the upstream or downstream passage of fish.

(20) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. Work shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(21) No motorized, tracked, or wheeled vehicles shall be:

(a) Operated or allowed below the ordinary high water line of the stream; or

(b) Be operated so as to affect the bed or flow of waters of the state in any way.

(22) Entry onto private property or removal of minerals from an existing mining claim or state-owned lands without

the permission of the landowner or claim holder is not authorized. The permittee is responsible for determining land ownership, land status (i.e., open to entry under the mining laws) and the status and ownership of any mining claims.

(23) Mercury and other hazardous materials shall not be used on the job site for amalgamating minerals.

(24) Mercury, lead and other hazardous materials removed from aggregate or collected in concentrators during processing of aggregate shall not be returned to waters of the state and shall be disposed of as specified by the department of ecology. Contact the department of ecology for direction on disposal.

(25) Once mining or prospecting at a job site is completed, or mining or prospecting is not conducted at the job site for more than one week, the job site shall be restored to preproject conditions, all disturbed areas shall be protected from erosion and revegetated with native plants, and all pits, furrows, tailing piles, and potholes shall be leveled or refilled as required in subsection (17) of this section.)) You may mineral prospect year-round in all waters of the state, except lakes or salt waters. You must follow the rules listed below, but you do not need to have the rules with you or on the job site.

(1) You may use only hand-held mineral prospecting tools and the following mineral prospecting equipment when mineral prospecting without timing restrictions:

(a) Pans;

(b) Spiral wheels;

(c) Sluices, concentrators, mini rocker boxes, and mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment.

(2) You may not use vehicle-mounted winches. You may use one hand-operated winch to move boulders, or large woody material that is not embedded. You may use additional cables, chains, or ropes to stabilize boulders, or large woody material that is not embedded.

(3) You may work within the wetted perimeter only from one-half hour before official sunrise to one-half hour after official sunset.

(4) You may not disturb fish life or redds within the bed. If you observe or encounter fish life or redds within the bed, or actively spawning fish when collecting or processing aggregate, you must relocate your operations. You must avoid areas containing live freshwater mussels. If you encounter live mussels during excavation, you must relocate your operations.

(5) Rules for excavating:

(a) You may excavate only by hand or with hand-held mineral prospecting tools.

(b) You may not excavate, collect, or remove aggregate from within the wetted perimeter. See Figures 1 and 2.

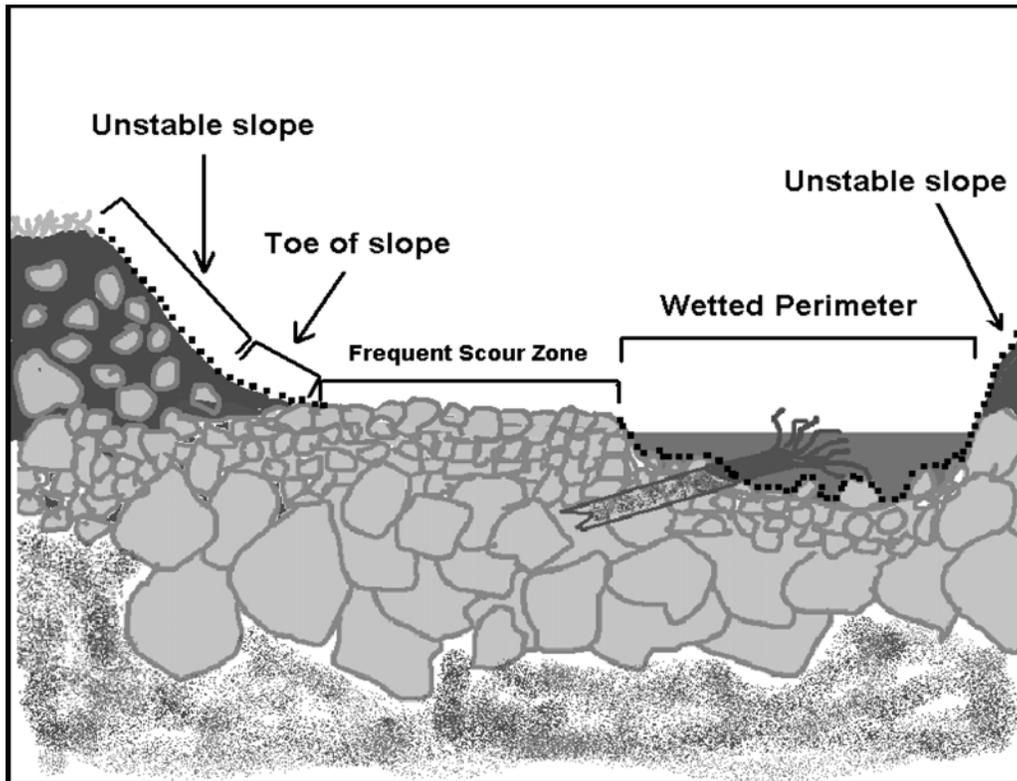


Figure 1: Cross section of a typical body of water, showing areas where excavation is not permitted under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(c) Only one excavation site per individual is allowed. However, you may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

(d) You may not stand within, or allow aggregate to enter, the wetted perimeter when collecting or excavating aggregate.

(e) You must fill all excavation sites and level all tailing piles prior to moving to a new excavation site or abandoning an excavation site. If you move boulders, you must return

them, as best as you can, to their approximate, original location.

(f) You may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. You may move large woody material and boulders located entirely within the frequent scour zone, but you must keep them within the frequent scour zone. You may not cut large woody material. See Figure 2.

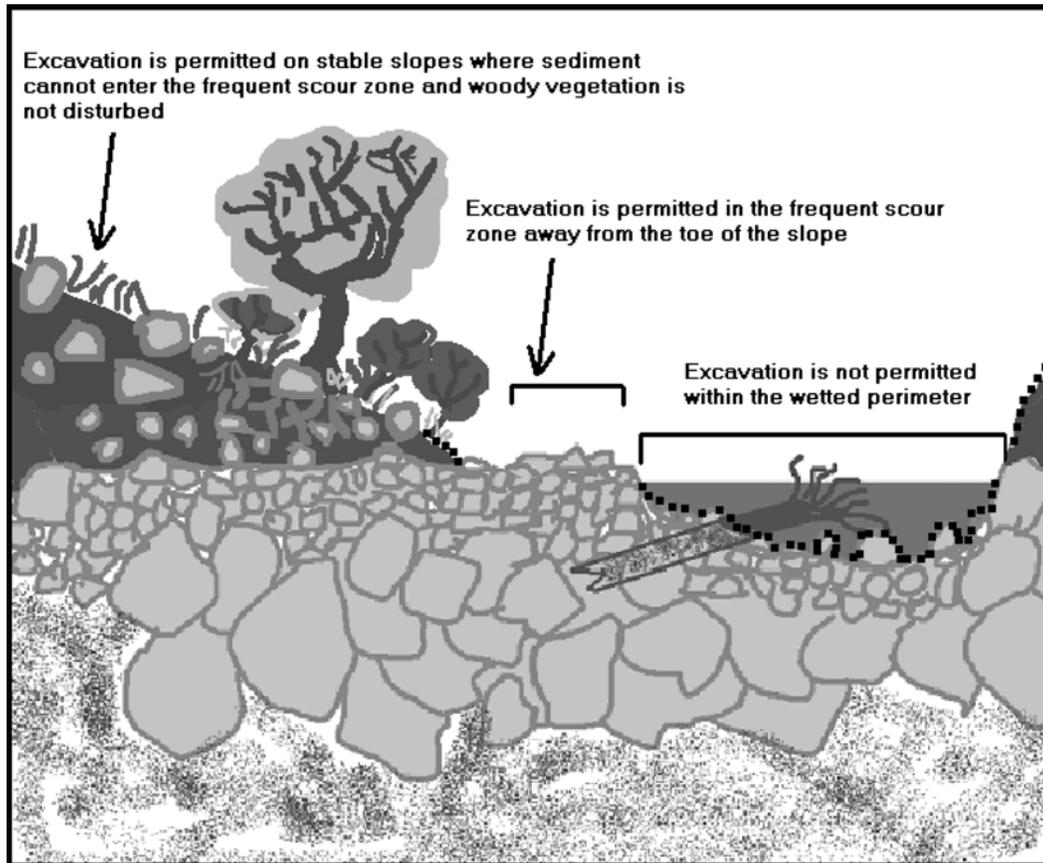


Figure 2: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(g) You may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(h) You may not excavate, collect, or remove aggregate from the toe of the slope. You also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 3 and 4.

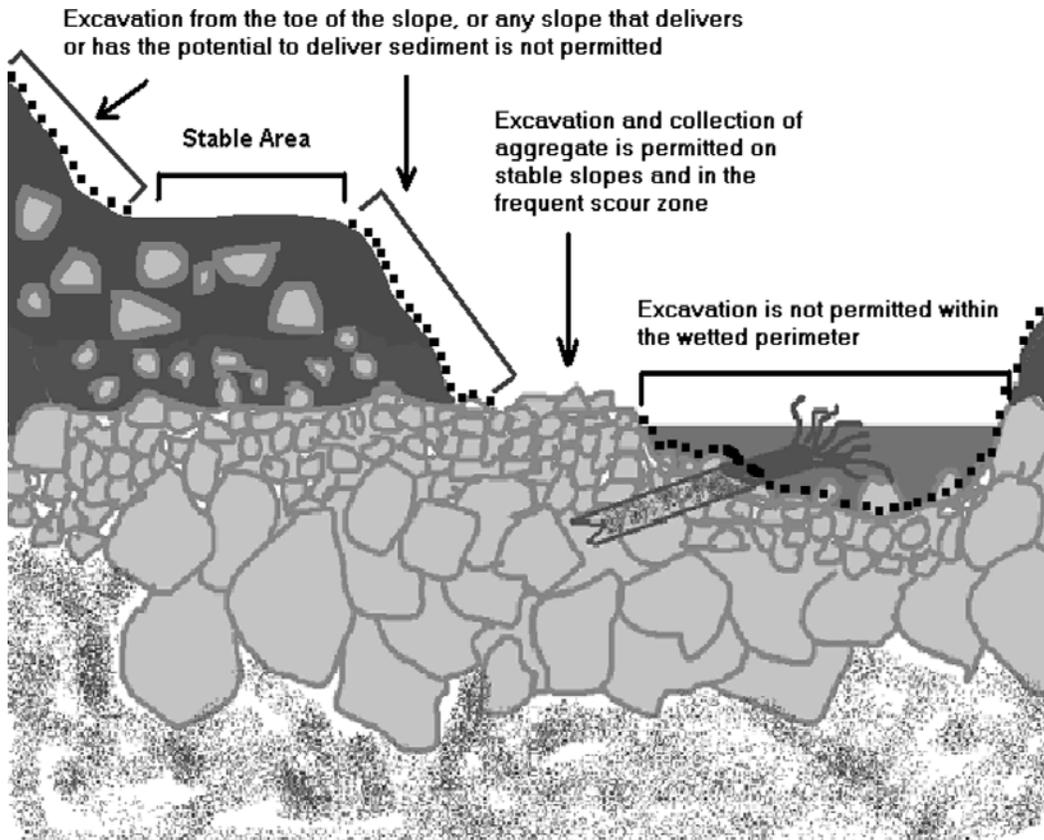


Figure 3: Cross section of a typical body of water, showing unstable slopes, stable areas, and permissible or prohibited excavation sites under rules for mineral prospecting without timing restrictions. Dashed line indicates areas where excavation is not permitted.

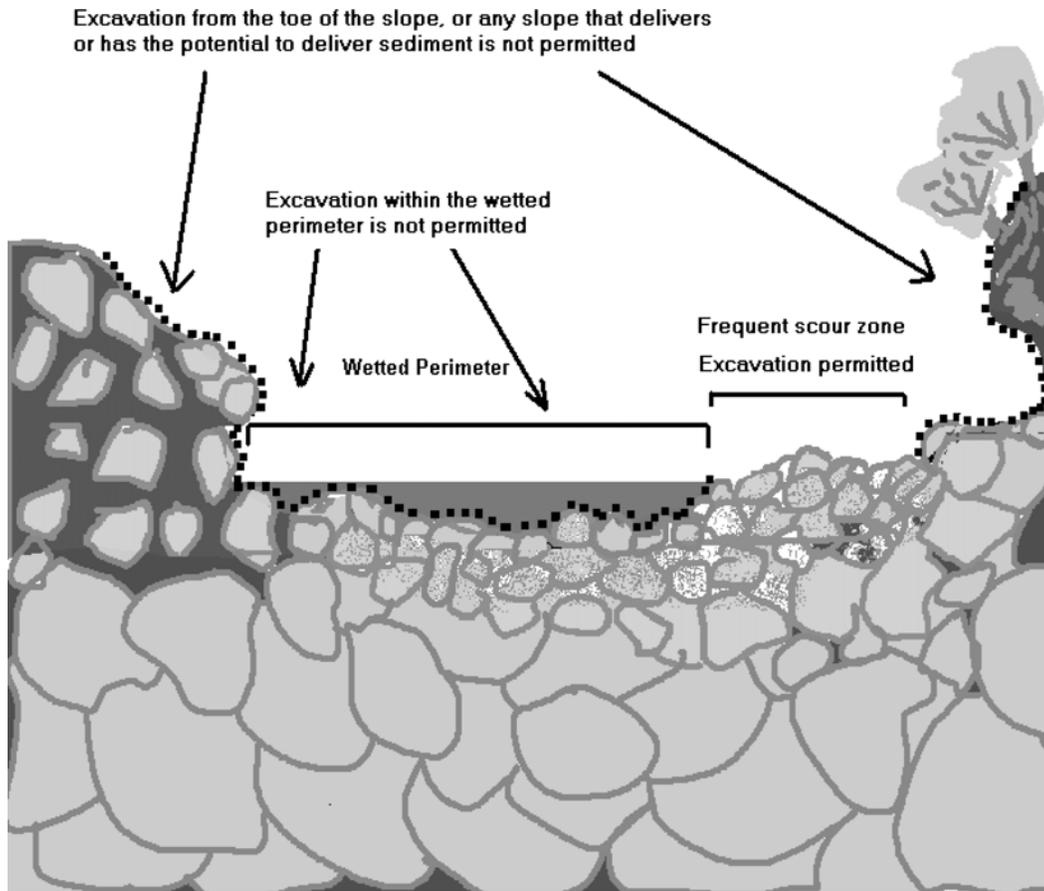


Figure 4: Cross section of a typical body of water showing unstable slopes, stable areas, and permissible or prohibited excavation sites under rules for mineral prospecting without timing restrictions. Dashed line indicates areas where excavation is not permitted.

(6) Rules for processing aggregate:

(a) You may stand within the wetted perimeter when processing aggregate with pans; spiral wheels; and sluices.

(b) You may not stand on or process directly on redds or disturb incubating fish life. You may not allow tailings, or visible sediment plumes (visibly muddy water), to enter redds or areas where fish life are located within the bed.

(c) You may not level or disturb tailing piles that remain within the wetted perimeter after processing aggregate.

(d) You must classify aggregate at the collection or excavation site prior to processing, if you collected or excavated it outside the frequent scour zone.

(e) You may process only classified aggregate within the wetted perimeter when using a sluice.

(f) The maximum width of a sluice, measured at its widest point, including attachments, shall not exceed twenty-five percent of the width of the wetted perimeter at the point of placement.

(g) You may process with a sluice only in areas within the wetted perimeter that are composed primarily of boulders and bedrock. You must separate sluice locations by at least

fifty feet. You may not place structures within the wetted perimeter to check or divert the water flow.

(h) You may operate mini high-bankers or other concentrators only outside the wetted perimeter. You may only supply water to this equipment by hand or by a battery-operated pump with a screened intake. You may not allow visible sediment or muddy water to enter the wetted perimeter. A second excavation site may be used as a settling pond.

(i) Under RCW 77.57.010 and 77.57.070, any device you use for pumping water from fish-bearing waters must be equipped with a fish guard to prevent passage of fish into the pump intake. You must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm rated pump would require at least a one hundred square inch screen.

(j) You may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(k) You may not disturb existing habitat improvement structures or stream channel improvements.

(l) If at any time, as a result of project activities, you observe a fish kill or fish life in distress, you must immediately cease operations and notify the Washington department of fish and wildlife, and the Washington military department emergency management division, of the problem. You may not resume work until the Washington department of fish and wildlife gives approval. The Washington department of fish and wildlife may require additional measures to mitigate the prospecting impacts.

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-202 ((Use of Class 0 mineral prospecting equipment.)) Mineral prospecting with timing restrictions. ((A copy of the current *Gold and Fish* pamphlet available from the department contains the rules which shall be followed when using Class 0 mineral prospecting equipment. A copy of the current *Gold and Fish* pamphlet shall be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no net loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class 0 mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-209 shall apply to all mineral prospecting and placer mining projects conducted with Class 0 equipment.

(2) The use of a single hand-operated nonmotorized pan is authorized.

(3) Collection and processing of aggregate shall be limited to that portion of the bed above the wetted perimeter.)) You may mineral prospect only in the waters, during the times, and with the mineral prospecting equipment limitations identified in WAC 220-110-206. You must follow the rules listed below, and you must have the rules with you or on the job site.

(1) You may use only hand-held mineral prospecting tools and the following mineral prospecting equipment when mineral prospecting with timing restrictions:

(a) Pans;

(b) Spiral wheels;

(c) Sluices, concentrators, rocker boxes, and high-bankers with riffle areas totaling ten square feet or less, including ganged equipment;

(d) Suction dredges should have suction intake nozzles with inside diameters of five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the suction intake nozzle size. See Figure 1.



Figure 1: Dredge intake nozzle

(e) Power sluice/suction dredge combinations that have riffle areas totaling ten square feet or less, including ganged equipment, suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle, and pump intake hoses with inside diameters of four inches or less. The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the suction intake nozzle size. See Figure 1.

(f) High-bankers and power sluices that have riffle areas totaling ten square feet or less, including ganged equipment, and pump intake hoses with inside diameters of four inches or less.

(2) The widest point of a sluice, including attachments, shall not exceed twenty-five percent of the wetted perimeter at the point of placement.

(3) The suction intake nozzle and hose of suction dredges and power sluice/suction dredge combinations must not exceed the diameters allowed in the listing for the stream or stream reach where you are operating, as identified in WAC 220-110-206.

(4) You may not use vehicle-mounted winches. You may use one motorized winch and one hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.

(5) Equipment separation:

(a) You may use hand-held mineral prospecting tools; pans; spiral wheels; or sluices, mini rocker boxes, or mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment, as close to other mineral prospecting equipment as desired.

(b) When operating any sluice or rocker box with a riffle area exceeding three square feet (including ganged equipment), suction dredge, power sluice/suction dredge combination, high-banker, or power sluice within the wetted perimeter, you must be at least two hundred feet from all others also operating this type of equipment. This separation is measured as a radius from the equipment you are operating. You may locate this equipment closer than two hundred feet if only one piece of equipment is operating within that two hundred foot radius. See Figure 2.

(c) When operating any sluice or rocker box with a riffle area exceeding three square feet (including ganged equipment), suction dredge, power sluice/suction dredge combinations, high-banker, or power sluice outside of the wetted perimeter that discharges tailings or wastewater to the wetted perimeter you must be at least two hundred feet from all others also operating this type of equipment. This separation is measured as a radius from the equipment you are operating. You may locate this equipment closer than two hundred feet if only one piece of equipment is operating within that two hundred foot radius. See Figure 2.

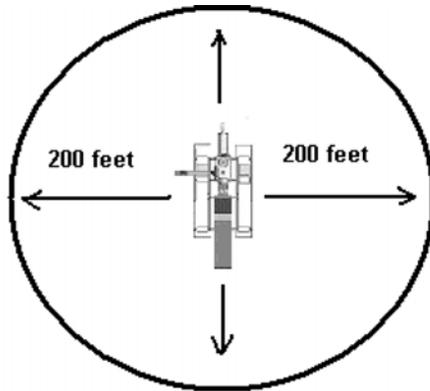


Figure 2: Equipment separation requirement

(6) Under RCW 77.57.010 and 77.57.070, any device you use for pumping water from fish-bearing waters must be equipped with a fish guard to prevent passage of fish into the pump intake. You must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm rated pump would require at least a one hundred square inch screen.

(7) All equipment fueling and servicing must be done so that petroleum products do not get into the body of water or frequent scour zone. If a petroleum sheen or spill is observed, you must contact the Washington military department emergency management division. You must immediately stop your activities, remove your equipment from the body of water, and correct the source of the petroleum leak. You may not return your equipment to the water until the problem is corrected. You must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

(8) You may work within the wetted perimeter or frequent scour zone only from one-half hour before official sunrise to one-half hour after official sunset. If your mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, you must remove the equipment from the wetted perimeter or move it so that a minimum of fifty percent of the wetted perimeter is free of equipment between one-half hour after official sunset to one-half hour prior to official sunrise.

(9) You may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(10) You must not disturb existing habitat improvement structures or stream channel improvements.

(11) You may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. You may move large woody material and boulders located entirely within the frequent scour zone, but you must keep them within the frequent scour zone. You may not cut large woody material.

(12) You may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(13) Only one excavation site per individual is permitted. However, you may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

(14) You must fill all excavation sites and level all tailing piles prior to working another excavation site or abandoning the excavation site.

(15) You may not excavate, collect, or remove aggregate from the toe of the slope. You also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 3 and 4.

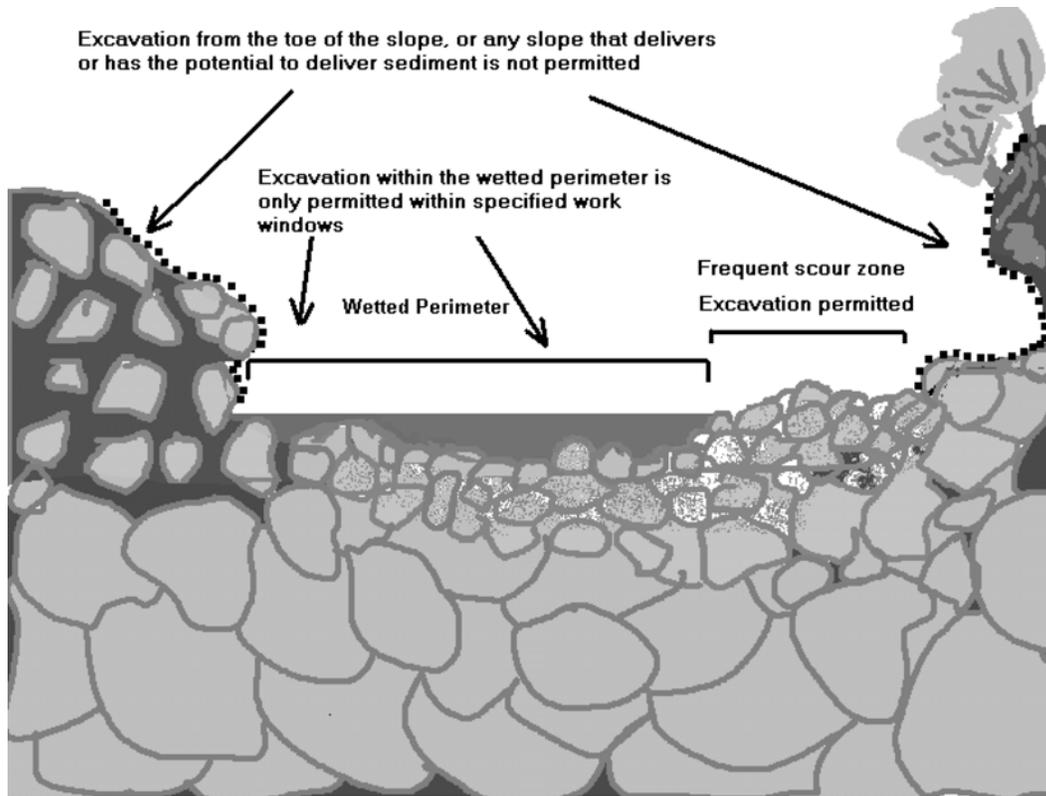


Figure 3: Cross section of a typical body of water showing unstable slopes, stable areas, and permissible or prohibited excavation sites under rules for mineral prospecting with timing restrictions. Dashed line indicates areas where excavation is not permitted.

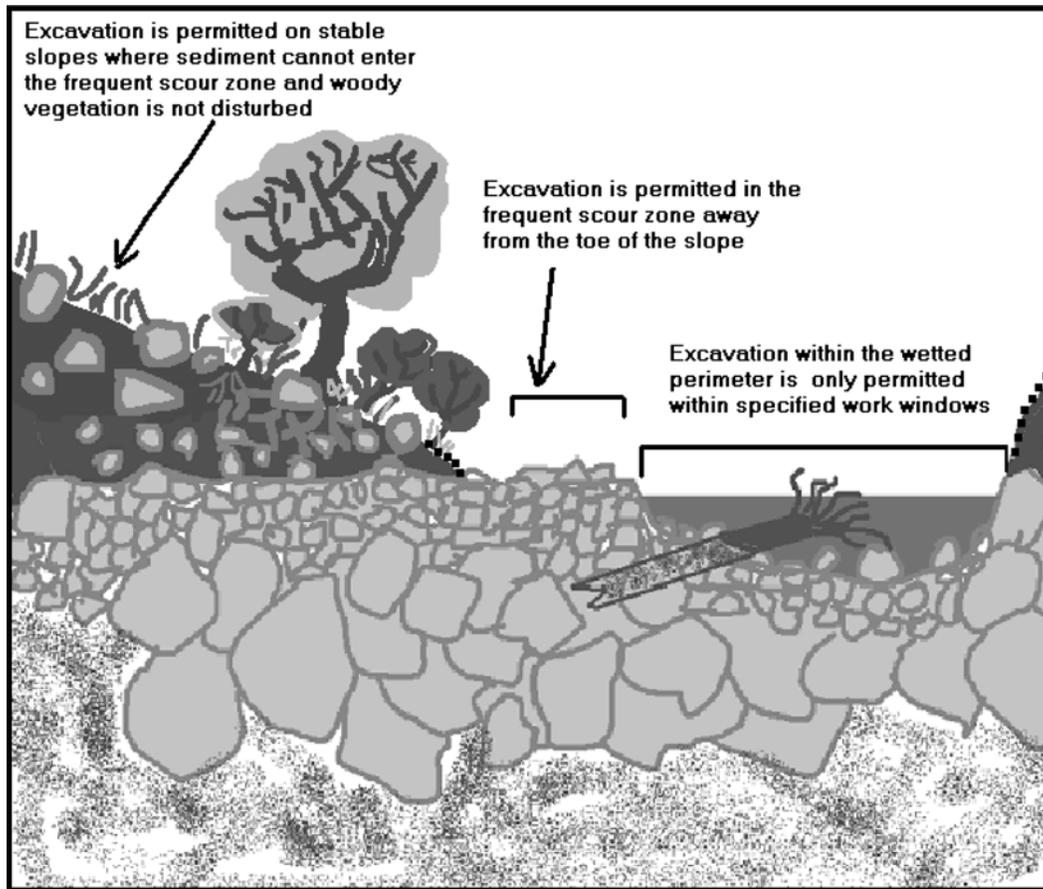


Figure 4: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting with timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(16) You may partially divert a body of water into mineral prospecting equipment. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter, including the width of the equipment. You may not divert the body of water outside of the wetted perimeter.

(17) You may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. You must remove artificial materials used in the construction of a diversion structure and restore the site to its approximate original condition prior to abandoning the site.

(18) You may process aggregate collected from the frequent scour zone:

(a) At any location if you use pans; spiral wheels; mini rocker boxes; mini high-bankers; or sluices or other concentrators with riffle areas totaling three square feet or less, including ganged equipment.

(b) Only in the frequent scour zone or upland areas landward of the frequent scour zone if you use power sluice/suction dredge combinations, high-bankers, or power sluices with riffle areas totaling ten square feet or less, including

ganged equipment; or sluices or rocker boxes that have riffle areas totaling more than three, but less than ten square feet, including ganged equipment. You may not discharge tailings to the wetted perimeter when using this equipment. However, you may discharge wastewater to the wetted perimeter provided its entry point into the wetted perimeter is at least two hundred feet from any other wastewater discharge entry point.

(19) You may process aggregate collected from upland areas landward of the frequent scour zone:

(a) At any location if you use pans; spiral wheels; or sluices, concentrators, mini rocker boxes, and mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment. You must classify the aggregate at the excavation site prior to processing with this equipment within the wetted perimeter or frequent scour zone.

(b) Only at an upland location landward of the frequent scour zone if you use power sluice/suction dredge combinations; high-bankers; power sluices; or rocker boxes. You may not allow tailings or wastewater to enter the wetted perimeter or frequent scour zone.

(c) Within the wetted perimeter or frequent scour zone with a sluice with a riffle area greater than three square feet. You must classify the aggregate at the excavation site prior to processing with a sluice with a riffle area exceeding three square feet.

(20) You may use pressurized water only for crevicing or for redistributing dredge tailings within the wetted perimeter. No other pressurized water use is permitted.

(21) You may conduct crevicing in the wetted perimeter, in the frequent scour zone, or landward of the frequent scour zone. The hose connecting fittings of pressurized water tools used for crevicing may not have an inside diameter larger than three-quarters of an inch. If you crevice landward of the frequent scour zone, you may not discharge sediment or wastewater to the wetted perimeter or the frequent scour zone.

(22) You must avoid areas containing live freshwater mussels. If you encounter live mussels during excavation, you must relocate your operations.

(23) You may not disturb redds. If you observe or encounter redds, or actively spawning fish when collecting or processing aggregate, you must relocate your operations.

(24) If at any time, as a result of project activities, you observe a fish kill or fish life in distress, you must immediately cease operations and notify the Washington department of fish and wildlife, and the Washington military department emergency management division of the problem. You may not resume work until the Washington department of fish and wildlife gives approval. The Washington department of fish and wildlife may require additional measures to mitigate the prospecting impacts.

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-340 Informal appeal of adverse administrative decisions. It is recommended that an aggrieved party contact the local habitat biologist responsible for ~~((the hydraulic permit decision of concern))~~ granting or denying the HPA prior to initiating an informal or formal appeal. Discussion of concerns with the habitat biologist often results in resolution of the problem without the need for an informal or formal appeal. The habitat biologist may request review of your concerns by his or her supervisor.

All parties are encouraged to take advantage of ~~((this))~~ the informal appeal process prior to initiating a formal appeal. However, ~~((this))~~ the informal appeal process is not mandatory, and a person may proceed directly to a formal appeal.

(1) The following procedures shall govern informal appeals of department actions taken ~~((pursuant to))~~ under RCW ((75.20.100, 75.20.103, 75.20.106, and 75.20.160) 77.55.021, 77.55.141, 77.55.151, 77.55.161(2), 77.55.181, and 77.55.291. This rule does not apply to the department's decisions regarding whether hydraulic projects qualify for processing under RCW 77.55.181, governing certain fish habitat enhancement projects. This rule also does not apply to any provisions or conditions in pamphlet(s) HPA or supplemental approvals as defined in WAC 220-110-020 ~~((44))~~ (53)(c) and (96). A person who disagrees with a provision or

condition in a pamphlet HPA or its supplemental approval may apply for an individual, written HPA. A person who is aggrieved or adversely affected by the following department actions may request an informal ~~((review))~~ appeal:

(a) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA; or

(b) An order imposing civil penalties.

(2) A request for an informal ~~((review))~~ appeal shall be in writing and shall be received by the department within thirty days of the denial or issuance of an HPA or receipt of an order imposing civil penalties. The thirty-day time requirement may be stayed by the department if negotiations are occurring between the aggrieved party and the habitat biologist and/or their supervisor. Requests for informal ~~((review))~~ appeal shall be mailed to HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat ~~((and Lands Services))~~ Program, 600 Capitol Way, N., Olympia, Washington 98501-1091, or hand-delivered to 1111 Washington Street, S.E., Habitat ~~((and Lands Services))~~ Program, Fifth floor.

(3) The written request for an informal appeal shall be plainly labeled as "Request for Informal Appeal" and shall contain the following:

(a) The name, address, e-mail address (if available), and phone number of the person requesting the appeal;

(b) The specific agency action that the person contests, such as denial of an HPA, a particular condition in an HPA, or an order imposing civil penalties;

(c) Whether the person is the permittee, HPA applicant, landowner, resident, or other basis for the person's interest in the agency action in question;

(d) The date of denial, issuance, or condition of an HPA, or date the department issued the notice of civil penalty;

(e) Specific relief requested; and

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

(4) Upon receipt of a written request for informal ~~((agency review))~~ appeal, the department shall initiate a review of the agency decision. ~~((This review))~~ If agreed to by the appellant, and the appellant applied for the HPA, resolution of the appeal may be facilitated through an informal conference. The informal conference is a discussion between the appellant and the area habitat biologist mediated by the biologist's supervisor. The time period for the department to issue a decision on an informal appeal is suspended during the informal conference process. If resolution is not reached through the informal conference, the appellant is not the person who applied for the HPA, or the appeal involves an order imposing civil penalties, an informal appeal hearing shall be conducted by the ~~((regulatory services division manager or the division manager's))~~ HPA appeals coordinator or designee. Upon completion of the ~~((comprehensive review))~~ informal appeal hearing, the ~~((division manager))~~ HPA appeals coordinator, or designee shall recommend a decision to the director or the director's designee. This recommended decision shall be approved or disapproved by the director or the director's designee within sixty days of the date the informal appeal was received by the department, unless an extension of time is agreed to by the appellant. The department shall

notify the appellant in writing of the decision of the director or the director's designee.

~~((4))~~ (5) If, following this informal ~~(agency review)~~ appeal process, the appellant still wishes to contest the agency action, a formal appeal may be initiated ~~(pursuant to)~~ under WAC 220-110-350. Formal review must be requested within the time periods specified in WAC 220-110-350.

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-350 Formal appeal of administrative decisions. (1) The following procedures shall govern formal appeals of department actions taken ~~(pursuant to)~~ under RCW ~~((75.20.100 or 75.20.106))~~ 77.55.021, except as indicated in RCW 77.55.301(5)(a), 77.55.151, 77.55.161(2), or 77.55.291. Subsection (2) of this section addresses appeals before the hydraulic appeals board. This rule does not apply to any provisions or conditions in pamphlets, or supplemental approvals as defined in WAC 220-110-020 ~~((44))~~ (53)(c) and (96). A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual, written HPA. ~~(This rule does not apply to an appeal in which a person contests the denial, conditioning or issuance of an HPA issued pursuant to RCW 75.20.103 or 75.20.160, which shall be heard by the hydraulic appeals board.)~~

(a) A person who is aggrieved or adversely affected by the following department actions may request a formal appeal:

~~((a))~~ (i) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA;

~~((b))~~ (ii) An order imposing civil penalties; or

~~((c))~~ (iii) Any other ~~(agency action)~~ by the department's habitat program for which an adjudicative proceeding is required under the Administrative Procedure Act, chapter 34.05 RCW.

~~((2))~~ (b) As required by the Administrative Procedure Act, the department shall inform the permittee, HPA applicant or person subject to civil penalty ~~(order)~~ of the department, of the opportunity for appeal, the time within which to file a written request for an appeal, and the place to file it.

~~((3))~~ (c) A request for an appeal shall be in writing and shall be received during office hours by the department within thirty days of the agency action that is being challenged. Requests for appeal shall be mailed to HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat ~~(and Lands Services)~~ Program, 600 Capitol Way, N., Olympia, Washington 98501-1091, or hand-delivered to 1111 Washington Street S.E., Habitat ~~(and Lands Services)~~ Program, Fifth floor. If there is no timely request for an appeal, the agency action shall be final and unappealable.

~~((4))~~ (d) The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within thirty days of the date of the department's written decision in response to the informal appeal.

~~((5))~~ (e) The written request for an appeal shall be plainly labeled as "Request for Formal Appeal" and shall contain the following:

~~((a))~~ (i) The name, address, e-mail address (if available) and phone number of the person requesting the appeal;

~~((b))~~ (ii) The specific agency action that the person contests ~~(for example)~~, such as denial of an HPA, a particular condition in an HPA, an order imposing civil penalties, etc.;

~~((c))~~ (iii) Whether the person is the permittee, HPA applicant, landowner, resident, or other basis for the person's interest in the agency action in question;

~~((d))~~ (iv) The date of denial, issuance, or condition of an HPA, if the person is contesting denial, issuance, or conditioning of an HPA;

~~((e))~~ (v) Specific relief requested; and

~~((f))~~ (vi) The attorney's name, address, e-mail address (if available) and phone number, if the person is represented by legal counsel.

~~((6))~~ (f) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order ~~(pursuant to)~~ under RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464.

~~((7))~~ (g) All hearings conducted by the director, the director's designee, or an ALJ ~~(pursuant to)~~ under subsection (6) of this section, shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

(2) The hydraulic appeals board hears appeals of the following permits:

(a) Under RCW 77.55.021 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020;

(b) Under RCW 77.55.241 for off-site mitigation proposals;

(c) Under RCW 77.55.141 for single family marine bulkheads or rockwalls;

(d) Under RCW 77.55.181 for fish habitat enhancement project HPA conditions or denials.

The appeal procedures for the board are found in WAC 259-04-060 and chapter 371-08 WAC.

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

WAC 220-110-360 Penalties. (1) ~~(Any person that commences any activity subject to RCW 75.20.100, 75.20.103, or 75.20.160)~~ Under RCW 77.15.300, it is a gross misdemeanor to construct any form of hydraulic project or perform other work on a hydraulic project without having first obtained an HPA from the department, or (any person that fails to comply with any of the requirements or provisions of an HPA, is guilty of a gross misdemeanor), violate any requirements or conditions of the HPA for such construction or work.

(2) The department may impose a civil penalty of up to one hundred dollars per day for a violation ((or continuing violation)) of ((RCW 75.20.100 or 75.20.103, or any provision or condition of an HPA)) any provisions of RCW 77.55.021. The department shall impose the civil penalty with an order in writing delivered by certified mail or personal service to the person who is penalized. The notice shall describe the violation, identify the amount of the penalty, identify how to pay the penalty, and identify informal ((or)) and formal appeal rights for the person penalized. If the violation is an ongoing violation, the penalty shall accrue for each additional day of violation. For ongoing violations, the civil penalty may continue to accrue during any appeal process unless the accrual is stayed in writing by the department.

(3) If not timely appealed under WAC 220-110-340 or 220-110-350, the civil penalty order is final and unappealable. If appealed, the civil penalty becomes final upon issuance of a final order not subject to any further administrative appeal. When a civil penalty order becomes final, it is due and payable. If the civil penalty is not paid within thirty days after it becomes due and payable, the department may seek enforcement of the order ((pursuant to)) under RCW ((75.20.106)) 77.55.291 and 34.05.578.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-110-203 Use of Class I mineral prospecting equipment.
- WAC 220-110-204 Use of Class II mineral prospecting equipment.
- WAC 220-110-205 Use of Class III mineral prospecting equipment.
- WAC 220-110-207 Authorized work times and watercourses for mineral prospecting and placer mining projects in the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment.
- WAC 220-110-208 Authorized work times and watercourses for mineral prospecting and placer mining projects using Class III equipment only.
- WAC 220-110-209 Authorized work times and watercourses for mineral prospecting and placer mining projects using Class 0 equipment only.

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-206 Authorized work times and ((watercourses)) mineral prospecting equipment restrictions by specific state waters for mineral prospecting and placer mining projects ((by specific watercourse, except the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and H equipment)). Mineral prospecting and placer mining ((using Class I and II equipment pursuant to WAC 220-110-203 and 220-110-204)) under WAC 220-110-202 shall only occur in ((watercourses)) the state waters, with the equipment restrictions, and during the times specified in the following table((:)).

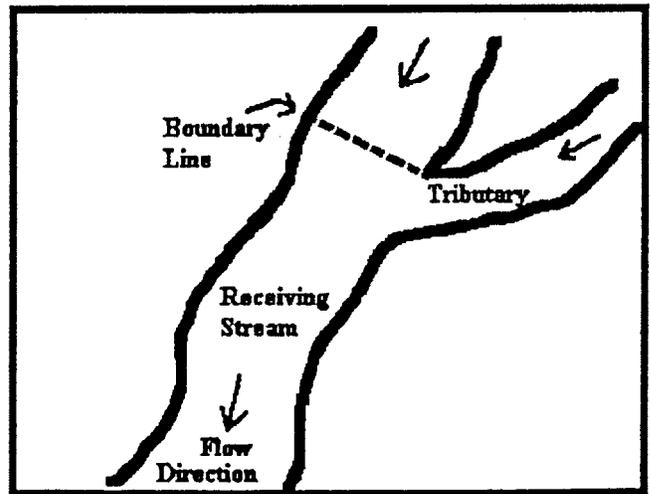
(1) The general work time for a county applies to all ((streams)) state waters within that county, unless otherwise indicated ((under specific stream and tributary work times)) in the table.

(2) The work time for a listed ((stream)) state water applies to all its tributaries, unless otherwise indicated. Some ((streams flow through)) state waters occur in multiple counties. Check the listing for the county in which mineral prospecting or placer mining is to be conducted to determine the work time for that ((stream)) state water.

(3) Where a tributary is listed as a boundary, that boundary shall be the line perpendicular to the receiving stream that is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. ((f)) See Figure 1((f)).

((Figure 1. Stream boundary line))

~~STRICKEN GRAPHIC~~



~~STRICKEN GRAPHIC))~~

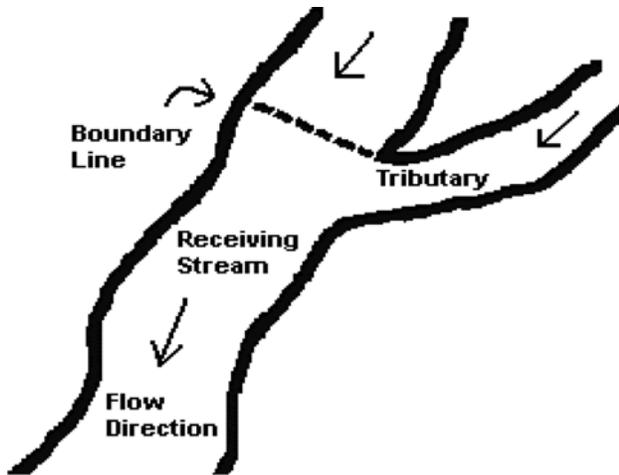


Figure 1: Stream boundary line

(4) Mineral prospecting and placer mining within ((two hundred feet landward of the ordinary high water line in)) state waters listed as "submit application" ((or "closed" is))

are not authorized under the *Gold and Fish* pamphlet. ((Site review and)) A written HPA is required for these state waters.

(5) Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be four inches or less, but shall be no greater than four and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle is authorized only in the listed state waters, and any tributaries to them, unless otherwise indicated in the table. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

(6) Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle is authorized only in the listed state waters in the following table. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. You may use only mineral prospecting equipment with suction intake nozzle inside diameters of four and one-quarter inches or less in tributaries of these state waters. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

~~((AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING AND PLACER MINING USING CLASS I AND II EQUIPMENT~~

~~((SPECIFIC STREAM & TRIBUTARY WORK TIMES~~

COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
Adams	July 1—October 31	Esquatzel Creek	July 1—September 30
		Palouse River	June 15—October 15
Asotin	July 1—October 31	Asotin Creek	July 15—August 15
		Grande Ronde River	July 15—August 15
Benton	June 1—September 30	Yakima River tributaries	July 1—September 30
		—Corral Creek	July 15—September 30
		—Spring Creek	July 15—September 30
Chelan	July 1—August 15	Beaver Creek	July 1—October 31
		Colockum Creek	July 1—October 31
		Peshastin Creek	
		—mouth to Negro Creek	July 1—August 15
		—above Negro Creek	July 1—October 31
		Squilehuck Creek	July 1—October 31
		Stemilt Creek	
		—mouth to falls	July 1—October 31
Clallam	July 15—September 30	Wenatchee River	
		—mouth to lake	July 1—September 30
		Bogaehiel River	July 15—August 15
		Calawah River	July 15—August 15
		Clallum River	July 15—September 15
		Dungeness River	submit application
		Elwha	
		—mouth to lower dam	July 1—August 15

((SPECIFIC STREAM & TRIBUTARY WORK TIMES			
COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
		Hoko River	July 15 – September 15
		Jimmycomelately Creek	submit application
		Lyre River	July 15 – September 15
		McDonald Creek	July 1 – August 15
		Morse Creek	July 1 – August 15
		Pysht River	July 15 – September 15
		Sekiu River	July 15 – September 15
		Sol Due River	July 15 – August 15
		Sooes River	July 15 – September 15
Clark	July 1 – September 30	Lewis River	
		—mouth to forks	June 1 – October 31
		—East Fork Lewis River	
		—mouth to LaCenter road bridge	July 1 – October 31
		—above LaCenter & all tributaries	submit application
		—North Fork Lewis River	
		—mouth to Merwin Dam	August 1 – August 31
		—Cedar Creek	August 1 – September 30
		—Merwin Dam to Swift Dam	July 1 – July 31
		Lake River	June 1 – October 31
		Washougal River	August 1 – August 31
Columbia	July 15 – October 31	Tucannon River	July 15 – August 15
		Touhet River	July 15 – August 15
Cowlitz	July 1 – September 30	Cowlitz River	August 1 – August 31
		—Coweeman River	August 1 – September 30
		—Toutle River	submit application
		Kalama River	August 1 – August 31
		Lewis River	
		—mouth to forks	June 1 – October 31
		—North Fork Lewis River	
		—mouth to Merwin Dam	August 1 – August 31
		—Merwin Dam to Lower Falls	July 1 – July 31
		—above Lower Falls	July 1 – October 31
Douglas	July 1 – October 31	None	
Ferry	July 1 – August 31	None	
Franklin	June 1 – September 30	Palouse River	
		—above falls	June 15 – October 15
Garfield	July 15 – October 31	Asotin Creek	July 15 – August 15
		Tucannon River	July 15 – August 15
Grant	July 1 – October 31	None	
Grays Harbor	July 15 – October 31	Cedar Creek	July 15 – September 30
		Chehalis River	
		—mouth to Porter Creek	June 1 – October 31

COUNTY	GENERAL WORK TIMES	((SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
		—above Porter Creek	July 15—September 30
		Cloquallum River	July 15—September 30
		Copalis River	July 15—October 15
		Elk River	July 15—September 30
		Hoquiam River	July 15—October 15
		Humptulips River	July 15—October 15
		Johns River	July 15—September 30
		Moelips River	July 15—October 15
		North River	July 15—September 15
		Porter Creek	July 15—September 30
		Quinault River	July 15—August 31
		Satsop River	July 15—August 31
		Wishkah River	July 15—October 15
		Wynoochee River	July 15—October 15
Island	June 15—September 15	None	
Jefferson	July 15—October 31	Big Quileene River	July 15—August 31
		Bogaehiel River	July 15—August 15
		Chimacum Creek	July 15—August 31
		Clearwater River	July 15—September 15
		Donovan Creek	July 15—September 30
		Dosewallips River	July 15—August 31
		Duckabush River	July 15—August 31
		Dungeness River tributaries	submit application
		Hoh River	July 15—August 15
		Little Quileene River	July 15—August 31
		Matheny Creek	July 15—September 15
		Queets River	July 15—September 15
		Quinault River	July 15—August 15
		Salmon Creek	submit application
		Sams River	July 15—September 15
		Snow Creek	submit application
King	July 1—September 30	Green River (Duwamish)	August 1—August 31
		Greenwater River	July 15—August 31
		Lake Washington tributaries including Cedar and Sammamish rivers	July 1—August 31
		—Issaquah Creek	June 15—July 31
		Snoqualmie River	
		—mouth to Snoqualmie Falls	July 1—September 15
		—Snoqualmie Falls to mouth of South Fork Snoqualmie River	June 15—October 31
		—North, Middle and South Fork Snoqualmie rivers and tributaries	July 15—October 31
		—Tolt River	

COUNTY	GENERAL WORK TIMES	((SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
		—mouth to forks	July 15—October 31
		—North Fork	
		—mouth to Yellow Creek	July 15—September 15
		—above Yellow Creek	July 15—October 31
		—mouth to dam	July 15—September 15
		—above dam	July 15—October 31
		White River	July 15—August 31
Kittitas	June 1—September 30	Coloekum Creek	July 1—October 31
		Yakima River	
		—above Roza Dam	submit application
		—Gold Creek (Lake Keechelus)	July 1—July 31
		—Kachess River	
		—above Lake Kachess	July 1—July 31
		—Box Canyon Creek (Lake Kachess)	July 1—July 31
		—Little Naches River	July 15—August 15
		—Wenas Creek	August 1—October 31
		—other Yakima River tributaries	July 15—August 31
Kitsap	July 15—October 31	Seabeek Creek	July 15—August 31
		Gorst Creek	July 15—August 31
Klickitat	July 1—September 30	Klickitat River	July 1—August 15
		White Salmon River	July 1—August 15
Lewis	July 1—September 30	Chehalis River	
		—upstream of South Fork	
		Chehalis River confluence	July 1—August 31
		Cispus River	
		—mouth to Walupt Creek	August 1—August 31
		—above Walupt Creek	submit application
		—McCoy Creek	August 1—September 30
		Connelly Creek	August 1—September 30
		Cowlitz River	August 1—August 31
		Newaukum River	July 1—August 31
		Nisqually River	
		—above Alder Lake	July 1—September 30
		Skookumehuek River	July 1—August 31
		Tilton River	August 1—September 30
		Toutle River	
		—tributaries	submit application
		Walupt Creek	submit application
		Paekwood Lake tributaries	submit application
Lincoln	June 15—October 15	None	
Mason	July 15—October 31	Cloquallum Creek	July 15—September 30
		Coulter Creek	July 15—September 15
		Hamma-Hamma River	
		—mouth to falls	July 15—August 31

COUNTY	GENERAL WORK TIMES	((SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
		—John Creek	July 15—August 31
		Johns Creek	July 15—August 31
		Lilliwaup River	
		—below falls	July 15—August 31
		—above falls	July 1—October 31
		Mill Creek	July 15—October 15
		Satsop River	July 15—August 31
		Schaerer Creek	July 15—August 31
		Sherwood Creek	July 15—September 15
		Skokomish River	July 15—September 15
		Tahuya River	July 15—September 15
		Twanoh Creek	June 1—October 31
		Union River	June 1—September 15
Okanogan	July 1—August 15	Aneas Creek	
		—mouth to falls	July 1—October 31
		Chewiliken Creek	
		—mouth to falls	July 1—October 31
		Chiliwist Creek	
		—mouth to falls	July 1—October 31
		Methow River	
		—mouth to Carleton	July 1—September 30
		Mosquito Creek	July 1—October 31
		Nine Mile Creek	July 1—October 31
		Omak Creek	
		—mouth to falls	July 1—October 31
		Similkameen River	
		—mainstem	July 1—September 30
		—all Similkameen River tributaries	July 1—August 15
		Tunk Creek	
		—mouth to falls	July 1—October 31
Pacific	July 15—September 30	Chehalis River	July 1—August 31
		Chinook River	August 1—August 31
		Grays River	August 1—September 30
		North River	July 15—September 15
Pend Oreille	July 1—August 31	Big Muddy Creek	June 1—August 31
		Braeket Creek	June 1—August 31
		Calispel Creek	
		—mouth to Calispel Lake	June 1—August 31
		Exposure Creek	June 1—August 31
		Kent Creek	June 1—August 31
		Lime Creek	June 1—August 31
		Little Spokane River	June 15—August 31
		Lodge Creek	June 1—August 31
		Marshall Creek	June 1—August 31

((SPECIFIC STREAM & TRIBUTARY WORK TIMES			
COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
		Pee-Wee Creek	
		—above falls	June 1—October 31
		Renshaw Creek	June 1—August 31
Pierce	July 15—August 31	Nisqually River	
		—mouth to Alder Lake	July 1—August 31
		—tributaries below Alder Lake	submit application
		—above Alder Lake & tributaries	July 15—September 15
		Carbon River	July 15—August 31
		—South Prairie Creek	
		—mouth to Forest Service road #7710	July 15—September 15
		—above Forest Service road #7710	July 1—October 31
		—Voights Creek	
		—mouth to falls	July 15—September 15
		—above falls	July 15—October 31
		—Wilkeson Creek	
		—mouth to Snell Lake	July 1—September 30
		—above Snell Lake	July 1—October 31
		Rocky Creek	July 15—September 30
San Juan	June 1—August 31	None	
Skagit	July 1—September 30	Baker River	
		—mouth to dam	June 15—August 31
		Cascade River	June 15—July 15
		Hlabot Creek	June 15—July 31
		Samish River	submit application
		Skagit River	
		—mouth to Sauk River	June 15—August 31
		—above Sauk River	June 15—July 31
		—Sauk River	July 15—August 15
		—Suitttle River	July 15—August 15
		Nooksack River	submit application
Skamania	July 1—September 30	Cispus River	August 1—August 31
		Lewis River	
		—East Fork Lewis River	submit application
		—North Fork Lewis River	
		—Cougar Creek	June 1—July 31
		—Merwin Dam to Lower Falls & tributaries	July 1—July 31
		—above Lower Falls	July 1—October 31
		Little White Salmon River	July 1—August 31
		McCoy Creek	August 1—September 30
		Washougal River	August 1—August 31
		White Salmon River	July 1—August 31
		Wind River	August 1—August 15
Snohomish	July 1—September 30	Lake Washington tributaries	July 1—August 31

COUNTY	GENERAL WORK TIMES	((SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
		Sauk River	July 15--August 15
		—Suiattle River	July 15--August 15
		Snohomish River	
		—mouth to Highway 9	June 1--October 31
		—above Highway 9	July 1--August 31
		—Pilehuck River	July 1--August 31
		—mouth to city of Snohomish diver- sions dam	July 1--August 31
		—above city of Snohomish diversion dam	July 1--September 15
		—Skykomish River	
		—mouth to forks	July 1--August 31
		—North Fork Skykomish River	
		—mouth to San Juan campground	July 1--August 31
		—San Juan campground to Deer Falls	submit application
		—above Deer Falls	July 15--October 31
		—Salmon Creek	submit application
		—South Fork Skykomish River	
		—mouth to Sunset Falls	July 1--August 31
		—Sunset Falls to Alpine Falls	July 1--September 15
		—above Alpine Falls	July 15--October 31
		—Beckler River	
		—mouth to Boulder Creek	July 1--September 15
		—above Boulder Creek	July 15--October 31
		—Rapid River	
		—mouth to Meadow Creek	July 15--September 15
		—above Meadow Creek	July 15--October 31
		—Foss River	
		—mouth to forks	July 15--September 15
		—East Fork Foss River	submit application
		—West Fork Foss River	July 15--October 31
		—Miller River	
		—mouth to forks	July 1--September 15
		—above forks	July 1--October 31
		—Olney Creek	
		—mouth to Olney Falls	July 1--September 15
		—above Olney Falls	July 1--October 31
		—Sultan River	
		—mouth to old diversion dam	July 1--August 31
		—old diversion dam to Culmbach Dam	July 1--October 31
		—tributaries above Culmbach Dam	August 1--October 31
		—Wallace River	
		—mouth to Wallace Falls	July 1--September 1
		—above Wallace Falls	July 1--October 31
		—Snoqualmie River	July 1--August 31
		—all other Snohomish River tributaries	July 1--August 31

		((SPECIFIC STREAM & TRIBUTARY WORK TIMES	
COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
		Stillaguamish River	
		—mouth to forks	July 1—August 31
		—North and South Fork Stillaguamish Rivers	July 1—August 15
		—Deer Creek	submit application
		—Canyon Creek	submit application
Spokane	June 15—August 31	Latah Creek	
		—mainstem	June 15—October 31
		—all Latah Creek tributaries	June 15—August 31
Stevens	July 1—August 31	Big Sheep Creek	
		—mouth to Sheep Creek Falls	submit application
		—above Sheep Creek Falls	July 1—August 31
Thurston	July 15—September 15	Cedar Creek	July 15—September 30
		Little Deschutes River	July 15—October 31
		McLane Creek	July 15—October 31
		Nisqually River	
		—mainstem	July 1—August 31
		—all Nisqually River tributaries	submit application
		Porter Creek	July 15—September 30
		Schneider Creek	July 1—October 31
		Skookumehuk River	July 1—August 31
		Woodard Creek	July 1—October 31
		Woodland Creek	July 1—October 31
Wahkiakum	July 15—September 15	Elochoman River	August 1—September 30
		Grays River	August 1—September 30
		Naselle River	July 15—September 30
Walla Walla	July 15—October 31	Touhet River	July 15—August 15
		Walla Walla River	July 15—August 15
Whatecom	July 1—September 30	Baker River	submit application
		Nooksack River	
		—above forks	submit application
		—all Nooksack River tributaries	submit application
		Ross Lake tributaries	submit application
		Samish River	submit application
		Skagit River	June 15—July 31
Whitman	June 15—October 15	Palouse River	
		—mouth to falls	June 1—September 30
Yakima	June 1—September 30	Klickitat River	July 1—August 15
		Yakima River	
		—mouth to Roza Dam	June 1—September 15
		—Naches River	
		—mouth to Tieton River	June 1—October 31
		—above confluence of Tieton River	June 1—August 15

COUNTY	GENERAL WORK TIMES	((SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	
		— Indian Creek (Rimrock Lake)	July 1 – July 31
		— Tieton River	June 1 – August 15
		— Little Naches River	July 15 – August 15
		— Bumping River	July 15 – August 15
		— American River	submit application
		— Rattlesnake Creek	July 15 – August 15
		— Wenas Creek	August 1 – October 31
		— all other Yakima River tributaries	July 15 – August 31))

AUTHORIZED WORK TIMES AND MINERAL PROSPECTING EQUIPMENT RESTRICTIONS BY SPECIFIC STATE WATERS FOR MINERAL PROSPECTING AND PLACER MINING PROJECTS

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>Adams County</u>	<u>July 1 - October 31</u>	<u>X</u>	<u>=</u>
<u>Crab Creek (41.0002)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Esquatzel Creek (36.MISC)</u>	<u>June 1 - February 28</u>	<u>X</u>	<u>X</u>
<u>Palouse River (34.0003)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Asotin County</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Snake River (35.0002)</u>	<u>See below</u>	<u>=</u>	<u>=</u>
<u>Alpowa Creek (35.1440)</u>	<u>July 16 - December 15</u>	<u>X</u>	<u>=</u>
<u>Asotin Creek (35.1716)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Couse Creek (35.2147)</u>	<u>July 16 - December 15</u>	<u>X</u>	<u>=</u>
<u>Grande Ronde River (35.2192)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Tenmile Creek (35.2100)</u>	<u>July 16 - December 15</u>	<u>X</u>	<u>=</u>
<u>Benton County</u>	<u>June 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Columbia River</u>	<u>See below</u>	<u>=</u>	<u>=</u>
<u>Glade Creek (31.0851)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Yakima River (37.0002)</u>	<u>June 1 - September 15</u>	<u>X</u>	<u>X</u>
<u>Amon Creek (37.0009)</u>	<u>June 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Corral Creek (37.0002)</u>	<u>June 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Spring Creek (37.0205)</u>	<u>June 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Chelan County</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Columbia River</u>	<u>See below</u>	<u>=</u>	<u>=</u>
<u>Antoine Creek (49.0294) - Mouth to falls at river mile 1.0</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Antoine Creek (49.0294) - Upstream of falls at river mile 1.0</u>	<u>July 1 - March 31</u>	<u>X</u>	<u>=</u>
<u>Chelan River (47.0052) - Mouth to Chelan Dam</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Colockum Creek (40.0760)</u>	<u>July 1 - October 31</u>	<u>X</u>	<u>=</u>
<u>Entiat River (46.0042) - Mouth to Entiat Falls</u>	<u>July 16 - July 31</u>	<u>X</u>	<u>X</u>

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>Entiat River (46.0042) - Upstream of Entiat Falls</u>	<u>July 16 - March 31</u>	X	=
<u>Crum Canyon (46.0107)</u>	<u>July 16 - March 31</u>	X	=
<u>Mad River (46.0125)</u>	<u>July 16 - July 31</u>	X	=
<u>Indian Creek (46.0128)</u>	<u>July 16 - February 28</u>	X	=
<u>Lake Chelan (47.0052)</u>	<u>Submit Application</u>	=	=
<u>Railroad Creek (47.0410)</u>	<u>July 16 - September 30</u>	X	=
<u>Stehekin River (47.0508)</u>	<u>Submit Application</u>	=	=
<u>Twenty-five Mile Creek (47.0195)</u>	<u>July 16 - September 30</u>	X	=
<u>Other Lake Chelan tributaries outside of North Cascades National Park</u>	<u>July 1 - August 15</u>	X	=
<u>Other Lake Chelan tributaries within North Cascades National Park</u>	<u>Submit Application</u>	=	=
<u>Number 1 Canyon (45.0011)</u>	<u>July 1 - February 28</u>	X	=
<u>Number 2 Canyon (45.0012)</u>	<u>July 1 - February 28</u>	X	=
<u>Squilchuck Creek (40.0836) - Mouth to South Wenatchee Avenue</u>	<u>July 1 - September 30</u>	X	=
<u>Squilchuck Creek (40.0836) - Upstream of South Wenatchee Avenue</u>	<u>July 1 - February 28</u>	X	=
<u>Stemilt Creek (40.0808) - Mouth to falls</u>	<u>July 1 - September 30</u>	X	=
<u>Stemilt Creek (40.0808) - Upstream of falls</u>	<u>July 1 - February 28</u>	X	=
<u>Wenatchee River (45.0030) - Mouth to Lake Wenatchee</u>	<u>July 1 - July 31</u>	X	X
<u>Beaver Creek (45.0751)</u>	<u>July 1 - September 30</u>	X	=
<u>Chiwaukum Creek (45.0700)</u>	<u>July 1 - July 31</u>	X	=
<u>Chiwawa River (45.0759) - Mouth to Phelps Creek</u>	<u>July 1 - July 31</u>	X	X
<u>Chiwawa River (45.0759) - Upstream of Phelps Creek</u>	<u>July 1 - July 31</u>	X	=
<u>Deep Creek (45.0764)</u>	<u>July 1 - February 28</u>	X	=
<u>Phelps Creek (45.0875)</u>	<u>July 16 - August 15</u>	X	=
<u>Icicle Creek (45.0474) - Mouth to Johnny Creek</u>	<u>July 1 - July 31</u>	X	X
<u>Icicle Creek (45.0474) - Upstream of Johnny Creek</u>	<u>July 1 - July 31</u>	X	=
<u>Fourth of July Creek (45.0525)</u>	<u>July 1 - February 28</u>	X	=
<u>Lake Wenatchee (45.0030)</u>	<u>Submit Application</u>	=	=

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>Little Wenatchee (45.0985) - Mouth to Wilderness Boundary</u>	<u>July 1 - July 31</u>	X	X
<u>Little Wenatchee (45.0985) - Upstream of Wilderness Boundary</u>	<u>Submit Application</u>	=	=
<u>White River (45.1116) - Mouth to White River Falls</u>	<u>July 1 - July 31</u>	X	X
<u>White River (45.1116) - Upstream of White River Falls</u>	<u>July 1 - February 28</u>	X	=
<u>Nason Creek (45.0888)</u>	<u>July 1 - July 31</u>	X	=
<u>Peshastin Creek (45.0232) - Mouth to Negro Creek</u>	<u>July 16 - August 15</u>	X	=
<u>Peshastin Creek (45.0232) - Upstream of Negro Creek</u>	<u>August 1 - February 28</u>	X	=
<u>Ingalls Creek (45.0273) - Mouth to Cascade Creek</u>	<u>Submit Application</u>	=	=
<u>Ingalls Creek (45.0273) - Upstream of Cascade Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Negro Creek (45.0323) - Mouth to falls at stream mile 2.9</u>	<u>Submit Application</u>	=	=
<u>Negro Creek (45.0323) - Upstream of falls at stream mile 2.9</u>	<u>July 16 - February 28</u>	X	=
<u>Ruby Creek (45.0318)</u>	<u>July 16 - February 28</u>	X	=
<u>Tronson Creek (45.0346)</u>	<u>August 1 - February 28</u>	X	=
<u>Scotty Creek (45.0376)</u>	<u>August 1 - February 28</u>	X	=
<u>Shaser Creek (45.0365)</u>	<u>August 1 - February 28</u>	X	=
<u>Clallam County</u>	<u>July 16 - September 15</u>	X	=
<u>Clallam River (19.0129)</u>	<u>August 1 - August 15</u>	X	=
<u>Dungeness River (18.0018)</u>	<u>Submit Application</u>	=	=
<u>Independent Creek (18.MISC)</u>	<u>August 1 - August 31</u>	X	=
<u>Elwha River (18.0272)</u>	<u>August 1 - August 15</u>	X	X
<u>Hoko River (19.0148)</u>	<u>August 1 - September 15</u>	X	=
<u>Jimmycomelately Creek (17.0285)</u>	<u>August 1 - August 31</u>	X	=
<u>Lake Ozette (20.0046)</u>	<u>Submit Application</u>	=	=
<u>Little Quilcene River (17.0076)</u>	<u>July 16 - August 31</u>	X	=
<u>Lake Ozette tributaries</u>	<u>July 16 - September 15</u>	X	=
<u>Lyre River (19.0031)</u>	<u>August 1 - September 15</u>	X	=
<u>McDonald Creek (18.0160)</u>	<u>August 1 - September 15</u>	X	=
<u>Morse Creek (18.0185)</u>	<u>August 1 - August 15</u>	X	=
<u>Ozette River (20.0046)</u>	<u>July 16 - September 15</u>	X	=
<u>Pysht River (19.0113)</u>	<u>August 1 - September 15</u>	X	=
<u>Quillayute River (20.0096, 20.0162, 20.0175)</u>	<u>August 1 - August 15</u>	X	X
<u>Bogachiel River (20.0162)</u>	<u>Submit Application</u>	=	=

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>Calawah River (20.0175)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Salmon Creek (17.0245)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Sekiu River (19.0203)</u>	<u>August 1 - September 15</u>	<u>X</u>	<u>=</u>
<u>Snow Creek (17.0219)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Sol Duc River (20.0096)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Lake Pleasant (20.0313)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Lake Pleasant tributaries</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Sooes River (20.0015)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Clark County</u>	<u>July 16 - September 30</u>	<u>=</u>	<u>=</u>
<u>Columbia River</u>	<u>See below</u>	<u>=</u>	<u>=</u>
<u>Lacamas Creek (28.0160) - Mouth to dam</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Lacamas Creek (28.0160) - Upstream of dam</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Lewis River (27.0168)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>East Fork Lewis River (27.0173) - Mouth to Lucia Falls</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>X</u>
<u>East Fork Lewis River (27.0173) - Upstream of Sunset Falls</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Lake River (28.0020)</u>	<u>January 1 - December 31</u>	<u>X</u>	<u>X</u>
<u>Burnt Bridge Creek (28.0143)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Salmon Creek (28.0059)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Whipple Creek (28.0038)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Cedar Creek (27.0339)</u>	<u>August 1 - September 15</u>	<u>X</u>	<u>=</u>
<u>North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Canyon Creek (27.0442)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>North Fork Lewis River (27.0168) - Upstream of Lower Falls</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Washougal River (28.0159) - Mouth to headwaters</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Columbia County</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Touchet River (32.0097)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Grande Ronde River tributaries (35.2192)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>North Fork Touchet/Wolf Fork (32.0761)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>South Fork Touchet (32.0708)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>

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<u>Tucannon River (35.0009)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Walla Walla River (32.0008) - Mouth to Oregon State line</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Mill Creek (32.1436) - Mouth to Oregon State line</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Cowlitz County</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Mouth to Fisk Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Upstream of Fisk Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Columbia River</u>	<u>See below</u>	<u>=</u>	<u>=</u>
<u>Abernathy Creek (25.0297)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Burke Creek (27.0148)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Burris Creek (27.0151)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Bybee Creek (27.0142)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Canyon Creek (27.0147)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Coal Creek (25.0340)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Clark Creek (25.0371)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Cowlitz River (26.0002) - Mouth to barrier dam at river mile 49.5</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Coweeman River (26.0003) - Mouth to Baird Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Coweeman River (26.0003) - Upstream of Baird Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Cowlitz River (26.0002) - Tributaries below barrier dam to mouth</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Owl Creek (26.1441)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Toutle River (26.0227)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Toutle River (26.0314) - Mouth to Debris Dam</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Toutle River (26.0314) - Upstream of Debris Dam</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Green River (26.0323) - Mouth to Shultz Creek</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Green River (26.0323) - Upstream of Shultz Creek</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>South Fork Toutle (26.0248) - Mouth to Bear Creek</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>South Fork Toutle (26.0248) - Upstream of Bear Creek</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Tributaries to Silver Lake</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Germany Creek (25.0313)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>

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<u>Kalama River (27.0002) - Mouth to Kalama Falls</u>	<u>August 1 - August 15</u>	X	X
<u>Kalama River (27.0002) - Upstream of Kalama Falls</u>	<u>August 1 - August 15</u>	X	=
<u>Lewis River (27.0168) - Mouth to East Fork Lewis River</u>	<u>August 1 - August 15</u>	X	X
<u>North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam</u>	<u>August 1 - August 15</u>	X	X
<u>North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls</u>	<u>July 16 - August 15</u>	X	X
<u>Mill Creek (25.0284)</u>	<u>July 16 - September 15</u>	X	=
<u>Schoolhouse Creek (27.0139)</u>	<u>August 1 - August 31</u>	X	=
<u>Douglas County</u>	<u>July 1 - September 30</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Douglas Creek Canyon (44.0146)</u>	<u>May 16 - January 31</u>	X	=
<u>Foster Creek (50.0065)</u>	<u>August 1 - April 15</u>	X	=
<u>McCarteney Creek (44.0002)</u>	<u>July 1 - February 28</u>	X	=
<u>Pine/Corbaley Canyon Creek (44.0779)</u>	<u>September 16 - April 15</u>	X	=
<u>Rock Island Creek (44.0630)</u>	<u>July 1 - September 30</u>	X	=
<u>Ferry County</u>	<u>July 1 - August 31</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Kettle River (60.0002)</u>	<u>June 16 - August 31</u>	X	X
<u>Boulder Creek (60.0130) - Mouth to Hodgson Road Bridge</u>	<u>Submit Application</u>	=	=
<u>Boulder Creek (60.0130) - Upstream of Hodgson Road Bridge</u>	<u>June 16 - February 28</u>	X	=
<u>Deadman Creek (60.0008) - Mouth to SR395 Crossing</u>	<u>Submit Application</u>	=	=
<u>Deadman Creek (60.0008) - Upstream of SR395</u>	<u>June 16 - February 28</u>	X	=
<u>Goosmus Creek (60.0254)</u>	<u>June 16 - February 28</u>	X	=
<u>Toroda Creek (60.0410)</u>	<u>July 1 - September 30</u>	X	=
<u>San Poil River (52.0004)</u>	<u>June 16 - September 30</u>	X	X
<u>Granite Creek (52.0099) - Mouth to Powerhouse Dam</u>	<u>June 16 - September 30</u>	X	=
<u>Granite Creek (52.0099) - Upstream of Powerhouse Dam</u>	<u>June 16 - February 28</u>	X	=
<u>West Fork San Poil River (52.0192) - Mouth to Deep Creek</u>	<u>June 16 - September 30</u>	X	X

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<u>West Fork San Poil River (52.0192) - Upstream of Deep Creek</u>	<u>June 16 - September 30</u>	X	=
<u>Gold Creek (52.0197)</u>	<u>June 16 - February 28</u>	X	=
<u>Franklin County</u>	<u>June 1 - September 30</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Snake River</u>	<u>See below</u>	=	=
<u>Palouse River (34.0003)</u>	<u>July 16 - February 28</u>	X	X
<u>North bank tributaries of the lower Snake River between Palouse River and the mouth of the Snake River</u>	<u>June 16 - October 31</u>	X	=
<u>Garfield County</u>	<u>July 16 - September 30</u>	X	=
<u>Snake River (35.0003)</u>	<u>See below</u>	=	=
<u>Alpowa Creek (35.1440)</u>	<u>July 16 - December 15</u>	X	=
<u>Asotin Creek (35.1716)</u>	<u>July 16 - August 15</u>	X	=
<u>Deadman Creek (35.0688)</u>	<u>July 16 - December 15</u>	X	=
<u>Grande Ronde River tributaries (35.2192)</u>	<u>July 16 - August 15</u>	X	=
<u>Meadow Creek (35.0689)</u>	<u>July 16 - December 15</u>	X	=
<u>Tucannon River (35.0009) - Mouth to Panjab Creek</u>	<u>July 16 - August 15</u>	X	X
<u>Tucannon River (35.0009) - Upstream of Panjab Creek</u>	<u>July 16 - August 15</u>	X	=
<u>Pataha Creek (35.0123) - Mouth to Pataha Creek</u>	<u>January 1 - December 31</u>	X	=
<u>Pataha Creek (35.0123) - Upstream of Pataha Creek</u>	<u>July 16 - December 31</u>	X	=
<u>Grant County</u>	<u>July 1 - October 31</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Crab Creek (41.0002)</u>	<u>July 16 - September 15</u>	X	X
<u>Grays Harbor County</u>	<u>July 16 - October 15</u>	X	=
<u>Chehalis River (22.0190/23.0190) - Mouth to Porter Creek</u>	<u>August 1 - August 31</u>	X	X
<u>Chehalis River (22.0190/23.0190) - Porter Creek to Fisk Falls</u>	<u>August 1 - August 15</u>	X	X
<u>Chehalis River (22.0190/23.0190) - Upstream of Fisk Falls</u>	<u>August 1 - August 15</u>	X	=
<u>Cedar Creek (23.0570)</u>	<u>August 1 - September 30</u>	X	=
<u>Cloquallum Creek (22.0501)</u>	<u>August 1 - September 30</u>	X	=
<u>Porter Creek (23.0543)</u>	<u>August 1 - September 30</u>	X	=
<u>Satsop River (22.0360)</u>	<u>August 1 - August 31</u>	X	X
<u>Wishkah River (22.0191)</u>	<u>August 1 - October 15</u>	X	X

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<u>Wynoochee River (22.0260)</u>	<u>August 1 - September 30</u>	X	X
<u>Copalis River (21.0767)</u>	<u>August 1 - October 15</u>	X	X
<u>Elk River (22.1333)</u>	<u>July 1 - October 31</u>	X	X
<u>Hoquiam River (22.0137)</u>	<u>August 1 - October 15</u>	X	X
<u>Humtulpis River (22.0004) - Mouth to Forks</u>	<u>August 1 - September 30</u>	X	X
<u>Humtulpis River (22.0004) - Upstream of Forks</u>	<u>August 1 - September 30</u>	X	=
<u>Johns River (22.1270)</u>	<u>August 1 - September 30</u>	X	X
<u>Moclips River (21.0731)</u>	<u>August 1 - October 15</u>	X	X
<u>North River (24.0034)</u>	<u>August 1 - September 30</u>	X	X
<u>Queets River (21.0001)</u>	<u>August 1 - August 15</u>	X	X
<u>Quinault River (21.0398)</u>	<u>August 1 - August 15</u>	X	X
<u>Raft River (21.0337)</u>	<u>August 1 - October 15</u>	X	X
<u>Island County</u>	<u>June 16 - October 15</u>	X	=
<u>Cavalero Creek (06.0065)</u>	<u>June 16 - December 15</u>	X	=
<u>Chapman Creek (06.0070)</u>	<u>June 16 - December 15</u>	X	=
<u>Crescent Creek (06.0002)</u>	<u>June 16 - December 15</u>	X	=
<u>Cultus Creek (06.0026)</u>	<u>June 16 - March 15</u>	X	=
<u>Deer Creek (06.0024)</u>	<u>June 16 - March 15</u>	X	=
<u>Dugualla Creek (06.0001)</u>	<u>June 16 - March 15</u>	X	=
<u>Glendale Creek (06.0025)</u>	<u>June 16 - December 15</u>	X	=
<u>Kristoferson Creek (06.0062-06.0063)</u>	<u>May 1 - December 15</u>	X	=
<u>Maxwelton Creek (06.0029)</u>	<u>June 16 - December 15</u>	X	=
<u>North Bluff Creek (06.0006)</u>	<u>June 16 - March 15</u>	X	=
<u>Old Clinton Creek (06.0023)</u>	<u>June 16 - March 15</u>	X	=
<u>Jefferson County</u>	<u>July 16 - October 31</u>	X	=
<u>Big Quilcene River (17.0012) - Mouth to Falls</u>	<u>July 16 - August 31</u>	X	X
<u>Big Quilcene River (17.0012) - Falls to Forks</u>	<u>August 1 - February 28</u>	X	X
<u>Big Quilcene River (17.0012) - Upstream of Forks</u>	<u>August 1 - February 28</u>	X	=
<u>Bogachiel River (20.0162)</u>	<u>Submit Application</u>	=	=
<u>Chimacum Creek (17.0203)</u>	<u>July 16 - September 15</u>	X	=
<u>Donovan Creek (17.0115)</u>	<u>July 1 - October 15</u>	X	=
<u>Dosewallips River (16.0442)</u>	<u>July 16 - August 15</u>	X	=
<u>Duckabush River (16.0351)</u>	<u>July 16 - August 15</u>	X	=
<u>Dungeness River (18.0018)</u>	<u>August 1 - August 15</u>	X	=
<u>Elwha River (18.0272)</u>	<u>August 1 - August 15</u>	X	X
<u>Goodman Creek (20.0406)</u>	<u>August 1 - September 15</u>	X	=

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<u>Hoh River (20.0422)</u>	<u>August 1 - August 15</u>	X	X
<u>Little Quilcene River (17.0076)</u>	<u>July 16 - August 31</u>	X	=
<u>Queets River (21.0001)</u>	<u>August 1 - August 15</u>	X	X
<u>Matheny Creek (21.0165)</u>	<u>August 1 - August 15</u>	X	=
<u>Sams River (21.0205)</u>	<u>August 1 - August 15</u>	X	X
<u>Quinalt River (21.0398)</u>	<u>August 1 - August 15</u>	X	X
<u>Salmon Creek (17.0245)</u>	<u>July 16 - August 31</u>	X	=
<u>Skokomish River (16.0001)</u>	<u>August 1 - August 31</u>	X	X
<u>Snow Creek (17.0219)</u>	<u>July 16 - August 31</u>	X	=
<u>Tarboo Creek (17.0129)</u>	<u>August 1 - September 30</u>	X	=
<u>Thorndyke Creek (17.0170)</u>	<u>August 1 - October 15</u>	X	=
<u>King County</u>	<u>July 16 - September 30</u>	X	=
<u>Cedar River (08.0299) - Mouth to Forks</u>	<u>August 1 - August 31</u>	X	X
<u>Cedar River (08.0299) - Upstream of Forks</u>	<u>August 1 - August 31</u>	X	=
<u>Issaquah Creek (08.0178)</u>	<u>August 1 - August 31</u>	X	=
<u>Sammamish River (08.0057)</u>	<u>August 1 - August 31</u>	X	=
<u>Steele Creek (08.0379)</u>	<u>July 16 - February 28</u>	X	=
<u>Green River (Duwamish River) (09.0001) - Mouth to Sawmill Creek</u>	<u>August 1 - August 31</u>	X	X
<u>Green River (Duwamish River) (09.0001) - Upstream of Sawmill Creek</u>	<u>August 1 - August 31</u>	X	=
<u>Lake Washington tributaries (08.LKWA)</u>	<u>August 1 - August 31</u>	X	=
<u>Snoqualmie River (07.0219) - Mouth to Snoqualmie Falls</u>	<u>August 1 - August 15</u>	X	X
<u>Snoqualmie River (07.0219) - Snoqualmie Falls to mouth of South Fork</u>	<u>July 16 - February 28</u>	X	X
<u>Patterson Creek (07.0376)</u>	<u>July 16 - September 30</u>	X	=
<u>Middle Fork Snoqualmie River (07.0219) - Mouth to Taylor Creek</u>	<u>July 16 - February 28</u>	X	X
<u>Middle Fork Snoqualmie River (07.0219) - Upstream of Taylor Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Goat Creek (07.0754)</u>	<u>July 16 - February 28</u>	X	=
<u>North Fork Snoqualmie River (07.0527) - Mouth to Lennox Creek</u>	<u>July 16 - February 28</u>	X	X

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<u>North Fork Snoqualmie River (07.0527) - Upstream of Lennox Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Deep Creek (07.0562)</u>	<u>July 16 - February 28</u>	X	=
<u>Illinois Creek (07.0624)</u>	<u>July 16 - February 28</u>	X	=
<u>Lennox Creek (07.0596)</u>	<u>July 16 - February 28</u>	X	=
<u>Bear Creek (07.0606)</u>	<u>July 16 - February 28</u>	X	=
<u>Raging River (07.0384)</u>	<u>August 1 - September 15</u>	X	X
<u>South Fork Skykomish River (07.0012) - Mouth to Sunset Falls</u>	<u>August 1 - August 15</u>	X	X
<u>South Fork Skykomish River (07.0012) - Upstream of Sunset Falls</u>	<u>August 1 - August 15</u>	X	=
<u>Beckler River (07.1413) - Mouth to Boulder Creek</u>	<u>August 1 - August 15</u>	X	X
<u>Beckler River (07.1413) - Upstream of Boulder Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Rapid River (07.1461) - Mouth to Meadow Creek</u>	<u>August 1 - August 31</u>	X	X
<u>Rapid River (07.1461) - Upstream of Meadow Creek</u>	<u>August 1 - February 28</u>	X	=
<u>Index Creek (07.1264) - Mouth to Mud Lake Creek</u>	<u>August 1 - August 31</u>	X	=
<u>Index Creek (07.1264) - Upstream of Mud Lake Creek including Salmon Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Miller River (07.1329) - Mouth to Forks</u>	<u>August 1 - August 15</u>	X	X
<u>Miller River (07.1329) - Upstream of Forks</u>	<u>August 1 - August 15</u>	X	=
<u>Coney Creek (07.1347)</u>	<u>July 16 - February 28</u>	X	=
<u>East Fork Miller River (07.1329) - Mouth to Great Falls Creek</u>	<u>July 16 - August 15</u>	X	=
<u>East Fork Miller River (07.1329) - Upstream of Great Falls Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Foss River (07.1562) - Mouth to Forks</u>	<u>July 16 - August 31</u>	X	X
<u>East Fork Foss River (07.1562) - Mouth to Burn Creek</u>	<u>July 16 - August 15</u>	X	X
<u>East Fork Foss River (07.1562) - Upstream of Burn Creek</u>	<u>July 16 - February 28</u>	X	=
<u>West Fork Foss River (07.1573) - Mouth to falls at River Mile 2.0</u>	<u>July 16 - August 31</u>	X	=

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<u>West Fork Foss River (07.1573) - Upstream of falls at River Mile 2.0</u>	<u>July 16 - February 28</u>	X	=
<u>West Fork Miller River (07.1335)</u>	<u>July 16 - February 28</u>	X	X
<u>Money Creek (07.1300) - Mouth to 0.5 mile upstream of Kimball Creek</u>	<u>August 1 - August 31</u>	X	=
<u>Money Creek (07.1300) - Upstream of 0.5 mile upstream of Kimball Creek</u>	<u>August 1 - February 28</u>	X	=
<u>Kimball Creek (07.1301)</u>	<u>August 1 - August 31</u>	X	=
<u>Tye River (07.0012) - Mouth to Alpine Falls</u>	<u>August 1 - August 31</u>	X	X
<u>Tye River (07.0012) - Upstream of Alpine Falls</u>	<u>July 16 - February 28</u>	X	=
<u>South Fork Snoqualmie River (07.0467)</u>	<u>July 16 - February 28</u>	X	X
<u>Denny Creek (07.0517)</u>	<u>July 16 - February 28</u>	X	=
<u>Tolt River (07.0291) - Mouth to forks</u>	<u>August 1 - August 31</u>	X	X
<u>North Fork Tolt River (07.0291) - Mouth to Yellow Creek</u>	<u>July 16 - September 15</u>	X	X
<u>North Fork Tolt River (07.0291) - Upstream of Yellow Creek</u>	<u>July 16 - February 28</u>	X	=
<u>South Fork Tolt River (07.0302) - Mouth to dam</u>	<u>July 16 - September 15</u>	X	X
<u>South Fork Tolt River (07.0302) - Upstream of Tolt Reservoir</u>	<u>July 16 - February 28</u>	X	=
<u>Yellow Creek (07.0337)</u>	<u>July 16 - February 28</u>	X	=
<u>White River (10.0031)</u>	<u>July 16 - August 15</u>	X	X
<u>Greenwater River (10.0122)</u>	<u>July 16 - August 15</u>	X	X
<u>Kititas County</u>	<u>July 1 - September 30</u>	X	=
<u>Brushy Creek (40.0612)</u>	<u>July 1 - February 28</u>	X	=
<u>Colockum Creek (40.0760)</u>	<u>July 1 - October 31</u>	X	=
<u>Quilomene Creek (40.0613)</u>	<u>July 1 - October 31</u>	X	=
<u>Stemilt Creek (40.0808) - Upstream of falls</u>	<u>July 1 - February 28</u>	X	=
<u>Tarpiscan Creek (40.0723)</u>	<u>July 1 - February 28</u>	X	=
<u>Tekiason Creek (40.0686)</u>	<u>July 1 - February 28</u>	X	=
<u>Whisky Dick Creek (40.0591)</u>	<u>July 1 - February 28</u>	X	=
<u>Yakima River (39.0002) - Roza Dam to Teanaway River</u>	<u>August 1 - August 31</u>	X	X
<u>Naches River (38.0003) - Tieton River to Bumping River</u>	<u>July 1 - August 15</u>	X	X

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<u>Little Naches River (38.0852) - Mouth to Matthew Creek</u>	<u>July 16 - August 15</u>	X	X
<u>Little Naches River (38.0852) - Upstream of Matthew Creek</u>	<u>July 16 - August 15</u>	X	=
<u>Pileup Creek (38.0932)</u>	<u>July 16 - August 31</u>	X	=
<u>Gold Creek (38.MISC)</u>	<u>July 16 - February 28</u>	X	=
<u>Swauk Creek (39.1157)</u>	<u>July 16 - September 30</u>	X	=
<u>Baker Creek (39.1157)</u>	<u>July 16 - September 30</u>	X	=
<u>First Creek (39.1157)</u>	<u>July 16 - September 30</u>	X	=
<u>Iron Creek (39.1157)</u>	<u>July 16 - September 30</u>	X	=
<u>Williams Creek (39.1157)</u>	<u>July 16 - September 30</u>	X	=
<u>Boulder Creek (39.1157)</u>	<u>July 16 - February 28</u>	X	=
<u>Cougar Gulch (39.1157)</u>	<u>July 16 - February 28</u>	X	=
<u>Lion Gulch (39.1157)</u>	<u>July 16 - February 28</u>	X	=
<u>Yakima River (39.0002) - Tean-away River to Easton Dam</u>	<u>August 1 - August 31</u>	X	X
<u>Yakima River (39.0002) - Upstream of Easton Dam</u>	<u>August 1 - August 31</u>	X	X
<u>Cle Elum River (39.1434) - Mouth to Dam</u>	<u>July 16 - August 31</u>	X	X
<u>Cle Elum River (39.1434) - Upstream of Cle Elum Dam</u>	<u>Submit Application</u>	=	=
<u>Big Boulder Creek (39.1434MISC)</u>	<u>August 1 - February 28</u>	X	=
<u>Camp Creek (39.1434MISC)</u>	<u>August 1 - February 28</u>	X	=
<u>Fortune Creek (39.1434MISC)</u>	<u>August 1 - August 15</u>	X	=
<u>South Fork Fortune Creek (39.1434MISC)</u>	<u>August 1 - February 28</u>	X	=
<u>Howson Creek (39.1434)</u>	<u>July 16 - February 28</u>	X	=
<u>Little Salmon Le Sac Creek (39.1482)</u>	<u>August 1 - August 15</u>	X	=
<u>Paris Creek (39.1434MISC)</u>	<u>August 1 - February 28</u>	X	=
<u>Salmon Le Sac Creek (39.1520)</u>	<u>August 1 - February 28</u>	X	=
<u>Kachess River (39.1739) - Upstream of Lake Kachess</u>	<u>Submit Application</u>	=	=
<u>Kachess River (39.1739) - Below Dam</u>	<u>July 16 - August 15</u>	X	X
<u>Box Canyon Creek (39.1765)</u>	<u>Submit Application</u>	=	=
<u>Mineral Creek (39.1792)</u>	<u>August 1 - August 15</u>	X	=
<u>Lake Keechelus (39.1842) tributaries</u>	<u>July 16 - August 15</u>	X	=
<u>Gold Creek (Lake Keechelus) (39.1842)</u>	<u>Submit Application</u>	=	=

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<u>Manastash Creek (39.0988)</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Naneum Creek (39.0821)</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Taneum Creek (39.1081) - Mouth to I-90</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Taneum Creek (39.1157) - Upstream of I-90</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Teaway River (39.1236)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>NF Teaway River (39.1260)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Umtanum Creek (39.0553)</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Wenas Creek, Below Dam (39.0032)</u>	<u>July 16 - October 15</u>	<u>X</u>	<u>=</u>
<u>Wenas Creek, Upstream of Wenas Lake (39.0032)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Other Yakima River tributaries not listed</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Kitsap County</u>	<u>July 16 - October 15</u>	<u>X</u>	<u>=</u>
<u>Anderson Creek (15.0211)</u>	<u>August 1 - November 15</u>	<u>X</u>	<u>=</u>
<u>Barker Creek (15.0255)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Big Beef Creek (15.0389)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Big Scandia Creek (15.0280)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Blackjack Creek (15.0203)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Burley Creek (15.0056)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Chico Creek (15.0229)</u>	<u>August 1 - October 15</u>	<u>X</u>	<u>=</u>
<u>Clear Creek (15.0249)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Curley Creek (15.0185)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Dewatto River (15.0420)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Dogfish Creek (15.0285)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Gorst Creek (15.0216)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Grovers Creek (15.0299)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Johnson Creek (15.0387)</u>	<u>August 1 - October 31</u>	<u>X</u>	<u>=</u>
<u>Ollala Creek (15.0107)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Ross Creek (15.0209)</u>	<u>August 1 - November 15</u>	<u>X</u>	<u>=</u>
<u>Salmonberry Creek (15.0188)</u>	<u>August 1 - November 30</u>	<u>X</u>	<u>=</u>
<u>Seabeck Creek (15.0400)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Steele Creek (15.0273)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Tahuya River (15.0446)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Union River (15.0503)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Klickitat County</u>	<u>July 15 - September 30</u>	<u>X</u>	<u>=</u>
<u>Alder Creek (31.0459)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Chapman Creek (31.0192)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Glade Creek (31.0851)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Juniper Canyon Creek (31.0378)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>

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<u>Klickitat River (30.0002) - Mouth to Klickitat hatchery</u>	<u>Submit Application</u>	=	=
<u>Klickitat River (30.0002) - Upstream of Klickitat hatchery</u>	<u>Submit Application</u>	=	=
<u>Little White Salmon River (29.0131) - Mouth to Cabbage Creek</u>	<u>July 16 - January 31</u>	X	X
<u>Little White Salmon River (29.0131) - Upstream of Cabbage Creek</u>	<u>July 16 - January 31</u>	X	=
<u>Pine Creek (31.0354)</u>	<u>August 1 - September 30</u>	X	=
<u>Rock Creek (31.0014)</u>	<u>August 1 - September 30</u>	X	=
<u>Six Prong Creek (31.0465)</u>	<u>August 1 - September 30</u>	X	=
<u>White Salmon River (29.0160) - Mouth to Cascade Creek</u>	<u>July 16 - August 15</u>	X	X
<u>White Salmon River (29.0160) - Upstream of Cascade Creek</u>	<u>July 16 - August 15</u>	X	=
<u>Wood Gulch Creek (31.0263)</u>	<u>August 1 - September 30</u>	X	=
<u>Lewis County</u>	<u>August 1 - September 30</u>	X	=
<u>Chehalis River (22.0190/23.0190) - Mouth to South Fork Chehalis River</u>	<u>August 1 - August 15</u>	X	X
<u>Chehalis River (22.0190/23.0190) - Upstream of South Fork Chehalis River</u>	<u>August 1 - August 31</u>	X	X
<u>Newaukum River (23.0882) - Mouth to South Fork</u>	<u>August 1 - August 31</u>	X	X
<u>Newaukum River (23.0882) - Upstream of South Fork</u>	<u>August 1 - August 31</u>	X	=
<u>Skookumchuck River (23.0761)</u>	<u>August 1 - August 31</u>	X	X
<u>Cowlitz River (26.0002)</u>	<u>August 1 - August 15</u>	X	X
<u>Cispus River (26.0668) - Mouth to Squaw Creek (26.1010)</u>	<u>August 1 - August 15</u>	X	X
<u>Cispus River (26.0668) - Squaw Creek to Chambers Creek</u>	<u>July 16 - February 28</u>	X	X
<u>Cispus River (26.0668) - Upstream of Chambers Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Yellowjacket Creek (26.0757)</u>	<u>August 1 - August 15</u>	X	=
<u>McCoy Creek (26.0766) - Mouth to lower falls</u>	<u>August 1 - August 15</u>	X	=
<u>McCoy Creek (26.0766) - Upstream of lower falls</u>	<u>July 16 - February 28</u>	X	=
<u>Walupt Creek (26.1010)</u>	<u>Submit Application</u>	=	=

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<u>Packwood Lake Tributaries</u>	<u>August 16 - September 15</u>	X	=
<u>Tilton River (26.0560) - Mouth to North Fork</u>	<u>August 1 - September 30</u>	X	X
<u>Tilton River (26.0560) - Upstream of North Fork</u>	<u>August 1 - September 30</u>	X	=
<u>Toutle River (26.0227)</u>	<u>August 1 - August 31</u>	X	X
<u>North Fork Toutle River (26.0314)</u>	<u>July 16 - August 15</u>	X	X
<u>Green River (26.0323)</u>	<u>July 16 - September 30</u>	X	X
<u>Deschutes River (13.0028)</u>	<u>July 16 - August 31</u>	X	X
<u>Little Deschutes River (13.0110)</u>	<u>July 16 - February 28</u>	X	=
<u>Nisqually River (11.0008) - Upstream of Alder Lake</u>	<u>July 16 - September 30</u>	X	X
<u>Lincoln County</u>	<u>June 16 - February 28</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Hawk Creek (53.0101) - Mouth to falls</u>	<u>June 16 - August 31</u>	X	=
<u>Hawk Creek (53.0101) - Upstream of falls</u>	<u>June 16 - February 28</u>	X	=
<u>Upper Crab Creek (42.0001)</u>	<u>June 16 - February 28</u>	X	=
<u>Wilson Creek (43.0020)</u>	<u>June 16 - February 28</u>	X	=
<u>Mason County</u>	<u>August 1 - October 15</u>	X	=
<u>Cloquallum Creek (22.0501)</u>	<u>August 1 - September 30</u>	X	=
<u>Coulter Creek (15.0002)</u>	<u>August 1 - August 31</u>	X	=
<u>Dewatto River (15.0420)</u>	<u>August 1 - August 31</u>	X	=
<u>Goldsborough Creek (14.0035)</u>	<u>August 1 - October 15</u>	X	=
<u>John Creek (16.0253)</u>	<u>August 1 - August 31</u>	X	=
<u>Hamma Hamma River (16.0251) - Mouth to falls</u>	<u>August 1 - August 31</u>	X	=
<u>Johns Creek (14.0049)</u>	<u>August 1 - August 15</u>	X	=
<u>Lilliwaup River (16.0230) - Mouth to falls</u>	<u>August 1 - August 31</u>	X	X
<u>Lilliwaup River (16.0230) - Upstream of falls</u>	<u>August 1 - February 28</u>	X	=
<u>Mill Creek (14.0029)</u>	<u>August 1 - August 15</u>	X	=
<u>Satsop River (22.0360)</u>	<u>August 1 - August 31</u>	X	=
<u>Schaerer Creek (16.0326)</u>	<u>August 1 - August 31</u>	X	=
<u>Sherwood Creek (14.0094)</u>	<u>August 1 - August 15</u>	X	=
<u>Skokomish River (16.0001) - Mouth to Forks</u>	<u>August 1 - August 31</u>	X	X
<u>Skokomish River (16.0001) - Upstream of Forks</u>	<u>August 1 - August 31</u>	X	=
<u>Tahuya River (15.0446)</u>	<u>August 1 - August 31</u>	X	=

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<u>Twanoh Creek (14.0134)</u>	<u>August 1 - October 31</u>	X	=
<u>Union River (15.0503)</u>	<u>August 1 - August 31</u>	X	X
<u>Okanogan County</u>	<u>July 1 - August 15</u>	X	=
<u>Aneas Creek (49.0243) - Mouth to falls</u>	<u>July 16 - August 31</u>	X	=
<u>Aneas Creek (49.0243) - Upstream of falls</u>	<u>July 1 - March 31</u>	X	=
<u>Chewiliken Creek (49.0232) - Mouth to falls</u>	<u>July 16 - August 31</u>	X	=
<u>Chewiliken Creek (49.0232) - Upstream of falls</u>	<u>July 1 - March 31</u>	X	=
<u>Chiliwist Creek (49.0034) - Mouth to falls</u>	<u>July 16 - August 31</u>	X	=
<u>Chiliwist Creek (49.0034) - Upstream of falls</u>	<u>July 1 - March 31</u>	X	=
<u>Foster Creek (50.0065)</u>	<u>July 1 - February 28</u>	X	=
<u>Methow River (48.0007) - Columbia confluence to Twisp River</u>	<u>July 1 - July 31</u>	X	X
<u>Methow River tributaries between Black Canyon Creek and Gold Creek</u>	<u>July 1 - February 28</u>	X	=
<u>Black Canyon Creek (48.0015) - Mouth to Left Fork</u>	<u>Submit Application</u>	=	=
<u>Black Canyon Creek (48.0015) - Upstream of Left Fork</u>	<u>July 1 - February 28</u>	X	=
<u>Gold Creek (48.0104) - Mouth to Foggy Dew Creek</u>	<u>Submit Application</u>	=	=
<u>Foggy Dew Creek (48.0153) - Mouth to Foggy Dew Falls</u>	<u>Submit Application</u>	=	=
<u>Foggy Dew Creek (48.0153) - Upstream of Foggy Dew Falls</u>	<u>July 1 - February 28</u>	X	=
<u>Middle Fork Gold Creek (48.0139)</u>	<u>July 1 - February 28</u>	X	=
<u>North Fork Gold Creek (48.0104)</u>	<u>Submit Application</u>	=	=
<u>Crater Creek (48.0177) - Mouth to Martin Creek</u>	<u>Submit Application</u>	=	=
<u>Crater Creek (48.0177) - Upstream of Martin Creek</u>	<u>July 1 - February 28</u>	X	=
<u>Martin Creek (48.0177)</u>	<u>July 1 - February 28</u>	X	=
<u>South Fork Gold Creek (48.0105) - Mouth to Rainy Creek</u>	<u>Submit Application</u>	=	=
<u>South Fork Gold Creek (48.0105) - Upstream of Rainy Creek</u>	<u>July 1 - February 28</u>	X	=
<u>Rainy Creek (48.0105)</u>	<u>July 1 - February 28</u>	X	=

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<u>McFarland Creek (48.0090) - Mouth to Vinegar Gulch</u>	<u>Submit Application</u>	=	=
<u>McFarland Creek (48.0090) - Upstream of Vinegar Gulch</u>	<u>July 1 - February 28</u>	X	=
<u>Methow River tributaries between Libby Creek and Beaver Creek</u>	<u>July 1 - February 28</u>	X	=
<u>Beaver Creek (48.0307)</u>	<u>Submit Application</u>	=	=
<u>Frazer Creek (48.0309)</u>	<u>July 1 - February 28</u>	X	=
<u>Lightning Creek (48.0361)</u>	<u>July 1 - February 28</u>	X	=
<u>Middle Fork Beaver Creek (48.0307)</u>	<u>July 1 - February 28</u>	X	=
<u>South Fork Beaver Creek (48.0342)</u>	<u>July 1 - February 28</u>	X	=
<u>Libby Creek (48.0203) - Mouth to Hornet Draw Creek</u>	<u>Submit Application</u>	=	=
<u>Libby Creek (48.0203) - Upstream of Hornet Draw</u>	<u>July 1 - February 28</u>	X	=
<u>Methow River (48.0007) - Twisp River to Goat Creek</u>	<u>July 1 - July 31</u>	X	X
<u>Methow River (48.0007) - Upstream of Goat Creek</u>	<u>July 1 - July 31</u>	X	=
<u>Chewuch River (48.0728) - Mouth to Meadow Creek</u>	<u>July 1 - July 31</u>	X	X
<u>Chewuch River (48.0728) - Upstream of Meadow Creek</u>	<u>July 1 - February 28</u>	X	=
<u>Early Winters Creek (48.1408) - Mouth to Silver Star Creek</u>	<u>Submit Application</u>	=	=
<u>Early Winters Creek (48.1408) - Upstream of Silver Star Creek</u>	<u>July 1 - February 28</u>	X	=
<u>Goat Creek (48.1364) - Mouth to 500' upstream of Montana Creek</u>	<u>Submit Application</u>	=	=
<u>Goat Creek (48.1364) - 500' Upstream of Montana Creek to Roundup Creek</u>	<u>July 1 - February 28</u>	X	=
<u>Goat Creek (48.1364) - Upstream of Roundup Creek</u>	<u>Submit Application</u>	=	=
<u>Lost River (48.0592)</u>	<u>July 16 - August 15</u>	X	X
<u>Twisp River (48.0374)</u>	<u>July 1 - July 31</u>	X	X
<u>Buttermilk Creek (48.0466)</u>	<u>Submit Application</u>	=	=
<u>North Creek (48.0674)</u>	<u>Submit Application</u>	=	=
<u>North Fork Twisp River (48.0691)</u>	<u>July 1 - February 28</u>	X	=
<u>South Creek (48.0641) - Upstream of Louis Creek</u>	<u>July 1 - February 28</u>	X	=

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<u>South Creek (48.0641) - Mouth to Louis Creek</u>	<u>Submit Application</u>	=	=
<u>South Fork Twisp River (48.0698)</u>	<u>July 1 - February 28</u>	X	=
<u>Wolf Creek (48.1300)</u>	<u>Submit Application</u>	=	=
<u>Myers Creek (60.0517)</u>	<u>July 1 - February 28</u>	X	=
<u>Bolster Creek (60.0517)</u>	<u>July 1 - February 28</u>	X	=
<u>Ethel Creek (60.0517)</u>	<u>July 1 - February 28</u>	X	=
<u>Gold Creek (60.0517)</u>	<u>July 1 - February 28</u>	X	=
<u>Mary Ann Creek (60.0517)</u>	<u>July 1 - February 28</u>	X	=
<u>North Fork Mary Ann Creek (60.0517)</u>	<u>July 1 - February 28</u>	X	=
<u>Okanogan River (49.0019) - Mouth to Zosel Dam</u>	<u>July 1 - August 31</u>	X	X
<u>Antoine Creek (49.0294) - Mouth to velocity gradient at river mile 1.0</u>	<u>July 1 - February 28</u>	X	=
<u>Antoine Creek (49.0294) - Upstream of falls</u>	<u>July 1 - March 31</u>	X	=
<u>Bonaparte Creek (49.0246) - Upstream of falls</u>	<u>July 1 - March 31</u>	X	=
<u>Bonaparte Creek (49.0246) - Mouth to Bonaparte Falls at river mile 1.0</u>	<u>July 1 - February 28</u>	X	=
<u>Loup Loup Creek (49.0048) - Mouth to Loup Loup Falls at river mile 2.4</u>	<u>July 1 - February 28</u>	X	=
<u>Loup Loup Creek (49.0048) - Upstream of Loup Loup Falls at river mile 2.4</u>	<u>July 1 - March 31</u>	X	=
<u>Mosquito Creek (49.0321) - Mouth to falls</u>	<u>July 1 - August 31</u>	X	=
<u>Mosquito Creek (49.0321) - Upstream of falls</u>	<u>July 1 - March 31</u>	X	=
<u>Nine Mile Creek (49.0516)</u>	<u>July 1 - February 28</u>	X	=
<u>Omak Creek (49.0138) - Mouth to Mission Falls at river mile 5.4</u>	<u>July 1 - February 28</u>	X	=
<u>Omak Creek (49.0138) - Upstream of falls</u>	<u>July 1 - March 31</u>	X	=
<u>Salmon Creek (49.0079) - Mouth to diversion</u>	<u>July 1 - August 31</u>	X	=
<u>Salmon Creek (49.0079) - Upstream of diversion</u>	<u>July 1 - February 28</u>	X	=
<u>Similkameen River (49.0325) - Mouth to Enloe Dam</u>	<u>July 1 - August 31</u>	X	X

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<u>Similkameen River (49.0325) - Upstream of Enloe Dam</u>	<u>July 1 - October 31</u>	X	X
<u>Sinlahekin Creek (49.0349) - Mouth to barrier dam at Connors Lake</u>	<u>July 1 - August 31</u>	X	=
<u>Cecile Creek (49.0447)</u>	<u>July 1 - February 28</u>	X	=
<u>Chopaka Creek (49.0357)</u>	<u>July 1 - February 28</u>	X	=
<u>Toats Coulee Creek (49.0368)</u>	<u>July 1 - February 28</u>	X	=
<u>Cougar Creek (49.0368)</u>	<u>July 1 - February 28</u>	X	=
<u>Siwash Creek (49.0284) - Falls to headwaters</u>	<u>July 1 - March 31</u>	X	=
<u>Siwash Creek (49.0284) - Mouth to falls at river mile 1.4</u>	<u>July 1 - February 28</u>	X	=
<u>Tonasket Creek (49.0501) - Mouth to Tonasket Falls at river mile 1.8</u>	<u>July 1 - February 28</u>	X	=
<u>Tonasket Creek (49.0501) - Upstream of Tonasket Falls at river mile 1.8</u>	<u>July 1 - March 31</u>	X	=
<u>Tunk Creek (49.0211) - Mouth to falls</u>	<u>July 1 - February 28</u>	X	=
<u>Tunk Creek (49.0211) - Upstream of falls</u>	<u>July 1 - March 31</u>	X	=
<u>San Poil River (52.0004)</u>	<u>June 16 - September 30</u>	X	X
<u>West Fork San Poil (52.0192)</u>	<u>June 16 - September 30</u>	X	X
<u>Gold Creek (52.0197)</u>	<u>June 16 - February 28</u>	X	=
<u>Toroda Creek (60.0410)</u>	<u>July 1 - September 30</u>	X	=
<u>Pacific County</u>	<u>August 1 - September 30</u>	X	=
<u>Bear River (24.0689)</u>	<u>August 1 - September 30</u>	X	X
<u>Bone River (24.0405)</u>	<u>August 1 - September 30</u>	X	=
<u>Chehalis River (22.0190/23.0190)</u>	<u>August 1 - August 15</u>	X	X
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Chinook River (24.MISC)</u>	<u>August 1 - September 30</u>	X	X
<u>Grays River (25.0093)</u>	<u>July 16 - September 15</u>	X	X
<u>Naselle River (24.0543)</u>	<u>August 1 - September 15</u>	X	X
<u>Nemah River (24.0460)</u>	<u>August 1 - September 30</u>	X	X
<u>Niawiakum River (24.0417)</u>	<u>August 1 - September 30</u>	X	=
<u>North River (24.0034)</u>	<u>August 1 - September 30</u>	X	X
<u>Palix River (24.0426)</u>	<u>August 1 - September 30</u>	X	=
<u>Willapa River (24.0251)</u>	<u>August 1 - September 30</u>	X	X
<u>Pend Oreille County</u>	<u>July 1 - August 31</u>	X	=
<u>Little Spokane River (55.0003)</u>	<u>August 1 - March 15</u>	X	=
<u>West Branch Little Spokane River (55.0439)</u>	<u>August 1 - March 15</u>	X	=

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<u>Harvey Creek (62.0310) - Mouth to Rocky Fork of Harvey Creek</u>	<u>August 1 - August 31</u>	X	=
<u>Harvey Creek (62.0310) - Upstream of Rocky Fork of Harvey Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Pend Oreille River (62.0002)</u>	<u>Submit Application</u>	=	=
<u>Big Muddy Creek (62.0279)</u>	<u>August 1 - March 15</u>	X	=
<u>Bracket Creek (62.0815)</u>	<u>August 1 - March 15</u>	X	=
<u>Calispel Creek (62.0628)</u>	<u>August 1 - August 31</u>	X	=
<u>Exposure Creek (62.0261)</u>	<u>August 1 - August 31</u>	X	=
<u>Kent Creek (62.0819)</u>	<u>August 1 - March 15</u>	X	=
<u>Le Clerc Creek (62.0415)</u>	<u>August 1 - August 31</u>	X	=
<u>Lime Creek (62.0014)</u>	<u>August 1 - March 15</u>	X	=
<u>Lodge Creek (62.0859)</u>	<u>August 1 - August 31</u>	X	=
<u>Lost Creek (62.0322)</u>	<u>August 1 - March 15</u>	X	=
<u>Marshall Creek (62.0842)</u>	<u>August 1 - March 15</u>	X	=
<u>Pee Wee Creek (62.0007) - Mouth to falls</u>	<u>August 1 - August 31</u>	X	=
<u>Pee Wee Creek (62.0007) - Upstream of falls</u>	<u>August 1 - March 15</u>	X	=
<u>Renshaw Creek (62.0310)</u>	<u>August 1 - March 15</u>	X	=
<u>Sullivan (O'Sullivan) Creek (62.0074)</u>	<u>August 1 - August 31</u>	X	=
<u>North Fork Sullivan Creek (62.0075)</u>	<u>August 1 - August 31</u>	X	=
<u>Tributaries of Deep Creek in Pend Oreille County (61.0195)</u>	<u>July 16 - August 15</u>	X	=
<u>Currant Creek (61.0249)</u>	<u>July 16 - August 15</u>	X	=
<u>Meadow Creek (61.0351)</u>	<u>July 16 - August 15</u>	X	=
<u>Rocky Creek (61.0364)</u>	<u>July 16 - August 15</u>	X	=
<u>Silver Creek (61.0195)</u>	<u>July 16 - August 15</u>	X	=
<u>Smackout Creek (61.0226)</u>	<u>July 16 - August 15</u>	X	=
<u>Pierce County</u>	<u>July 16 - August 31</u>	X	=
<u>Chambers/Clover Creek Watershed (12.MISC)</u>	<u>July 16 - September 30</u>	X	=
<u>Flett Creek (12.0009)</u>	<u>July 16 - October 31</u>	X	=
<u>Leach Creek (12.0008)</u>	<u>July 16 - September 30</u>	X	=
<u>Nisqually River (11.0008) - Mouth to Alder Lake</u>	<u>July 16 - August 31</u>	X	X
<u>Nisqually River (11.0008) - Upstream of Alder Lake</u>	<u>July 16 - September 30</u>	X	X
<u>Mashel River (11.0101) - Mouth to Busy Wild Creek</u>	<u>July 16 - September 30</u>	X	X

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<u>Mashel River (11.0101) - Upstream of Busy Wild Creek</u>	<u>July 16 - September 30</u>	X	=
<u>Puyallup River (10.0021) - Mouth to PSE Electron Powerhouse Outfall</u>	<u>July 16 - August 31</u>	X	X
<u>Puyallup River (10.0021) - Upstream of PSE Electron Powerhouse Outfall</u>	<u>July 16 - August 15</u>	X	X
<u>Carbon River (10.0413)</u>	<u>July 16 - August 15</u>	X	X
<u>Cayada Creek (10.0525) - Mouth to falls about 800 feet upstream</u>	<u>July 16 - August 31</u>	X	=
<u>Cayada Creek (10.0525) - Upstream of the falls</u>	<u>January 1 - December 31</u>	X	=
<u>South Prairie Creek (10.0429)</u>	<u>July 16 - August 15</u>	X	=
<u>Voight Creek (10.0414) - Mouth to falls at River Mile 4.0</u>	<u>July 16 - August 31</u>	X	=
<u>Voight Creek (10.0414) - Upstream of falls River Mile 4.0</u>	<u>July 16 - February 28</u>	X	=
<u>White River (10.0031)</u>	<u>July 16 - August 15</u>	X	X
<u>Clearwater River (10.0080)</u>	<u>July 16 - August 15</u>	X	X
<u>Greenwater River (10.0122)</u>	<u>July 16 - August 15</u>	X	X
<u>Huckleberry Creek (10.0253)</u>	<u>July 16 - August 15</u>	X	=
<u>West Fork White River (10.0186)</u>	<u>July 16 - August 15</u>	X	X
<u>Sequalitchew Creek (12.0019)</u>	<u>July 16 - September 30</u>	X	=
<u>San Juan County</u>	<u>July 1 - August 31</u>	X	=
<u>Cascade Creek (02.0057), Orcas Island - Upstream of lower falls</u>	<u>July 1 - February 28</u>	X	=
<u>Cascade Creek (02.0057), Orcas Island, Buck Bay to falls located approximately 300 feet above mouth</u>	<u>July 1 - October 31</u>	X	=
<u>Doe Creek (02.MISC), San Juan Island, Westcott Bay to falls (approximately 250 feet from mouth)</u>	<u>June 16 - October 15</u>	X	=
<u>False Bay Creek (02.MISC) - San Juan Island; Mouth to lake</u>	<u>July 1 - October 31</u>	X	=
<u>Glenwood Springs, Orcas Island; direct tributary to Eastsound Bay</u>	<u>July 1 - October 15</u>	X	=
<u>Moran Creek (02.MISC) - Orcas Island; from Cascade Lake delta upstream 1/4 mile</u>	<u>July 1 - October 15</u>	X	=
<u>Unnamed Creek (02.0041) - San Juan Island; Mouth to lake</u>	<u>July 1 - October 15</u>	X	=

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<u>Skagit County</u>	<u>August 1 - September 15</u>	X	=
<u>Granite Creek (04.2313) - Upstream of East Creek</u>	<u>July 16 - February 28</u>	X	=
<u>North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek</u>	<u>August 1 - August 15</u>	X	X
<u>North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek</u>	<u>August 1 - August 15</u>	X	=
<u>North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Samish River (03.0005)</u>	<u>August 1 - September 15</u>	X	=
<u>Skagit River (03.0176/04.0176)</u>	<u>Submit Application</u>	=	=
<u>Baker River (04.0435) - Mouth to Baker Dam</u>	<u>Submit Application</u>	=	=
<u>Cascade River (04.1411)</u>	<u>Submit Application</u>	=	=
<u>Day Creek (03.1435)</u>	<u>July 16 - February 28</u>	X	=
<u>Lookout Creek (04.1447)</u>	<u>July 16 - February 28</u>	X	=
<u>Sibley Creek (04.1481)</u>	<u>July 16 - February 28</u>	X	=
<u>Day Creek (03.0299) - Mouth to Rocky Creek</u>	<u>Submit Application</u>	=	=
<u>Day Creek (03.0299) - Upstream of Rocky Creek</u>	<u>August 1 - February 28</u>	X	=
<u>Finney Creek (04.0392) - Mouth to Big Fir Creek</u>	<u>Submit Application</u>	=	=
<u>Finney Creek (04.0392) - Upstream of Big Fir Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Illabot Creek (04.1346)</u>	<u>Submit Application</u>	=	=
<u>Sauk River (04.0673) - Mouth to Forks</u>	<u>Submit Application</u>	=	=
<u>Sauk River (04.0673) - Upstream of Forks</u>	<u>August 1 - August 15</u>	X	=
<u>Suiattle River (04.0710)</u>	<u>August 1 - August 15</u>	X	X
<u>Wiseman Creek (03.0280) - Mouth to SR20</u>	<u>Submit Application</u>	=	=
<u>Wiseman Creek (03.0280) - Upstream of SR20</u>	<u>July 16 - February 28</u>	X	=
<u>South Fork Nooksack River (01.0246) - Mouth to falls at River Mile 30</u>	<u>August 1 - August 15</u>	X	X
<u>South Fork Nooksack River (01.0246) - Falls at River Mile 30 to Wanlick Creek</u>	<u>July 16 - August 15</u>	X	X

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<u>South Fork Nooksack River (01.0246) - Upstream of Wanlick Creek</u>	<u>July 16 - August 15</u>	X	=
<u>Skamania County</u>	<u>July 15 - September 15</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Cispus River (26.0668)</u>	<u>August 1 - August 15</u>	X	X
<u>Cispus River (26.0668) tributaries located in Skamania County</u>	<u>August 1 - October 31</u>	X	=
<u>East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls</u>	<u>August 1 - February 28</u>	X	X
<u>East Fork Lewis River (27.0173) - Upstream of Sunset Falls</u>	<u>August 1 - February 28</u>	X	=
<u>Green River (26.0323) (Tributary of North Fork Toutle River)</u>	<u>July 16 - September 30</u>	X	X
<u>Hamilton Creek (28.0303)</u>	<u>August 1 - August 31</u>	X	=
<u>Hardy Creek (28.0303)</u>	<u>August 1 - August 31</u>	X	=
<u>Little White Salmon River (29.0131) - Mouth to Hatchery</u>	<u>July 16 - August 15</u>	X	X
<u>Little White Salmon River (29.0131) - Hatchery to Cabbage Creek</u>	<u>July 16 - January 31</u>	X	X
<u>Little White Salmon River (29.0131) - Upstream of Cabbage Creek</u>	<u>July 16 - January 31</u>	X	=
<u>North Fork Lewis River (27.0168) - Merwin Dam to Lower Falls</u>	<u>July 16 - August 15</u>	X	X
<u>Canyon Creek (27.0442)</u>	<u>July 16 - February 28</u>	X	=
<u>North Fork Lewis River (27.0168) - Upstream of Lower Falls</u>	<u>July 16 - February 28</u>	X	X
<u>Washougal River (28.0159) - Mouth to Stebbins Creek</u>	<u>August 1 - August 31</u>	X	X
<u>Washougal River (28.0159) - Upstream of Stebbins Creek</u>	<u>August 1 - August 31</u>	X	=
<u>White Salmon River (29.0160) - Mouth to Cascade Creek</u>	<u>July 16 - August 15</u>	X	X
<u>White Salmon River (29.0160) - Upstream of Cascade Creek</u>	<u>July 16 - August 15</u>	X	=
<u>Wind River (29.0023)</u>	<u>August 1 - August 15</u>	X	X
<u>Woodward Creek (28.0298)</u>	<u>August 1 - August 31</u>	X	=
<u>Snohomish County</u>	<u>July 16 - September 15</u>	X	=
<u>Lake Washington tributaries</u>	<u>August 1 - August 15</u>	X	=
<u>Sauk River (04.0673) - Mouth to Forks</u>	<u>August 1 - August 15</u>	X	X

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<u>Sauk River (04.0673) - Upstream of Forks</u>	<u>August 1 - August 15</u>	X	=
<u>Suiattle River (04.0710)</u>	<u>August 1 - August 15</u>	X	X
<u>Snohomish River (07.0012) - Mouth to Highway 9</u>	<u>August 1 - October 31</u>	X	X
<u>Snohomish River (07.0012) - Upstream of Highway 9</u>	<u>August 1 - August 15</u>	X	X
<u>Pilchuck River (07.0125) - Mouth to City of Snohomish diversion dam</u>	<u>August 1 - August 31</u>	X	X
<u>Pilchuck River (07.0125) - City of Snohomish diversion dam to Boulder Creek</u>	<u>August 1 - September 15</u>	X	X
<u>Pilchuck River (07.0125) - Upstream of Boulder Creek</u>	<u>August 1 - September 15</u>	X	=
<u>Skykomish River (07.0012) - Mouth to forks</u>	<u>August 1 - August 15</u>	X	X
<u>Deer Creek (05.0173) - Mouth to stream mile 0.5</u>	<u>August 1 - August 31</u>	X	=
<u>Deer Creek (05.0173) - Upstream of stream mile 0.5</u>	<u>August 1 - February 28</u>	X	=
<u>North Fork Skykomish River (07.0982) - Mouth to Bear Creek Falls</u>	<u>August 1 - August 31</u>	X	X
<u>North Fork Skykomish River (07.0982) - Bear Creek Falls to Deer Falls</u>	<u>August 1 - August 31</u>	X	X
<u>North Fork Skykomish River (07.0982) - Deer Falls to West Cady Creek</u>	<u>August 1 - February 28</u>	X	X
<u>North Fork Skykomish River (07.0982) - Upstream of West Cady Creek</u>	<u>August 1 - February 28</u>	X	=
<u>Howard Creek (07.1042)</u>	<u>July 16 - February 28</u>	X	=
<u>Silver Creek (07.1053) - Mouth to Lake Gulch</u>	<u>August 1 - August 31</u>	X	=
<u>Silver Creek (07.1053) - Upstream of Lake Gulch</u>	<u>August 1 - February 28</u>	X	=
<u>Troublesome Creek (07.1085)</u>	<u>August 1 - February 28</u>	X	=
<u>West Fork Troublesome Creek (07.1092)</u>	<u>August 1 - August 31</u>	X	=
<u>South Fork Skykomish River (07.0012) - Mouth to Sunset Falls</u>	<u>August 1 - August 15</u>	X	X
<u>Beckler River (07.1413) - Mouth to Boulder Creek</u>	<u>August 1 - August 15</u>	X	X

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<u>Beckler River (07.1413) - Upstream of Boulder Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Rapid River (07.1461) - Mouth to Meadow Creek</u>	<u>August 1 - August 31</u>	X	X
<u>Rapid River (07.1461) - Upstream of Meadow Creek</u>	<u>August 1 - February 28</u>	X	X
<u>Sultan River (07.0881) - Mouth to Diversion Dam at river mile 9.4</u>	<u>August 1 - August 15</u>	X	X
<u>Sultan River (07.0881) - Diversion Dam to Elk Creek</u>	<u>July 16 - February 28</u>	X	X
<u>Sultan River (07.0881) - Upstream of Elk Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Wallace River (07.0940) - Mouth to Wallace Falls</u>	<u>August 1 - August 31</u>	X	X
<u>Wallace River (07.0940) - Upstream of Wallace Falls</u>	<u>August 1 - February 28</u>	X	=
<u>Olney Creek (07.0946) - Mouth to Olney Falls</u>	<u>August 1 - August 31</u>	X	=
<u>Olney Creek (07.0946) - Upstream of Olney Falls</u>	<u>August 1 - February 28</u>	X	=
<u>Snoqualmie River Mouth to Falls (07.0219)</u>	<u>August 1 - August 15</u>	X	X
<u>All other Snohomish River tributaries</u>	<u>August 1 - August 31</u>	X	=
<u>Stillaguamish River (05.0001) - Mouth to forks</u>	<u>August 1 - August 31</u>	X	X
<u>North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek</u>	<u>August 1 - August 15</u>	X	X
<u>North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek</u>	<u>August 1 - August 15</u>	X	=
<u>North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek</u>	<u>July 16 - February 28</u>	X	=
<u>South Fork Stillaguamish River (05.0001) - Mouth to Deer Creek</u>	<u>August 1 - August 15</u>	X	X
<u>South Fork Stillaguamish River (05.0001) - Upstream of Deer Creek</u>	<u>August 1 - August 15</u>	X	=
<u>Spokane County</u>	<u>June 16 - August 31</u>	X	=
<u>Latah Creek (56.0003)</u>	<u>June 16 - August 31</u>	X	=
<u>Little Spokane River (55.0600) - Mouth to Deer Creek</u>	<u>June 16 - August 31</u>	X	X
<u>Little Spokane River (55.0600) - Upstream of Deer Creek</u>	<u>June 16 - August 31</u>	X	=

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>Spokane River (57.0001)</u>	<u>June 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Stevens County</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Columbia River</u>	<u>See below</u>	<u>=</u>	<u>=</u>
<u>Big Sheep Creek (61.0150)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Colville River (59.0002) - Mouth to the Falls</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Colville River (59.0002) - Upstream of the Falls</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Deep Creek (61.0195)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Onion Creek (61.0098)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Sheep Creek (59.0861)</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Lake Roosevelt tributaries from the mouth of the Spokane River to mouth of the Colville River</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Lake Roosevelt tributaries from the mouth of the Colville River north to the B.C. Border</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Tributaries of Little Spokane River (55.0600)</u>	<u>June 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Calispel Creek (62.0628)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Other tributaries to the Pend Oreille River in Stevens County</u>	<u>July 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Thurston County</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Cedar Creek (23.0570)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Chehalis River (22.0190/23.0190) - Upstream of Porter Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Skookumchuck River (23.0761) - Mouth to Skookumchuck Reservoir</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Skookumchuck River (23.0761) - Upstream of Skookumchuck Reservoir</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>=</u>
<u>Deschutes River (13.0028) - Mouth to Deschutes Falls</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Deschutes River (13.0028) - Upstream of Deschutes Falls</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Ellis Creek (13.0022)</u>	<u>May 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Little Deschutes River (13.0110)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>McLane Creek (13.0138)</u>	<u>August 1 - October 31</u>	<u>X</u>	<u>=</u>
<u>Percival Creek (13.0029)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Nisqually River (11.0008)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Tributaries of Nisqually River (11.0008)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Porter Creek (23.0543)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>

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<u>Schneider Creek (14.0009)</u>	<u>August 1 - October 31</u>	<u>X</u>	<u>=</u>
<u>Waddell Creek (23.0677)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Woodard Creek (13.0012)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Woodland Creek (13.0006)</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Wahkiakum County</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Columbia River</u>	<u>See below</u>	<u>=</u>	<u>=</u>
<u>Abernathy Creek (25.0297)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Deep River (25.0011)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Elochoman River (25.0236)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Grays River (25.0093)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Mill Creek (25.0284)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Naselle River (24.0543)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Skamokowa Creek (25.0194)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>=</u>
<u>Walla Walla County</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>Walla Walla River (32.0008) - Mouth to Oregon state line</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Mill Creek (32.1436) - Mouth to Oregon state line</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Touchet River (32.0097) - Mouth to Forks</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Touchet/Wolf Fork (32.0761)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>South Fork Touchet (32.0708)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Whatcom County</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Damfino Creek (00.0032)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>=</u>
<u>Nooksack River (01.0120)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Cascade Creek (02.0057) - Mouth to FR 37</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Cascade Creek (02.0057) - Upstream of FR 37</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Middle Fork Nooksack River (01.0339) - Mouth to City of Bellingham Diversion Dam</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Middle Fork Nooksack River (01.0339) - Upstream of City of Bellingham Diversion Dam</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>North Fork Nooksack River (01.0120) - Mouth to Nooksack Falls</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Nooksack River (01.0120) - Upstream of Nooksack Falls</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Barometer Creek (01.0513)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>

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<u>Ruth Creek (01.0531)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Swamp Creek (01.0518)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Wells Creek (02.0057)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Bar Creek (01.0500)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>South Fork Nooksack (01.0246) - Mouth to Wanlick Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>South Fork Nooksack (01.0246) - Upstream of Wanlick Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Samish River (03.0005)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Skagit River (03.0176/04.0176)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Baker River (04.0435) - Mouth to Baker Lake Dam (04.0435)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Baker River (04.0435) - Baker Lake to national park boundary</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Boulder Creek (04.0499)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Park Creek (04.0506) - Mouth to fish passage barrier at river mile 1.6</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Park Creek (04.0506) - Upstream of river mile 1.6</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Swift Creek (04.0509) - Mouth to Rainbow Creek</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Swift Creek (04.0509) - Upstream of Rainbow Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Ross Lake (03.0176/04.0176) tributaries</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Ruby Creek (04.2199)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Canyon Creek (04.2458) - Mouth to Barron Creek</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Canyon Creek (04.2458) - Upstream of Barron Creek and tributaries</u>	<u>October 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Barron Creek (04.2591)</u>	<u>October 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Boulder Creek (04.2478) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Boulder Creek (04.2478) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Friday Creek (04.2549) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Friday Creek (04.2549) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Holmes Creek (04.2473) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>

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<u>Holmes Creek (04.2473) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	X	=
<u>Mill Creek (04.2504) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	=	=
<u>Mill Creek (04.2504) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	X	=
<u>Nickol Creek (04.2476) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	=	=
<u>Nickol Creek (04.2476) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	X	=
<u>North Fork Canyon Creek (04.2583) - Mouth to Elk Creek</u>	<u>Submit Application</u>	=	=
<u>Cascade Creek (05.2584)</u>	<u>October 1 - February 28</u>	X	=
<u>North Fork Canyon Creek (04.2583) - Upstream of Elk Creek</u>	<u>October 1 - February 28</u>	X	=
<u>Slate Creek (04.2557) - Mouth to falls at River Mile 0.6</u>	<u>Submit Application</u>	=	=
<u>Slate Creek (04.2557) - Upstream of falls at River Mile 0.6</u>	<u>October 1 - February 28</u>	X	=
<u>Granite Creek (04.2313) - Mouth to East Creek</u>	<u>Submit Application</u>	=	=
<u>Granite Creek (04.2313) - Upstream of East Creek and tributaries</u>	<u>October 1 - February 28</u>	X	=
<u>Saar Creek (00.0003)</u>	<u>August 1 - September 30</u>	X	=
<u>Silesia Creek (00.0042) - Canadian Border to Middle Fork</u>	<u>July 16 - August 15</u>	X	=
<u>Silesia Creek (00.0042) - Middle Fork to national park boundary</u>	<u>July 16 - February 28</u>	X	=
<u>Rapid Creek (00.0048)</u>	<u>July 16 - February 28</u>	X	=
<u>West Fork Silesia Creek (00.0044)</u>	<u>July 16 - February 28</u>	X	=
<u>Winchester Creek (00.0045)</u>	<u>July 16 - February 28</u>	X	=
<u>Whitman County</u>	<u>July 16 - December 15</u>	X	=
<u>Snake River (35.0002)</u>	<u>See below</u>	=	=
<u>Alkali Flats Creek (35.0570)</u>	<u>July 16 - December 15</u>	X	=
<u>Almota Creek (35.1017)</u>	<u>July 16 - December 15</u>	X	=
<u>Little Almota Creek (35.1018)</u>	<u>July 16 - December 15</u>	X	=
<u>Palouse River (34.0003) - Mouth to Palouse Falls</u>	<u>July 16 - September 30</u>	X	X
<u>Palouse River (34.0003) - Upstream of Palouse Falls</u>	<u>July 16 - February 28</u>	X	X
<u>Penewawa Creek (35.0916)</u>	<u>July 16 - December 15</u>	X	=
<u>Wawawi Canyon Creek (35.1165)</u>	<u>July 16 - December 15</u>	X	=
<u>Yakima County</u>	<u>June 1 - September 15</u>	X	=

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<u>Glade Creek (31.0851)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Klickitat River (30.0002)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Yakima River (37.0002/38.0002/39.0002) - Mouth to Roza Dam</u>	<u>June 1 - September 15</u>	<u>X</u>	<u>X</u>
<u>Ahtanum Creek (37.1382)</u>	<u>June 16 - September 30</u>	<u>X</u>	<u>=</u>
<u>North Fork Ahtanum Creek (37.1382)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>South Fork Ahtanum Creek (37.1382)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Naches River (38.0003) - Mouth to Tieton River</u>	<u>July 1 - October 15</u>	<u>X</u>	<u>X</u>
<u>Naches River (38.0003) - Upstream of mouth of Tieton River to Bumping River</u>	<u>July 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Bumping River (38.0998)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>American River (38.1000)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Gold Creek (38.MISC)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Kettle Creek (38.1033)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Miner Creek (38.1027)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Morse Creek (38.1072) - Mouth to SR410 Crossing</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Morse Creek (38.1072) - Upstream of SR410 Crossing</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Rock Creek (38.MISC)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>=</u>
<u>Timber Creek (38.1062)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Union Creek (38.1045) - Upstream of 500' above falls</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Union Creek (38.1045) - Mouth to 500' above falls</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Other American River tributaries not listed</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Deep Creek (38.MISC)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Copper Creek (38.MISC)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Cowiche Creek (38.0005) - Mouth to South Fork Cowiche Creek</u>	<u>July 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>North Fork Cowiche Creek (38.0008)</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>South Fork Cowiche Creek (38.0031) - Mouth to Reynolds Creek</u>	<u>July 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>South Fork Cowiche Creek (38.0031) - Upstream of Reynolds Creek</u>	<u>July 16 - October 31</u>	<u>X</u>	<u>=</u>

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<u>Granite Creek (38.MISC)</u>	<u>August 1 - August 15</u>	X	=
<u>Little Naches River (38.0852) - Mouth to Matthews Creek</u>	<u>July 16 - August 15</u>	X	X
<u>Little Naches River (38.0852) - Upstream of Matthews Creek</u>	<u>July 16 - August 15</u>	X	=
<u>Crow Creek (38.0858)</u>	<u>July 16 - August 15</u>	X	=
<u>Nile Creek (38.0692)</u>	<u>July 16 - October 15</u>	X	=
<u>Rattlesnake Creek (38.0518)</u>	<u>July 16 - August 15</u>	X	=
<u>Tieton River (38.0166) - Mouth to Rimrock Dam</u>	<u>July 1 - August 31</u>	X	X
<u>North Fork Tieton River (38.0291) - Below Clear Lake Dam</u>	<u>Submit Application</u>	=	=
<u>North Fork Tieton River (38.0291) - Upstream of Clear Lake</u>	<u>July 1 - August 15</u>	X	=
<u>Clear Creek (38.0317)</u>	<u>July 16 - February 28</u>	X	=
<u>South Fork Tieton River (38.0374) - Below South Fork Falls</u>	<u>Submit Application</u>	=	=
<u>South Fork Tieton River (38.0374) - Upstream of South Fork Falls</u>	<u>July 16 - February 28</u>	X	=
<u>Indian Creek (38.0302)</u>	<u>Submit Application</u>	=	=
<u>Tributaries of Tieton River below Rimrock Dam</u>	<u>July 16 - February 28</u>	X	=
<u>Umtanum Creek (39.0553)</u>	<u>July 16 - September 30</u>	X	=
<u>Wenas Creek (39.0032)</u>	<u>July 16 - October 15</u>	X	=
<u>Other Yakima River tributaries</u>	<u>July 16 - August 31</u>	X	=
<u>Columbia River</u>	=	=	=
<u>Mouth to the I-205 Bridge</u>	<u>August 1 - March 31</u>	X	X
<u>I-205 Bridge to Bonneville Dam</u>	<u>July 16 - September 15</u>	X	X
<u>Bonneville Dam to Snake River</u>	<u>July 16 - February 28</u>	X	X
<u>Snake River to Priest Rapids Dam</u>	<u>July 16 - September 30</u>	X	X
<u>Priest Rapids Dam to Mouth of Crab Creek</u>	<u>July 16 - February 28</u>	X	X
<u>Mouth of Crab Creek to Wanapum Dam</u>	<u>July 16 - September 30</u>	X	X
<u>Wanapum Dam to the SR 285 bridge in South Wenatchee</u>	<u>July 16 - February 28</u>	X	X
<u>SR 285 bridge in South Wenatchee to the SR 2 bridge</u>	<u>July 16 - September 30</u>	X	X
<u>SR 2 bridge to one mile downstream of the Chelan River</u>	<u>July 16 - February 28</u>	X	X
<u>From one mile downstream of the Chelan River to the SR 97 bridge</u>	<u>July 16 - September 30</u>	X	X
<u>From SR 97 bridge to Chief Joseph Dam</u>	<u>July 16 - February 28</u>	X	X

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>Chief Joseph Dam to Grand Coulee Dam</u>	<u>June 16 - March 31</u>	X	X
<u>Grand Coulee Dam to Canadian border</u>	<u>Submit Application</u>	=	=
<u>All Columbia River tributaries</u>	<u>See county listings</u>	=	=
<u>Snake River</u>	=	X	=
<u>Mouth to Ice Harbor Dam</u>	<u>July 16 - September 30</u>	X	X
<u>Ice Harbor Dam to Mouth of Clearwater River</u>	<u>July 16 - March 31</u>	X	X
<u>Mouth of Clearwater River to State Line</u>	<u>August 1 - August 31</u>	X	X
<u>All Snake River tributaries</u>	<u>See county listings</u>	=	=
<u>Lakes</u>	<u>Submit Application</u>	=	=
<u>Salt water</u>	<u>Submit Application</u>	=	=
<u>All waters within Indian tribal reservation, national park, state park, or wilderness boundaries</u>	<u>Submit Application</u>	=	=

WSR 09-02-021

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 30, 2008, 8:37 a.m., effective January 30, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend WAC 390-16-071 to apply the dollar changes adopted by the public disclosure commission (PDC) in WAC 390-24-301. This change will increase the dollar thresholds from \$1,500 to \$2,000 on PDC form C-7 for reportable compensation provided state elected officials and their immediate family members and for payments to entities in which state elected officials or their immediate family are an officer or hold a financial interest.

Amend WAC 390-19-020 to change the reference to WEDS, Washington electronic disclosure system, as the software application provided free of charge by the PDC, and replacing it with ORCA, online reporting of campaign activity.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-071 and 390-19-020.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 08-21-164 on October 22, 2008.

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 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.

Date Adopted: December 29, 2008.

Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 02-01-015, filed 12/7/01, effective 1/7/02)

WAC 390-16-071 Annual report of major contributors and persons making independent expenditures. (1) Any person, other than an individual (a) who made contributions to state office candidates and statewide ballot proposition committees totaling more than the aggregate amount during the preceding calendar year for contributions referenced in WAC 390-05-400, code section .180(1), or (b) who made independent expenditures regarding state office candidates and statewide ballot propositions totaling more than the aggregate amount during the preceding calendar year for independent expenditures referenced in WAC 390-05-400,

code section .180(1), shall file with the commission an annual report required pursuant to RCW 42.17.180. This report shall not be required of a lobbyist employer filing an annual L-3 report pursuant to RCW 42.17.180 or of a candidate's authorized committee or a political committee pro-

vided the information has been properly reported pursuant to RCW 42.17.080 and .090.

(2) The report is entitled "Special Political Expenditures" and is designated "C-7" revised ((1/02)) 12/08.

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Special Political Expenditures

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1. Name (Use complete company, association, union or entity name.)
Attention (Identify person to whom inquiries about the information below should be directed.)
Mailing Address Telephone
City State Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Disclose all payments or expenditures the reporting entity made and accrued during the previous calendar year for the types of activities described below. Complete each section. Use "none" or "0" when appropriate. Follow the directions on the attached instructions.

Summary of Expenditures

Table with 2 columns: Description and Amount. Rows include: 2. Political contributions to candidates...; a. Aggregate contributions made by the filer.; b. If contributions were made by a political committee...; 3. Independent expenditures supporting or opposing a candidate...; 4. Expenditures for entertainment, gifts, tickets, passes...; 5. Expenditures to or on behalf of legislators, state officials...; 6. Other expenditures related to lobbying state officials...; 7. Total Reportable Expenses (Items 2 thru 6)

Itemized Expenditures

8. Contributions totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure.

Table with 3 columns: Name of Recipient, Amount, Date

Information continued on attached pages

CONTINUE ON REVERSE

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9. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot measure. See instructions for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Measure & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
<input type="checkbox"/> Information continued on attached pages		

10. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families.

Name and Title	Cost or Value	Date and Description of Entertainment, Gift or Travel
<input type="checkbox"/> Information continued on attached pages		

11. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate families.

Name	Relationship to Candidate or Official, if Family Member	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

12. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

13. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Description of Expense
<input type="checkbox"/> Information continued on attached pages		

14. This report must be certified by the president, secretary-treasurer or similar officer of reporting entity.

<p>Certification: I certify that this report is true, complete and correct to the best of my knowledge.</p>	<p>Signature of Officer</p>	<p>Date</p>
<p>Printed Name and Title of Officer:</p>		

~~STRICKEN GRAPHIC))~~

PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

Special Political Expenditures

C7
12/08

PDC OFFICE USE

1. Name (Use complete company, association, union or entity name.) _____

Attention (Identify person to whom inquiries about the information below should be directed.) _____

Mailing Address _____ Telephone _____
 () -

City _____ State _____ Zip + 4 _____

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Disclose all payments or expenditures the reporting entity made and accrued during the previous calendar year for the types of activities described below. Complete all sections. Use "none" or "0" when applicable. Follow the directions on the attached instructions.

Summary of Expenditures

Amount

- 2. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. Also complete Item 8.
 - a. Aggregate contributions made by the filer. _____
 - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this report.)
 Name of PAC _____
 - 3. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. Show aggregate amount. Also complete Item 9. _____
 - 4. Expenditures for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. Show aggregate amount. Also complete Item 10. _____
 - 5. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. Show aggregate amount. Also complete Item 13. _____
 - 6. Other expenditures related to lobbying state officials, whether payment is made to, through or on behalf of a registered lobbyist. Attach list itemizing each expense. Show date, recipient, purpose and amount. _____
- 7. Total Reportable Expenses** _____
(Items 2 thru 6)

Itemized Expenditures

8. Contributions totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure.

Name of Recipient	Amount	Date
	\$	

Information continued on attached pages

9. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot measure. See instructions for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Measure & Brief Description	Amount \$	Date and Description of Expense (Note if Support or Oppose)
<input type="checkbox"/> Information continued on attached pages		

10. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families.

Name and Title	Cost or Value \$	Date and Description of Entertainment, Gift or Travel
<input type="checkbox"/> Information continued on attached pages		

11. Compensation of \$2,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Official, if Family Member	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

12. Compensation of \$2,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

13. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount \$	Date and Description of Expense
<input type="checkbox"/> Information continued on attached pages		

14. This report must be certified by the president, secretary-treasurer or similar officer of reporting entity.

<p>Certification: I certify that this report is true, complete and correct to the best of my knowledge.</p>	<p>Signature of Officer</p>	<p>Date</p>
<p>Printed Name and Title of Officer:</p>		

AMENDATORY SECTION (Amending WSR 01-22-052, filed 10/31/01, effective 1/1/02)

WAC 390-19-020 Electronic filing—Mandatory filing. (1) RCW 42.17.3691 mandates that persons satisfying the qualifying criteria in that section file all contribution and expenditure reports by electronic means.

(2) Persons filing by electronic means shall register with the PDC and receive a filer identification number and password. Filers must have a current C-1 Candidate Registration Statement or a C-1pc Committee Registration Statement with original signature on file with the PDC prior to receiving a filer identification number. Forms C-1 and C-1pc may not be filed electronically.

(3) A filer subject to RCW 42.17.3691 shall file all PDC C-3 and C-4 reports and all appropriate schedules electronically in compliance with subsection (5) of this section.

(4) Any filer required to file electronically, but who files on paper, is in violation of RCW 42.17.3691 and may be subject to enforcement action unless the filer is a candidate who has sought and been granted an exception from electronic filing under WAC 390-19-050.

(5) A filer subject to electronic filing shall file reports using one of the following:

(a) The ~~((Washington Electronic Disclosure System (WEDS)))~~ ORCA software (Online Reporting of Campaign Activity) provided free-of-charge by the PDC;

(b) Software that creates electronic files that conform to the Political Disclosure Standard Electronic Reporting Format provided by the PDC; or

(c) Any other electronic filing application provided or approved by the PDC.

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.

Date Adopted: December 30, 2008.

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 96-12, filed 8/19/96, effective 9/19/96)

WAC 392-300-035 Requests for record check information. In accordance with the requirements of RCW ~~((42-17-290))~~ 42.56.100 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, record check information is obtainable by district employees or applicants to whom it pertains when they comply with the following procedures:

A request shall be made in writing. The written request shall be presented to the fingerprint records office of the superintendent of public instruction during customary office hours or may be mailed or faxed to the office. The request shall include the following information:

- (1) The name of the person requesting the record;
- (2) The time of day and the calendar date on which the request was made;
- (3) The nature of the request;
- (4) Height, weight and date of birth of individual fingerprinted; and
- (5) Social Security number of individual fingerprinted (optional).

WSR 09-02-024

PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed December 30, 2008, 10:31 a.m., effective January 30, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revise to read the correct RCW.

Citation of Existing Rules Affected by this Order:
Amending WAC 392-300-035.

Statutory Authority for Adoption: RCW 42.56.100.

Adopted under notice filed as WSR 08-21-093 on October 15, 2008.

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 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-

WSR 09-02-026

PERMANENT RULES DEPARTMENT OF LICENSING

[Filed December 30, 2008, 1:44 p.m., effective January 30, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To establish a mandatory procedure that ensures consumer rights when a real estate licensee refers a home inspector.

Statutory Authority for Adoption: RCW 18.85.040(1) General powers and 18.85.035 Home inspector.

Adopted under notice filed as WSR 08-21-030 on October 7, 2008.

Changes Other than Editing from Proposed to Adopted Version: Clarification by replacing the word "that" with the words "with whom" in the second paragraph.

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 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 1, Amended 0, Repealed 0.

Date Adopted: December 30, 2008.

Shelly Hagen
Deputy Assistant Director

NEW SECTION

WAC 308-124C-050 Home inspector referrals. Each licensed designated broker will establish a written office policy that includes a procedure for referring home inspectors to buyers or sellers. The policy will address the consumer's right to freely pick a home inspector of the buyer's or seller's choice and prevent any collusion between the home inspector and a real estate licensee.

If a licensee refers a home inspector to a buyer or seller with whom they have or have had a relationship including, but not limited to, a business or familial relationship, then full disclosure of the relations must be provided in writing prior to the buyer or seller using the services of the home inspector.

WSR 09-02-029
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 30, 2008, 3:29 p.m., effective February 1, 2009]

Effective Date of Rule: February 1, 2009.

Purpose: This rule change is needed in order to offer career services to employed adults who receive Basic Food benefits, and who are working thirty or more hours a week and have minor dependents. The program is administered by the employment security department.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-2100.

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

Adopted under notice filed as WSR 08-23-100 on November 19, 2008.

Changes Other than Editing from Proposed to Adopted Version: Subsection (1), "within available funds" was added to ensure the program operates within the approved budget.

Subsection (2)(a)(iii)(B), "and does not qualify under subsection (A) of this section" was added to clarify that parents are approved for career services through Basic Food assistance only if they are not eligible under post TANF or DCA.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 30, 2008.

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-16-102, filed 8/5/08, effective 10/1/08)

WAC 388-310-2100 (~~WorkFirst~~) Career services program. (1) What is the (~~WorkFirst~~) career services program?

(~~WorkFirst~~) Career services, administered by employment security department, within available funds, provides up to six months of:

- Basic needs payments;
- Wage progression services; and
- Job retention services.

(2) **How can I get (~~WorkFirst~~) career services?**

(a) To get career services, you must meet the following eligibility requirements:

(i) (~~Enroll with the employment security department within the first two calendar months after your TANF/SFA ends or within the first two calendar months after you received your first diversion cash assistance (DCA) payment.~~)

(ii) Be working thirty hours or more per week in a paid unsubsidized job; and

(iii) Not have left temporary assistance for needy families (TANF)/state family assistance (SFA) in sanction status within the previous six months; and

(iv) Be a custodial parent or caretaker relative who:
(A) Received TANF/SFA or diversion cash assistance (DCA) within at least one of the past two calendar months;
(~~and~~) or

(~~(iv) Not have left TANF/SFA in sanction status~~)

(B) Receives basic food assistance for your family and does not qualify under subsection (A) of this section or does not currently receive cash benefits under the TANF, SFA, refugee, or general assistance programs.

(b) You must also enroll with the employment security department during the following timeframes:

(i) Within the first two calendar months after your TANF/SFA ends; or

(ii) Within the first two calendar months after you received your first diversion cash assistance (DCA) payment; or

(iii) Anytime starting the month after you meet eligibility criteria for career services while receiving basic food. You aren't eligible for career services based on receiving basic food assistance if you have already received career services during the current state fiscal year (July 1 through June 30).

(c) Each adult in your family who meets these conditions and enrolls in the program ~~((will))~~ can receive ~~((their own basic needs))~~ the payments and services.

(3) What services and ~~((basic needs))~~ payments are available while I am enrolled in the ~~((WorkFirst))~~ career services program?

The ~~((WorkFirst))~~ career services program provides wage progression services, job retention services and basic needs payments.

(a) Services include employment planning that will help you keep your job and increase your wages.

(b) As shown in the chart below, cash payments and bonuses are made monthly, for up to six consecutive months after leaving TANF/SFA ~~((or))~~, receiving DCA, or while receiving Basic Food assistance.

(c) You may receive up to six hundred fifty dollars in cash payments and bonuses over the six-month period following your TANF/SFA case closing ~~((or))~~, getting your first DCA payment, or while receiving Basic Food assistance.

((Eligible Month))	((Payments & Bonus Amounts))	((Description of Payments and Bonuses))
((Month 1-6 After TANF/SFA or DCA))	(((\$50.00 a month))	((Monthly payments begin once you enroll. If you enroll during Month 2, then you are not eligible for the Month 1 payment.))
((Month 1 or 2))	(((\$150.00))	((One-time enrollment bonus when you sign up for the program.))
((Month 4 and 6))	(((\$100.00 month 4 \$100.00 month 6))	((Bonus for completing the WorkFirst career services assessment and employment planning interview.))

<u>Program</u>	<u>Enrollment Period</u>	<u>Frequency</u>	<u>Payment Period</u>	<u>Payment & Bonus Amount</u>	<u>Payment Description</u>
<u>TANF/SFA or DCA</u>	<ul style="list-style-type: none"> • <u>First two months after TANF/SFA ends, or</u> • <u>Two months after first DCA payment</u> 	<u>People can enroll the first two months after they:</u> <ul style="list-style-type: none"> • <u>Exit TANF/SFA or</u> • <u>Receive first DCA payment</u> 	<u>Month 1 or 2</u>	<u>\$150.00</u>	<u>One-time enrollment bonus when you sign up for the program.</u>
			<u>Month 1-6 after TANF/SFA ends</u>	<u>\$50.00</u>	<u>Monthly payments begin once you enroll. If you enroll during Month 2, then you are not eligible for the Month 1 payment.</u>
			<u>Month 4 and 6</u>	<u>\$100.00 month 4 \$100.00 month 6</u>	<u>Bonus for completing the career services assessment and employment planning interview.</u>
<u>Basic Food</u>	<u>Any time starting the month after becoming eligible for career services</u>	<u>One time in a fiscal year (July through June)</u>	<u>1st Month</u>	<u>\$150.00</u>	<u>One-time enrollment bonus when you sign up for the program.</u>
			<u>Month 1-6</u>	<u>\$50.00</u>	<u>Monthly payments begin once you enroll.</u>
			<u>Month 4 and 6</u>	<u>\$100.00 month 4 \$100.00 month 6</u>	<u>Bonus for completing the career services assessment and employment planning interview.</u>

(4) How long can I receive ~~((WorkFirst))~~ career services ~~((and basic needs payments))~~?

(a) ~~((WorkFirst))~~ Career services ~~((and basic needs payments))~~ are available for a maximum of six consecutive months. Month one begins the calendar month after your TANF/SFA assistance ends or the calendar month after you receive your first DCA payment.

(b) If you are eligible for career services because you receive basic food assistance, career services are available for

a maximum of six consecutive months beginning the month you enroll.

(c) Your ~~((WorkFirst))~~ career services ~~((payments))~~ will stop for any of the following reasons:

(i) ~~((We))~~ The employment security department (ESD) learns you are no longer working thirty hours a week in unsubsidized employment;

(ii) You begin receiving TANF/SFA assistance;

(iii) ~~((We))~~ ESD does not have your current mailing address;

(iv) You are not living in Washington; or

(v) It has been more than six months since your initial DCA payment or since you stopped receiving TANF/SFA or since you enrolled in the career services program because you receive basic food assistance.

(5) What happens if the employment security department learns I am no longer working thirty hours or more per week?

(a) The employment security department will provide you with a letter with at least ten days advance notice that your ~~((WorkFirst))~~ career services will close. Your ~~((WorkFirst))~~ career services ~~((basic needs payments))~~ will stop at the end of the month in which your ten days notice expires. The letter will tell you how to request an administrative hearing if you disagree with the decision.

(b) If you find a new job or increase your hours back up to thirty hours before the end of the month, you will remain eligible for career services payments.

(c) Employment security staff can help you find new employment or work with you to increase your hours of employment.

(6) What happens if I am approved for TANF/SFA assistance while I am receiving ~~((WorkFirst))~~ career services?

If you start receiving TANF/SFA assistance, the employment security department will provide you with a letter and close your ~~((WorkFirst))~~ career services case at the end of the month. The letter will tell you how to request an administrative hearing if you disagree with the decision.

(7) What ~~((happens if I request an administrative hearing))~~ can I do if I disagree with decisions about career services?

(a) You have the right to request an administrative hearing if you disagree with a decision or action regarding the ~~((WorkFirst))~~ career services program. For more information, see chapter 388-02 WAC and RCW 74.08.080.

(b) If you receive continued benefits, they will still end when you reach your benefit maximum as outlined under (3)(c) and (4) regardless of any other pending administrative hearing.

WSR 09-02-030

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

(Mental Health Division)

[Filed December 30, 2008, 4:10 p.m., effective January 30, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The mental health division (MHD) is codifying its policy on how it administers community mental health services in the event of a nonparticipating regional support network. The rule change allows a community mental health agency (CMHA) to contract directly with MHD on a fee-for-

service basis when the local RSN chooses not to administer mental health services for the state.

Citation of Existing Rules Affected by this Order: Amending WAC 388-865-0105, 388-865-0410, 388-865-0484, 388-865-0511, and 388-865-0526.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035, 71.34.380, and 74.08.090.

Adopted under notice filed as WSR 08-18-047 on August 29, 2008.

Changes Other than Editing from Proposed to Adopted Version: In WAC 388-865-0106, added new subsection (2) "Consumers residing within the boundaries of a nonparticipating regional support network who are eligible for the Title XIX medicaid program are entitled to receive medically necessary services without charge to the consumer;" and added reference to WAC 388-865-0255 Consumer grievance process, in subsection (3).

A final cost-benefit analysis is available by contacting Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, e-mail sullikm@dshs.wa.gov.

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 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 5, Repealed 0.

Date Adopted: December 30, 2008.

Robin Arnold-Williams

Secretary

AMENDATORY SECTION (Amending WSR 06-17-114, filed 8/18/06, effective 9/18/06)

WAC 388-865-0105 What the mental health division does and how it is organized. (1) The department of social and health services is designated by the legislature as the state mental health authority, and has designated the mental health division to administer the state mental health program.

(2) Local services are administered by regional support networks or by the mental health division.

(3) Telephone numbers for the mental health division or regional support networks are located in the local telephone directory and can also be obtained by calling the mental health division at the telephone number in subsection (4) of this section.

(4) To request an organizational chart, contact the mental health division at 1-888-713-6010 or (360) 902-8070, or write to the Mental Health Division Director, P.O. Box 45320, Olympia, WA 98504.

~~((3) Local services are administered by regional support networks (RSN), whose telephone number is located in the local telephone directory and can also be obtained by calling the mental health division at the above telephone number.))~~

NEW SECTION

WAC 388-865-0106 When local services are administered by the mental health division. (1) The mental health division administers local services if:

(a) A regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045; or

(b) The DSHS secretary assumes the duties assigned to a nonparticipating regional support network under RCW 71.24.035(16).

(2) Consumers residing within the boundaries of a nonparticipating regional support network who are eligible for the Title XIX medicaid program are entitled to receive medically necessary services without charge to the consumer;

(3) Within available resources as defined in RCW 71.24.025(2), consumers residing within the boundaries of a nonparticipating regional support network may receive services from any provider of community support services that is contracted with the department under the provisions of chapter 388-502 WAC and licensed by or certified by the mental health division;

(4) When the DSHS secretary assumes the duties assigned to a nonparticipating regional support network, the following standards and services continue to apply:

(a) WAC 388-865-0217, psychiatric indigent inpatient program;

(b) WAC 388-865-0222, advisory board;

(c) WAC 388-865-0225, resource management;

(d) WAC 388-865-0229, inpatient services;

(e) WAC 388-865-0230, community support services;

(f) WAC 388-865-0235, residential and housing services;

(g) WAC 388-865-0240, consumer employment services;

(h) WAC 388-865-0245, administration of ITA;

(i) WAC 388-865-0250, ombuds services;

(j) WAC 388-865-0255, consumer grievance process; and

(k) WAC 388-865-0284, standards for contractors and subcontractors.

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

WAC 388-865-0410 Consumer rights. (1) The provider must document that consumers, prospective consumers, or legally responsible others are informed of consumer rights at admission to community support services in a manner that is understandable to the individual. Consumer rights must be written in alternative format for consumers who are blind or deaf, and must also be translated to the most commonly used languages in the service area consistent with WAC 388-865-0260(3);

(2) The provider must post a written statement of consumer rights in public areas, with a copy available to consum-

ers on request. Providers of telephone only services (e.g., crisis lines) must post the statement of consumer rights in a location visible to staff and volunteers during working hours;

(3) The provider must develop a statement of consumer rights that incorporates the following statement or a variation approved by the mental health division: "You have the right to:

(a) Be treated with respect, dignity and privacy;

(b) Develop a plan of care and services which meets your unique needs;

(c) The services of a certified language or sign language interpreter and written materials and alternate format to accommodate disability consistent with Title VI of the Civil Rights Act;

(d) Refuse any proposed treatment, consistent with the requirements in chapters 71.05 and 71.34 RCW;

(e) Receive care which does not discriminate against you, and is sensitive to your gender, race, national origin, language, age, disability, and sexual orientation;

(f) Be free of any sexual exploitation or harassment;

(g) Review your clinical record and be given an opportunity to make amendments or corrections;

(h) Receive an explanation of all medications prescribed, including expected effect and possible side effects;

(i) Confidentiality, as described in chapters 70.02, 71.05, and 71.34 RCW and regulations;

(j) All research concerning consumers whose cost of care is publicly funded must be done in accordance with all applicable laws, including DSHS rules on the protection of human research subjects as specified in chapter 388-04 WAC;

(k) Make an advance directive, stating your choices and preferences regarding your physical and mental health treatment if you are unable to make informed decisions;

(l) Appeal any denial, termination, suspension, or reduction of services and to continue to receive services at least until your appeal is heard by a fair hearing judge;

(m) If you are medicaid eligible, receive all services which are medically necessary to meet your care needs. In the event that there is a disagreement, you have the right to a second opinion from:

(i) A provider within the regional support network about what services are medically necessary; or

(ii) For consumers not enrolled in a prepaid health plan, a provider under contract with the mental health division.

(n) Lodge a complaint with the ombuds, regional support network, or provider if you believe your rights have been violated. If you lodge a complaint or grievance, you must be free of any act of retaliation. The ombuds may, at your request, assist you in filing a grievance. The ombuds' phone number is: _____;

(o) Ask for an administrative hearing if you believe that any rule in this chapter was incorrectly applied in your case."

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

WAC 388-865-0484 Process to certify providers of involuntary services. In order to be certified to provide services to consumers on an involuntary basis, the provider must comply with the following process:

(1) Be licensed as a community support provider consistent with this section or licensed as a community hospital by the department of health;

(2) Complete and submit an application for certification to the regional support network or the mental health division if the DSHS secretary has assumed the duties assigned to the nonparticipating regional support network;

(3) The regional support network selects providers for certification and makes a request to the mental health division for certification;

(4) The mental health division conducts an on-site review to examine agency policies and procedures, personnel records, clinical records, financial documents, and any other information that may be necessary to confirm compliance with minimum standards of this section;

(5) The mental health division grants certification based on compliance with the minimum standards of this section and chapter 71.05 RCW;

(6) The certificate may be renewed annually ~~((at the request of))~~ if:

(a) Requested by the regional support network or those providers contracted with the mental health division directly; and

(b) The provider ~~((s continued compliance))~~ continues to comply with the minimum standards of this section;

(7) The procedures to suspend or revoke a certificate are the same as outlined in WAC 388-865-0468;

(8) The appeal process to contest a decision of the mental health decision is the same as outlined in WAC 388-865-0482.

AMENDATORY SECTION (Amending WSR 04-07-014, filed 3/4/04, effective 4/4/04)

WAC 388-865-0511 Evaluation and treatment facility certification. To obtain and maintain certification to provide inpatient evaluation and treatment services under chapter 71.05 and 71.34 RCW, a facility must meet the following requirements:

(1) Be licensed by the department of health as:

(a) A hospital as defined in chapter 70.41 RCW;

(b) A psychiatric hospital as defined in chapter 246-322 WAC;

(c) A mental health inpatient evaluation and treatment facility consistent with chapter 246-337 WAC; or

(d) A mental health child long-term inpatient treatment facility consistent with chapter 246-337 WAC.

(2) Be approved by the regional support network, or the mental health division ~~((in the case of mental health))~~. Child long-term inpatient treatment facilities ~~((; and))~~ can only be approved by the mental health division.

(3) Successfully complete a provisional and annual on-site review by the mental health division to determine facility compliance with the minimum standards of this section and chapters 71.05 and 71.34 RCW.

AMENDATORY SECTION (Amending WSR 04-07-014, filed 3/4/04, effective 4/4/04)

WAC 388-865-0526 Single bed certification. At the discretion of the mental health division, an exception may be

granted to allow treatment to an adult on a seventy-two hour detention or fourteen-day commitment in a facility that is not certified under WAC 388-865-0500; or for a maximum of thirty days to allow a community facility to provide treatment to an adult on a ninety- or one hundred eighty-day inpatient involuntary commitment order. For involuntarily detained or committed children, the exception may be granted to allow treatment in a facility not certified under WAC 388-865-0500 until the child's discharge from that setting to the community, or until they transfer to a bed in a children's long-term inpatient program (CLIP).

(1) The regional support network or its designee must submit a written request for a single bed certification to the mental health division prior to the commencement of the order. In the case of a child, the facility must submit the written request directly to the mental health division. If the DSHS secretary has assumed the duties assigned to a nonparticipating regional support network, a single bed certification may be requested by a mental health division designee contracted to provide inpatient authorization or designated crisis response services.

(2) The facility receiving the single bed certification must meet all requirements of this section unless specifically waived by the mental health division.

(3) The request for single bed certification must describe why the consumer meets at least one of the following criteria:

(a) The consumer requires services that are not available at a facility certified under this chapter or a state psychiatric hospital; or

(b) The consumer is expected to be ready for discharge from inpatient services within the next thirty days and being at a community facility would facilitate continuity of care, consistent with the consumer's individual treatment needs.

(4) The mental health division director or the director's designee makes the decision and gives written notification to the requesting ~~((regional support network))~~ entity in the form of a single bed certification. The single bed certification must not contradict a specific provision of federal law or state statute.

(5) The mental health division may make site visits at any time to verify that the terms of the single bed certification are being met. Failure to comply with any term of this exception may result in corrective action. If the mental health division determines that the violation places consumers in imminent jeopardy, immediate revocation of this exception can occur.

(6) Neither consumers nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding single bed certification decisions by mental health division staff.

WSR 09-02-043

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 31, 2008, 11:01 a.m., effective January 1, 2009]

Effective Date of Rule: January 1, 2009.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The

stumpage value rule is required by statute (RCW 84.33.091) to be effective on January 1, 2009.

Purpose: WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the first half of 2009.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 08-22-099 on November 5, 2008.

Changes Other than Editing from Proposed to Adopted Version: The following language has been added: **(5) Forest-derived biomass.** Forest-derived biomass consists of tree limbs, tops, needles, leaves, and other woody debris that are residues from such activities as timber harvesting, forest thinning, fire suppression, or forest health. Forest derived biomass does not include scalable timber products or firewood (defined in WAC 458-40-650). Forest derived biomass has a \$0/ton stumpage value.

A final cost-benefit analysis is available by contacting Mark Bohe, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6133, fax (360) 586-0127, e-mail mark-bohe@dor.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 31, 2008.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-14-085, filed 6/27/08, effective 7/1/08)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((July))~~ January 1 through ~~((December 31, 2008))~~ June 30, 2009:

**((TABLE 1—Proposed Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 2008**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$504	\$497	\$490	\$483	\$476
		2	330	323	316	309	302
		3	330	323	316	309	302
		4	316	309	302	295	288
Western-Redcedar ⁽²⁾	RC	1	676	669	662	655	648
Western-Hemlock ⁽³⁾	WH	1	265	258	251	244	237
		2	265	258	251	244	237
		3	265	258	251	244	237
		4	265	258	251	244	237
Red-Alder	RA	1	706	699	692	685	678
		2	637	630	623	616	609
Black-Cottonwood	BC	1	29	22	15	8	1
Other-Hardwood	OH	1	174	167	160	153	146
Douglas-Fir Poles & Piles	DPL	1	698	691	684	677	670
Western-Redcedar-Poles	RCL	1	1353	1346	1339	1332	1325
Chipwood ⁽⁴⁾	CHW	1	8	7	6	5	4
RC-Shake & Shingle-Blocks ⁽⁵⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF-Christmas-Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other-Christmas-Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per cord.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

**TABLE 2—Proposed Stumpage Value Table
Stumpage Value Area 2**
July 1 through December 31, 2008

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$568	\$561	\$554	\$547	\$540
		2	383	376	369	362	355
		3	374	367	360	353	346
		4	285	278	271	264	257
Western-Redcedar ⁽²⁾	RC	1	676	669	662	655	648
Western-Hemlock ⁽³⁾	WH	1	311	304	297	290	283
		2	311	304	297	290	283
		3	286	279	272	265	258
		4	286	279	272	265	258
Red-Alder	RA	1	706	699	692	685	678
		2	637	630	623	616	609
Black-Cottonwood	BC	1	29	22	15	8	1
Other-Hardwood	OH	1	174	167	160	153	146
Douglas-Fir Poles & Piles	DFL	1	698	691	684	677	670
Western-Redcedar Poles	RCL	1	1353	1346	1339	1332	1325
Chipwood ⁽⁴⁾	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska Cedar.

⁽³⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per cord.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

**TABLE 3—Proposed Stumpage Value Table
Stumpage Value Area 3**
July 1 through December 31, 2008

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$528	\$521	\$514	\$507	\$500
		2	418	411	404	397	390
		3	418	411	404	397	390
		4	294	287	280	273	266
Western-Redcedar ⁽³⁾	RC	1	676	669	662	655	648
Western-Hemlock ⁽⁴⁾	WH	1	291	284	277	270	263
		2	291	284	277	270	263
		3	277	270	263	256	249
		4	277	270	263	256	249
Red-Alder	RA	1	706	699	692	685	678
		2	637	630	623	616	609
Black-Cottonwood	BC	1	29	22	15	8	1
Other-Hardwood	OH	1	174	167	160	153	146
Douglas-Fir Poles & Piles	DFL	1	698	691	684	677	670
Western-Redcedar Poles	RCL	1	1353	1346	1339	1332	1325
Chipwood ⁽⁵⁾	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per cord.

⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 4—Proposed Stumpage Value Table
Stumpage Value Area 4**
July 1 through December 31, 2008

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$450	\$443	\$436	\$429	\$422
		2	423	416	409	402	395
		3	423	416	409	402	395
		4	295	288	281	274	267
Lodgepole Pine	LP	1	172	165	158	151	144
Ponderosa Pine	PP	1	177	170	163	156	149
		2	121	114	107	100	93
Western-Redcedar ⁽²⁾	RC	1	676	669	662	655	648
Western Hemlock ⁽⁴⁾	WH	1	299	292	285	278	271
		2	299	292	285	278	271
		3	299	292	285	278	271
		4	299	292	285	278	271
Red Alder	RA	1	706	699	692	685	678
		2	637	630	623	616	609
Black Cottonwood	BC	1	29	22	15	8	1
Other Hardwood	OH	1	174	167	160	153	146
Douglas-Fir Poles & Piles	DFL	1	698	691	684	677	670
Western-Redcedar Poles	RCL	1	1353	1346	1339	1332	1325
Chipwood ⁽⁵⁾	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽⁴⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per cord.

⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 5—Proposed Stumpage Value Table
Stumpage Value Area 5**
July 1 through December 31, 2008

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$668	\$661	\$654	\$647	\$640
		2	384	377	370	363	356
		3	383	376	369	362	355
		4	294	287	280	273	266
Lodgepole Pine	LP	1	172	165	158	151	144
Ponderosa Pine	PP	1	177	170	163	156	149
		2	121	114	107	100	93
Western-Redcedar ⁽²⁾	RC	1	676	669	662	655	648
Western Hemlock ⁽⁴⁾	WH	1	286	279	272	265	258
		2	286	279	272	265	258
		3	268	261	254	247	240
		4	268	261	254	247	240
Red Alder	RA	1	706	699	692	685	678
		2	637	630	623	616	609
Black Cottonwood	BC	1	29	22	15	8	1
Other Hardwood	OH	1	174	167	160	153	146
Douglas-Fir Poles & Piles	DFL	1	698	691	684	677	670
Western-Redcedar Poles	RCL	1	1353	1346	1339	1332	1325
Chipwood ⁽⁵⁾	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽⁴⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per cord.

⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 6—Proposed Stumpage Value Table
Stumpage Value Area 6**
July 1 through December 31, 2008

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$224	\$217	\$210	\$203	\$196
Lodgepole Pine	LP	1	172	165	158	151	144
Ponderosa Pine	PP	1	177	170	163	156	149
		2	121	114	107	100	93
Western Redcedar ⁽³⁾	RC	1	664	657	650	643	636
True Firs and Spruce ⁽⁴⁾	WH	1	196	189	182	175	168
Western White Pine	WP	1	239	232	225	218	211
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	664	657	650	643	636
Small Logs ⁽⁵⁾	SML	1	30	29	28	27	26
Chipwood ⁽⁵⁾	CHW	1	9	8	7	6	5
RC Shake & Shingle Blocks ⁽⁶⁾	RCF	1	76	69	62	55	48
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁹⁾ Stumpage value per lineal foot.

**TABLE 7—Proposed Stumpage Value Table
Stumpage Value Area 7**
July 1 through December 31, 2008

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$224	\$217	\$210	\$203	\$196
Lodgepole Pine	LP	1	172	165	158	151	144
Ponderosa Pine	PP	1	177	170	163	156	149
		2	121	114	107	100	93
Western Redcedar ⁽³⁾	RC	1	664	657	650	643	636
True Firs and Spruce ⁽⁴⁾	WH	1	196	189	182	175	168
Western White Pine	WP	1	239	232	225	218	211
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	664	657	650	643	636
Small Logs ⁽⁵⁾	SML	1	30	29	28	27	26
Chipwood ⁽⁵⁾	CHW	1	9	8	7	6	5
RC Shake & Shingle Blocks ⁽⁶⁾	RCF	1	76	69	62	55	48
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁹⁾ Stumpage value per lineal foot.

**TABLE 8—Proposed Stumpage Value Table
Stumpage Value Area 10**
July 1 through December 31, 2008

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$436	\$429	\$422	\$415	\$408
		2	409	402	395	388	381
		3	409	402	395	388	381
		4	281	274	267	260	253
Lodgepole Pine	LP	1	172	165	158	151	144
Ponderosa Pine	PP	1	177	170	163	156	149
		2	121	114	107	100	93
Western Redcedar ⁽²⁾	RC	1	662	655	648	641	634
Western Hemlock ⁽⁴⁾	WH	1	285	278	271	264	257
		2	285	278	271	264	257
		3	285	278	271	264	257
		4	285	278	271	264	257
Red Alder	RA	1	692	685	678	671	664
		2	623	616	609	602	595
Black Cottonwood	BC	1	15	8	1	1	1
Other Hardwood	OH	1	160	153	146	139	132
Douglas-Fir Poles & Piles	DFL	1	684	677	670	663	656
Western Redcedar Poles	RCL	1	1339	1332	1325	1318	1311
Chipwood ⁽⁵⁾	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per cord.

⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁸⁾ Stumpage value per lineal foot.))

**TABLE 1—Proposed Stumpage Value Table
Stumpage Value Area 1**
January 1 through June 30, 2009

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$288	\$281	\$274	\$267	\$260
		2	288	281	274	264	260
		3	288	281	274	267	260
		4	238	231	224	217	210
Western Redcedar ⁽²⁾	RC	1	651	644	637	630	623
Western Hemlock ⁽³⁾	WH	1	230	223	216	209	202
		2	230	223	216	209	202
		3	230	223	216	209	202
		4	230	223	216	209	202
Red Alder	RA	1	533	526	519	512	505
		2	473	466	459	452	445
Black Cottonwood	BC	1	38	31	24	17	10
Other Hardwood	OH	1	160	153	146	139	132
Douglas-Fir Poles & Piles	DFL	1	692	685	678	671	664
Western Redcedar Poles	RCL	1	1380	1373	1366	1359	1352
Chipwood ⁽⁴⁾	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per cord.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

**TABLE 2—Proposed Stumpage Value Table
Stumpage Value Area 2**
January 1 through June 30, 2009

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$316	\$309	\$302	\$295	\$288
		2	316	309	302	295	288
		3	316	309	302	295	288
		4	252	245	238	231	224
Western Redcedar ⁽²⁾	RC	1	651	644	637	630	623
Western Hemlock ⁽³⁾	WH	1	222	215	208	201	194
		2	222	215	208	201	194
		3	222	215	208	201	194
		4	222	215	208	201	194
Red Alder	RA	1	533	526	519	512	505
		2	473	466	459	452	445
Black Cottonwood	BC	1	38	31	24	17	10
Other Hardwood	OH	1	160	153	146	139	132
Douglas-Fir Poles & Piles	DFL	1	692	685	678	671	664
Western Redcedar Poles	RCL	1	1380	1373	1366	1359	1352
Chipwood ⁽⁴⁾	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per cord.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

**TABLE 3—Proposed Stumpage Value Table
Stumpage Value Area 3**
January 1 through June 30, 2009

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$364	\$357	\$350	\$343	\$336
		2	364	357	350	343	336
		3	364	357	350	343	336
		4	316	309	302	295	288
Western Redcedar ⁽³⁾	RC	1	651	644	637	630	623
Western Hemlock ⁽⁴⁾	WH	1	241	234	227	220	213
		2	241	234	227	220	213
		3	241	234	227	220	213
		4	241	234	227	220	213
Red Alder	RA	1	533	526	519	512	505
		2	473	466	459	452	445
Black Cottonwood	BC	1	38	31	24	17	10
Other Hardwood	OH	1	160	153	146	139	132
Douglas-Fir Poles & Piles	DFL	1	692	685	678	671	664
Western Redcedar Poles	RCL	1	1380	1373	1366	1359	1352
Chipwood ⁽⁵⁾	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this table.

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per cord.

⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 4—Proposed Stumpage Value Table
Stumpage Value Area 4**
January 1 through June 30, 2009

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$365	\$358	\$351	\$344	\$337
		2	365	358	351	344	337
		3	365	358	351	344	337
		4	294	287	280	273	266
Lodgepole Pine	LP	1	155	148	141	134	127
Ponderosa Pine	PP	1	134	127	120	113	106
		2	81	74	67	60	53
Western Redcedar ⁽³⁾	RC	1	651	644	637	630	623
Western Hemlock ⁽⁴⁾	WH	1	276	269	262	255	248
		2	276	269	262	255	248
		3	276	269	262	255	248
		4	276	269	262	255	248
Red Alder	RA	1	533	526	519	512	505
		2	473	466	459	452	445
Black Cottonwood	BC	1	38	31	24	17	10
Other Hardwood	OH	1	160	153	146	139	132
Douglas-Fir Poles & Piles	DFL	1	692	685	678	671	664
Western Redcedar Poles	RCL	1	1380	1373	1366	1359	1352
Chipwood ⁽⁵⁾	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 5—Proposed Stumpage Value Table
Stumpage Value Area 5**
January 1 through June 30, 2009

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$296	\$289	\$282	\$275	\$268
		2	296	289	282	275	268
		3	296	289	282	275	268
		4	269	262	255	248	241
Lodgepole Pine	LP	1	155	148	141	134	127
Ponderosa Pine	PP	1	135	127	120	113	106
		2	81	74	67	60	53
Western Redcedar ⁽³⁾	RC	1	651	644	637	630	623
Western Hemlock ⁽⁴⁾	WH	1	211	204	197	190	183
		2	211	204	197	190	183
		3	211	204	197	190	183
		4	211	204	197	190	183
Red Alder	RA	1	533	526	519	512	505
		2	473	466	459	452	445
Black Cottonwood	BC	1	38	31	24	17	10
Other Hardwood	OH	1	160	153	146	139	132
Douglas-Fir Poles & Piles	DFL	1	692	685	678	671	664
Western Redcedar Poles	RCL	1	1380	1373	1366	1359	1352
Chipwood ⁽⁵⁾	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 6—Proposed Stumpage Value Table
Stumpage Value Area 6**
January 1 through June 30, 2009

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$187	\$180	\$173	\$166	\$159
Lodgepole Pine	LP	1	155	148	141	134	127
Ponderosa Pine	PP	1	134	127	120	113	106
		2	81	74	67	60	53
Western Redcedar ⁽³⁾	RC	1	780	773	766	759	752
True Firs and Spruce ⁽⁴⁾	WH	1	164	157	150	143	136
Western White Pine	WP	1	229	222	215	208	201
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	780	773	766	759	752
Small Logs ⁽⁵⁾	SML	1	25	24	23	22	21
Chipwood ⁽⁵⁾	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks ⁽⁶⁾	RCF	1	76	69	62	55	48
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁹⁾ Stumpage value per lineal foot.

**TABLE 7—Proposed Stumpage Value Table
Stumpage Value Area 7**
January 1 through June 30, 2009

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$187	\$180	\$173	\$166	\$159
Lodgepole Pine	LP	1	155	148	141	134	127
Ponderosa Pine	PP	1	134	127	120	113	106
		2	81	74	67	60	53
Western Redcedar ⁽³⁾	RC	1	780	773	766	759	752
True Firs and Spruce ⁽⁴⁾	WH	1	164	157	150	143	136
Western White Pine	WP	1	229	222	215	208	201
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	780	773	766	759	752
Small Logs ⁽⁵⁾	SML	1	25	24	23	22	21
Chipwood ⁽⁵⁾	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks ⁽⁶⁾	RCF	1	76	69	62	55	48
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁹⁾ Stumpage value per lineal foot.

TABLE 8—Proposed Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2009

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$351	\$344	\$337	\$330	\$323
		2	351	344	337	330	323
		3	351	344	337	330	323
		4	280	273	266	259	252
Lodgepole Pine	LP	1	155	148	141	134	127
Ponderosa Pine	PP	1	134	127	120	113	106
		2	81	74	67	60	53
Western Redcedar ⁽³⁾	RC	1	637	630	623	616	609
Western Hemlock ⁽⁴⁾	WH	1	262	255	248	241	234
		2	262	255	248	241	234
		3	262	255	248	241	234
		4	262	255	248	241	234
Red Alder	RA	1	519	512	505	498	491
		2	459	452	445	438	431
Black Cottonwood	BC	1	24	17	10	3	1
Other Hardwood	OH	1	146	139	132	125	118
Douglas-Fir Poles & Piles	DFL	1	678	671	664	657	650
Western Redcedar Poles	RCL	1	1366	1359	1352	1345	1338
Chipwood ⁽⁵⁾	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	279	272	265	258	251
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this table.
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per cord.
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁸⁾ Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((July)) January 1 through ((December 31, 2008)) June 30, 2009:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
 ((July)) January 1 through ((December 31, 2008)) June 30, 2009

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	- \$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	- \$50.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	- \$100.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
(July) January 1 through ((December 31, 2008)) June 30, 2009**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	- \$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

Permanent

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) Forest-derived biomass. Forest-derived biomass consists of tree limbs, tops, needles, leaves, and other woody debris that are residues from such activities as timber harvesting, forest thinning, fire suppression, or forest health. Forest-derived biomass does not include scalable timber products or firewood (defined in WAC 458-40-650). Forest-derived biomass has a \$0/ton stumpage value.

WSR 09-02-044

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 31, 2008, 11:06 a.m., effective January 1, 2009]

Effective Date of Rule: January 1, 2009.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The forest land value rule is required by statute (RCW 84.33.140) to be effective on January 1, 2009.

Purpose: WAC 458-40-540 contains the forest land values, which must be adjusted annually by a statutory formula contained in RCW 84.33.140(3). This rule has been amended to provide county assessors with forest land values for the 2009 assessment year.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-540 Forest land values—2009.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 08-22-098 on November 5, 2008.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 31, 2008.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-02-063, filed 12/28/07, effective 1/1/08)

WAC 458-40-540 Forest land values—~~((2008))~~ 2009.

The forest land values, per acre, for each grade of forest land for the ~~((2008))~~ 2009 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	((2008)) 2009 VALUES ROUNDED
1	1	\$(205)) 209
	2	((203)) 207
	3	((191)) 194
	4	((138)) 140
2	1	((172)) 175
	2	((167)) 170
	3	((160)) 163
	4	((115)) 117
3	1	((135)) 137
	2	((131)) 133
	3	((130)) 132
	4	((99)) 101

LAND GRADE	OPERABILITY CLASS	((2008)) 2009 VALUES ROUNDED
4	1	((103)) 105
	2	((100)) 102
	3	((99)) 101
	4	((76)) 77
5	1	((75)) 76
	2	((68)) 69
	3	((67)) 68
	4	((46)) 47
6	1	((38)) 39
	2	((35)) 36
	3	((35)) 36
	4	((33)) 34
7	1	17
	2	17
	3	16
	4	16
8	<u>1</u>	1

**WSR 09-02-051
PERMANENT RULES
DEPARTMENT OF REVENUE**

[Filed December 31, 2008, 2:14 p.m., effective January 31, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This is a new rule, WAC 458-20-279 Clean alternative fuel vehicles and high gas mileage vehicles, which explains the requirements of the following:

- The retail sales and use tax exemptions for clean alternative fuel vehicles (RCW 82.08.809 and 82.12.809); and
- The retail sales and use tax exemptions for high gas mileage vehicles (RCW 82.08.813 and 82.12.813).

These exemptions are effective from January 1, 2009, until January 1, 2011.

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

Adopted under notice filed as WSR 08-22-101 on November 5, 2008.

Changes Other than Editing from Proposed to Adopted Version: Minor grammatical/stylistic changes were made to the proposed rule.

The discussion of the effect of the exemptions on accessories in subsection (8) was expanded to provide additional clarification as follows. Language that was added to the proposed Rule 279 is underlined, while language removed from the proposed Rule 279 is indicated by a strikethrough of the text.

(8) Accessories. ~~Accessories qualify for the exemptions if the accessories are components of the qualifying vehicle at the time of purchase. Accessories purchased after the qualifying vehicle is purchased are subject to retail sales tax. A qualifying vehicle includes all accessories installed or sold as part of the sale of the vehicle.~~ Accessories purchased after the qualifying vehicle is purchased are subject to retail sales tax. A qualifying vehicle includes all accessories installed or sold as part of the sale of the vehicle.

(a) **Example 1.** A dealership installs a ski rack and applies pinstriping on an otherwise qualifying vehicle on January 5, 2009, before a customer purchases the vehicle. Any separate, itemized charges for the accessories listed on the vehicle sales invoice are exempt from retail sales tax.

(b) **Example 2.** On January 5, 2009, a customer purchases an otherwise qualifying vehicle, and as a condition of the purchase requires that the seller install stereo speakers and apply paint sealant. The seller does not have the accessories in stock, but the customer takes delivery of the vehicle. The customer then brings the vehicle back to the seller, and the accessories are installed and applied on January 12, 2009. Any separate, itemized charges for the accessories listed on the vehicle sales invoice are exempt from retail sales tax.

Subsections (10) and (11) address situations where a down payment is made prior to purchase and delivery of the vehicle. Subsection (10) is a scenario where the down payment is made prior to the effective date of the exemptions, with purchase and delivery taken after the effective date. Subsection (11) is a scenario where the down payment is made while the exemptions are still in effect, with purchase and delivery taken after the end of the exemption period. The last sentence of each example in these subsections was changed as follows for clarification purposes.

Subsection (10) example:

The ~~down payment~~ purchase of the vehicle is exempt from retail sales tax.

Subsection (11) example:

The ~~down payment~~ purchase of the vehicle is subject to retail sales tax.

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 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.

Date Adopted: December 31, 2008.

Alan R. Lynn
Rules Coordinator

NEW SECTION

WAC 458-20-279 Clean alternative fuel vehicles and high gas mileage vehicles. (1) **Introduction.** For the period January 1, 2009, through December 31, 2010, RCW 82.08.809 and 82.12.809 provide a retail sales and use tax exemption for new passenger cars, light duty trucks, and medium duty passenger vehicles that are exclusively powered by a clean alternative fuel. For the same period, RCW 82.08.813 and 82.12.813 provide a retail sales and use tax

exemption for new passenger cars, light duty trucks, and medium duty passenger vehicles that utilize hybrid technology and have a United States environmental protection agency estimated highway gasoline mileage rating of at least forty miles per gallon. This section provides additional information about the requirements for the exemptions provided by RCW 82.08.809, 82.08.813, 82.12.809, and 82.12.813 ("the exemptions").

(2) **Definitions.** The following definitions apply throughout this section:

(a) "Clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California code of regulations, effective January 1, 2005, and the rules of the Washington state department of ecology. See RCW 82.08.809(3) and 82.12.809(2).

(b) "Gross vehicle weight rating" is the value specified by the manufacturer as the maximum design loaded weight of a single vehicle. See WAC 173-423-040(4).

(c) "Hybrid technology" means propulsion units powered by both electricity and gasoline. See RCW 82.08.813(3) and 82.12.813(2).

(d) "Light duty truck" is any vehicle certified to the standards in Title 13, CCR, section 1961 (a)(1) rated at eight thousand five hundred pounds gross vehicle weight or less, and any other motor vehicle rated at six thousand pounds gross vehicle weight or less, which is designed primarily for the purposes of transportation of property or is a derivative of such vehicle, or is available with special features enabling off-street or off-highway operation and use. See WAC 173-423-040(8).

(e) "Medium duty passenger vehicle" is any medium duty vehicle with a gross vehicle weight rating of less than ten thousand pounds that is designed primarily for the transportation of persons. The medium duty passenger vehicle definition does not include any vehicle which:

(i) Is an "incomplete truck," i.e., is a truck that does not have the primary load carrying device or container attached; or

(ii) Has a seating capacity of more than twelve persons; or

(iii) Is designed for more than nine persons in seating rearward of the driver's seat; or

(iv) Is equipped with an open cargo area of seventy-two inches in interior length or more. A covered box not readily accessible from the passenger compartment will be considered an open cargo area for the purpose of this definition. See WAC 173-423-040(9).

(f) "Medium duty vehicle" is a vehicle with a gross vehicle weight rating of eight thousand five hundred one to fourteen thousand pounds. See WAC 173-423-100(2).

(g) "Model year" is the manufacturer's annual production period which includes January 1 of a calendar year. If the manufacturer has no annual production period, "model year" is the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis. See WAC 173-423-040(10).

(h) "New motor vehicle" is any motor vehicle that:

- (i) Is self-propelled;
- (ii) Is required to be registered and titled under Title 46 RCW;
- (iii) Has not been previously titled to a retail purchaser or lessee; and
- (iv) Is not a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof. See RCW 46.70.011 and 46.04.660.

The model year of the vehicle is not determinative of whether it meets the definition of "new motor vehicle."

(i) "Passenger car" means every motor vehicle except motorcycles and motor-driven cycles designed primarily for transportation of persons and having a design capacity of twelve persons or less. See WAC 173-423-040(13) and RCW 46.04.382.

(3) **New passenger cars, light duty trucks, and medium duty passenger vehicles.** In order to qualify for the exemptions, the vehicle must meet the definition of "passenger car," "light duty truck," or "medium duty passenger vehicle" in addition to meeting the definition of "new motor vehicle."

Purchases of previously owned clean alternative fuel or high gas mileage vehicles. The exemptions do not apply to purchases of used vehicles, even if they are exclusively powered by clean alternative fuel or utilize hybrid technology and have a United States environmental protection agency estimated highway gasoline mileage rating of at least forty miles per gallon. The exemptions only apply to new clean alternative fuel or new high gas mileage vehicles purchased between January 1, 2009, and December 31, 2010.

(a) **Example 1.** Mike purchases a *used* 2007 model year hybrid vehicle from a dealer or private party in 2009. The purchase would not qualify for the exemptions. The exemptions only apply to new vehicles.

(b) **Example 2.** Nicole purchases a *new* 2008 model year hybrid vehicle in 2009 from a dealer. This purchase would be exempt (assuming it meets the other requirements). A new vehicle could be any model year as long as it has not been previously titled to a retail purchaser or lessee.

(4) **Conversions.** For purposes of this section, a conversion refers to the alteration of an otherwise nonqualifying vehicle exclusively powered by gasoline or diesel into a qualifying vehicle that either:

- (a) Is exclusively powered by clean alternative fuel; or
- (b) Utilizes hybrid technology and has a United States environmental protection agency estimated highway gasoline mileage rating of at least forty miles per gallon.

(i) **Purchases of converted vehicles.** The purchase of a new vehicle that is converted prior to or as part of the retail sale to the purchaser and that otherwise satisfies the requirements of the exemptions will qualify for the exemptions. If the conversion is performed after the retail sale, the purchase of the vehicle will not qualify for the exemptions.

(ii) **Purchases of the service of converting vehicles.** While the purchase of a new vehicle converted by the seller prior to or as part of the retail sale to the purchaser qualifies

for the exemptions as described in subsection (4)(a) of this section, the purchase of the service of converting a vehicle does not qualify for the exemptions. However, if the seller hires a third party to convert the vehicle, it can give the third party a resale certificate.

(A) **Example 1.** Tom wants to purchase a new nonqualifying vehicle from Dealer but have it converted as a part of the purchase transaction. Dealer hires John's Shop to convert the vehicle for Tom, and Tom purchases the converted vehicle from Dealer. Tom's purchase of the converted vehicle qualifies for the exemptions.

(B) **Example 2.** Tom purchases a new nonqualifying vehicle from Dealer. Tom then hires John's Shop to convert the vehicle. The purchase of the nonqualifying vehicle does not qualify for the exemptions, even if Dealer delivers the vehicle directly to John's Shop on Tom's behalf for conversion.

(5) **Use tax.** The use of a qualifying vehicle by the original title holder is exempt from use tax if the vehicle is purchased between January 1, 2009, and December 31, 2010.

(a) **Example 1.** Will, a Washington resident, purchases a new qualifying vehicle in Oregon from Dealer on February 1, 2009, and returns to Washington in the vehicle on February 2, 2009. Will's use of the vehicle in Washington is exempt from use tax.

(b) **Example 2.** Oliver, an Oregon resident, purchases a new qualifying vehicle from Dealer in Oregon on April 1, 2009. Oliver moves to Washington on May 15, 2009. Oliver's use of the vehicle in Washington is exempt from use tax. Note: In the absence of the exemptions discussed in this section, Oliver's purchase would be subject to use tax since his first use of the vehicle in Washington occurred within 90 days of his acquisition and use of the vehicle in another state. See RCW 82.12.0251.

(6) **Extended warranties and maintenance agreements.** The sale of an extended warranty or maintenance agreement is subject to retail sales tax even though the vehicle itself may qualify for the exemptions. See WAC 458-20-257.

(7) **Replacement parts and/or repair services.** The sale of replacement parts or repair services is subject to retail sales tax even though the vehicle itself may have qualified for the exemptions. Only the purchase and use of a qualifying vehicle is exempt from retail sales and use tax.

(8) **Accessories.** A qualifying vehicle includes all accessories installed or sold as part of the sale of the vehicle.

(a) **Example 1.** A dealership installs a ski rack and applies pinstriping on an otherwise qualifying vehicle on January 5, 2009, before a customer purchases the vehicle. Any separate, itemized charges for the accessories listed on the vehicle sales invoice are exempt from retail sales tax.

(b) **Example 2.** On January 5, 2009, a customer purchases an otherwise qualifying vehicle, and as a condition of the purchase requires that the seller install stereo speakers and apply paint sealant. The seller does not have the accessories in stock, but the customer takes delivery of the vehicle. The customer then brings the vehicle back to the seller, and the accessories are installed and applied on January 12, 2009. Any separate, itemized charges for the accessories listed on the vehicle sales invoice are exempt from retail sales tax.

(9) **Leases.** A vehicle is exempt from retail sales and use taxes on a lease if the other requirements are met. If the vehicle is new, registered, and titled in the lessee's name between January 1, 2009, and December 31, 2010, the retail sales tax exemption will apply only to amounts due between January 1, 2009, and December 31, 2010. See also WAC 458-20-103 and 458-20-235.

(a) **Example 1.** Alex leases a new hybrid vehicle that he registers and titles on December 8, 2008. None of his lease payments will qualify for the exemptions because the vehicle was registered and titled prior to January 1, 2009.

(b) **Example 2.** Beth leases a new hybrid vehicle that she registers and titles on December 8, 2010. Assuming that the other requirements of the exemptions are met, any amounts due under the lease before January 1, 2011, are exempt from retail sales tax.

(10) **Payments made prior to January 1, 2009.** Any payment made toward the purchase of an otherwise qualifying vehicle prior to the effective date of the exemptions, January 1, 2009, qualifies for the exemptions if the vehicle sold is titled and registered on or after January 1, 2009, and the purchaser takes possession of the vehicle on or after January 1, 2009. See WAC 458-20-103, 458-20-197, and 458-20-235.

Example. Greg makes a down payment toward the purchase of a new qualifying vehicle on November 7, 2008, but does not actually take possession of the vehicle at the dealership lot until January 2, 2009. The vehicle is titled and registered on January 9, 2009. The purchase of the vehicle is exempt from retail sales tax.

(11) **Payments made prior to January 1, 2011.** Any payment made toward the purchase of an otherwise qualifying vehicle prior to the expiration date of the exemptions, January 1, 2011, does not qualify for the exemptions if the vehicle sold is titled or registered on or after January 1, 2011, or if the purchaser takes possession of the vehicle on or after January 1, 2011. See WAC 458-20-103, 458-20-197, and 458-20-235.

Example. Craig makes a down payment toward the purchase of a new qualifying vehicle on November 7, 2010, but does not actually take possession of the vehicle at the dealership lot until January 2, 2011. The vehicle is titled and registered on January 11, 2011. The purchase of the vehicle is subject to retail sales tax.

WSR 09-02-057

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed January 5, 2009, 10:58 a.m., effective February 5, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To update the citizenship exemptions based on modifications to the Deficit Reduction Act (DRA) final rule and changes to Section 405 (c)(1) of the Tax Relief and Health Care Act of 2006 (TRHCA); to ensure compliance

with federal regulation and prevent jeopardizing federal financial participation in the state's medicaid program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-490-0005.

Statutory Authority for Adoption: RCW 74.04.057, 74.08.090, and 74.09.530.

Adopted under notice filed as WSR 08-23-099 on November 19, 2008.

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.

Date Adopted: December 30, 2008.

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-02-066, filed 12/29/06, effective 1/29/07)

WAC 388-490-0005 The department requires proof before authorizing benefits for cash, medical, and Basic Food. This rule applies to cash, medical, and Basic Food.

(1) When you first apply for benefits, the department may require you to provide proof of things that help us decide if you are eligible for benefits. This is also called "verification." The types of things that need to be proven are different for each program.

(2) After that, we will ask you to give us proof when:

- (a) You report a change;
- (b) We find out that your circumstances have changed;

or

(c) The information we have is questionable, confusing, or outdated.

(3) Whenever we ask for proof, we will give you a notice as described in WAC 388-458-0020.

(4) You must give us the proof within the time limits described in:

(a) WAC 388-406-0030 if you are applying for benefits; and

(b) WAC 388-458-0020 if you currently receive benefits.

(5) We will accept any proof that you can easily get when it reasonably supports your statement or circumstances. The proof you give to us must:

- (a) Clearly relate to what you are trying to prove;
- (b) Be from a reliable source; and
- (c) Be accurate, complete, and consistent.

(6) We cannot make you give us a specific type or form of proof.

(7) If the only type of proof that you can get costs money, we will pay for it.

(8) If the proof that you give to us is questionable or confusing, we may:

(a) Ask you to give us more proof, which may include providing a collateral statement. A "collateral statement" is from someone outside of your residence who knows your situation;

(b) Schedule a visit to come to your home and verify your circumstances; or

(c) Send an investigator from the Division of Fraud Investigations (DFI) to make an unannounced visit to your home to verify your circumstances.

(9) By signing the application, eligibility review, or change of circumstances form, you give us permission to contact other people, agencies, or institutions.

(10) If you do not give us all of the proof that we have asked for, we will determine if you are eligible based on the information that we already have. If we cannot determine that you are eligible based on this information, we will deny or stop your benefits.

(11) For all Medicaid programs, you must provide proof of citizenship and identity as specified at Section 6036 of the Deficit Reduction Act of 2005 (PL 106-171 amending USC 1396b). Exempt from this requirement are recipients of:

(a) Title IV-B child welfare services, or Title IV-E adoption assistance or foster care payments;

(b) SSI (~~cash~~) benefits; (~~or~~)

(~~or~~) (c) Social security benefits (based on their own disability); or

(d) Medicare.

WSR 09-02-059
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

(Division of Child Support)

[Filed January 5, 2009, 11:12 a.m., effective January 27, 2009]

Effective Date of Rule: January 27, 2009.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The division of child support (DCS) adopted emergency rules under WSR 08-20-082, with an effective date of October 1, 2008. The emergency filing will expire on January 27, 2009. Waiting at least thirty-one days after the filing of the CR-103, Rule-making order, will mean that a second emergency filing would be necessary so that there is no lapse in rules. DCS must have these rules in effect under RCW 26.23.035 and 74.20.330 (which implement the federal Deficit Reduction Act of 2005) in order to remain in compliance with its state plan under Title IV-D of the federal Social Security Act or risk loss of federal funding for noncompliance. It would be duplicative and wasteful of resources to adopt a second emer-

gency rule for a period of less than ten days when grounds exist to shorten the time for the rule-making order.

Purpose: The department is adding new sections and/or making amendments to chapter 388-14A WAC: DCS is adopting new and amended sections to implement state legislation which implements the federal Deficit Reduction Act of 2005. The state law was signed by the governor on April 20, 2007, as chapter 143, Laws of 2007, with an effective date of July 22, 2007. The changes to the public assistance assignment and to the distribution of child support collections with which these new and revised rules are concerned were effective October 1, 2008. Emergency rules with an effective date of October 1, 2008, were filed in order to keep the DCS in compliance with the state plan pending enactment of the permanent rules.

Amending WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-2036 What does assigning my rights to support mean?, 388-14A-2037 What are permanently assigned arrears?, 388-14A-2038 What are temporarily assigned arrears?, 388-14A-5000 (~~How does the division of child support distribute support payments?~~) What is the difference between distribution and disbursement of child support collections?, 388-14A-5001 What procedures does DCS follow to distribute support (~~payments~~) collections?, 388-14A-5002 How does DCS distribute support (~~money~~) collections in a nonassistance case?, 388-14A-5003 How does DCS distribute (~~money~~) support collections in an assistance case?, 388-14A-5004 How does DCS distribute (~~money~~) support collections in a former assistance case?, 388-14A-5005 How does DCS distribute (~~intercepted~~) federal (~~income~~) tax refund(~~s~~) offset collections?, 388-14A-5006 How does DCS distribute support (~~money~~) collections when the paying parent has more than one case?, 388-14A-5010 How does the division of child support (~~handle~~) distribute (~~intercepted~~) federal (~~income~~) tax refund(~~s~~) offset collections from (~~a~~) joint returns? and 388-14A-5100 (~~What kind of distribution notice does the division of child support send?~~) How does the division of child support notify the custodial parent about support collections?; and new sections WAC 388-14A-2039 What are conditionally assigned arrears? and 388-14A-5015 What is a pass-through payment?

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1020, 388-14A-2036, 388-14A-2037, 388-14A-2038, 388-14A-5000, 388-14A-5001, 388-14A-5002, 388-14A-5003, 388-14A-5004, 388-14A-5005, 388-14A-5006, 388-14A-5010, and 388-14A-5100.

Statutory Authority for Adoption: RCW 26.18.170, 26.23.035, 26.23.050, [26.23.]110, 74.20.040, 74.20A.030, [74.20A.]055, [74.20A.]056.

Other Authority: RCW 74.20A.310.

Adopted under notice filed as WSR 08-22-028 on October 28, 2008.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 13, 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 2, Amended 13, Repealed 0.

Date Adopted: December 31, 2008.

Stephanie E. Schiller
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 09-03 issue of the Register.

WSR 09-02-061

PERMANENT RULES

HOUSING FINANCE COMMISSION

[Filed January 5, 2009, 1:34 p.m., effective February 5, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendment to existing rules governing the allocation of federal low-income housing tax credits including provision for multiple allocation rounds, limiting the number of required allocation criteria and adjusting the criteria for carryover allocations.

Citation of Existing Rules Affected by this Order: Amending WAC 262-01-130.

Statutory Authority for Adoption: RCW 43.180.040(3).

Adopted under notice filed as WSR 08-22-091 on November 19 [5], 2008.

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 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.

Date Adopted: December 29, 2008.

Steve Walker, Director
Tax Credit Division

AMENDATORY SECTION (Amending WSR 01-11-034, filed 5/8/01, effective 6/8/01)

WAC 262-01-130 Tax credit program. (1) Applicants for tax credit shall submit a completed application in the form prescribed by the commission and the required application fee by the deadline or deadlines set by the commission each

year. The commission will not accept additional information or material changes to an application except as allowed during a prescribed correction period.

(2) As part of its application, each applicant shall submit, among other things:

(a) Its federal identification number or, if the applicant is an individual, its Social Security number;

(b) Evidence that it has control of all land necessary for completion of the project;

(c) A comprehensive market study of the housing needs of low-income individuals in the area to be served by the project;

(d) If applicable, a relocation plan for residents approved by the appropriate governmental authority;

(e) Evidence that the project is consistent with the applicable state or local consolidated plan;

(f) A written commitment to notify the relevant local public housing authority of the availability of units in the project;

(g) Evidence of the financial capacity and experience of the development team; and

(h) Evidence of the experience of the property management team.

(3)(a) The commission will rank projects proposed by tax credit applicants based upon the degree to which they meet the criteria set forth by the commission in subsection (5) of this section. The commission may decline to consider a project that fails to meet minimum standards established by the commission for such an evaluation.

(b) Notwithstanding applicant characterization, the commission may determine the scope of or otherwise define a "project" or "projects" for purposes of ranking applications and reserving and allocating tax credit.

(4) In order to qualify to receive tax credit, a project shall meet all of the requirements of section 42 of the code.

(5) For the purposes of ranking projects and allocating credit dollar amounts, the commission will give preference to projects that serve the lowest income tenants, that are obligated to serve low-income tenants for the longest periods, and that are located in qualified census tracts and the development of which will contribute to a concerted community revitalization plan. In determining housing priorities, the commission will consider sponsor and project characteristics. The commission will give weight to those projects which, among other things:

(a) Are located in areas of special need as demonstrated by location, population, income levels, availability of affordable housing and public housing waiting lists;

(b) Set aside units for special needs populations, such as large households, the elderly, the homeless and/or the disabled;

(c) Preserve federally assisted projects as low-income housing units;

(d) Rehabilitate buildings for residential use;

(e) Include the use of existing housing as part of a community revitalization plan;

(f) ~~((Are smaller projects;~~

~~(g)))~~ Have received written authorization to proceed as a United States Department of Agriculture - Rural Housing

Service multifamily new construction project approved by the commission;

- ~~((h))~~ (g) Are historic properties;
- ~~((i))~~ (h) Are located in targeted areas;
- ~~((j))~~ (i) Leverage public resources;
- ~~((k))~~ (j) Maximize the use of credits;
- ~~((l))~~ (k) Demonstrate a readiness to proceed;
- ~~((m))~~ (l) Serve tenant populations of individuals with children; ~~and~~
- ~~((n))~~ (m) Are intended for eventual tenant ownership; and

(n) Promote energy efficiency.

(6)(a) The commission will reserve at least ten percent of the state housing credit ceiling for a calendar year for projects in which qualified nonprofit organizations have an ownership interest and materially participate in the development and operation of the projects throughout the compliance period, all as described in the code. A qualified nonprofit organization is an organization described in section 501 (c)(3) or (4) of the code, which is determined by the commission not to be affiliated with or controlled by a for-profit organization and one of whose exempt purposes includes the fostering of low-income housing.

(b) The commission may also reserve a portion or portions of its state housing credit ceiling for other types of projects or sponsors.

(7) The commission will determine the amount of tax credit necessary for the project's financial feasibility and viability as a qualified low-income housing project. The commission will not allocate or award to a project more than the minimum amount of tax credit required to ensure a project's financial feasibility and viability.

(8) The commission may:

- (a) Restrict the maximum amount of development costs on a per unit basis;
- (b) Limit the maximum rehabilitation contingency and the maximum construction contingency;
- (c) Restrict the maximum annual amount of tax credit for each low-income housing unit;
- (d) Establish a maximum amount of credit an applicant may receive;
- (e) Establish a maximum amount of tax credit a project may receive;
- (f) Establish maximum developer fees and consultant fees; and
- (g) Limit the amount of contractor's profit and overhead.

The commission may also limit the amount of credit received or establish other limits for other reasons.

(9)(a) As a condition of receiving tax credit, an applicant shall enter into agreements with the commission, in forms acceptable to the commission, which contain the terms under which the commission reserves credit for a project and, if applicable, provides a carryover allocation for a project.

(b) As a condition to receiving tax credit, an owner shall enter into an extended use agreement with the commission, in a form acceptable to the commission, which restricts the use of the project for a minimum of thirty years and which describes the applicable commitments and covenants made by the owner. The extended use agreement shall be recorded

in a first lien position as a restrictive covenant running with the land.

(10) In order to qualify for a carryover allocation, an applicant shall demonstrate, among other things, that:

- ~~(a) The applicant has either acquired the land or has a long term lease on the land;~~
- ~~(b))~~ the applicant's basis in the project is more than ten percent of the applicant's reasonably expected basis in the project; ~~and~~
- ~~(c) The applicant has received a conditional commitment for financing).~~

(11) An applicant that has received a carryover allocation of tax credit shall demonstrate to the commission's satisfaction that the applicant has made substantial progress towards completion of the project.

(12) An applicant shall demonstrate to the commission's satisfaction substantial compliance with all contractual obligations to the commission before the commission issues an Internal Revenue Service low-income housing credit certificate.

(13) Unless the commission makes an exception, a transfer of an interest in a project shall require the prior approval of the commission. A transfer or assignment without the commission's prior approval may result in a cancellation of tax credit for a project.

(14) To participate in the tax credit program, an applicant shall pay all required commission fees and comply with all applicable requirements and deadlines. Failure to do so may result in disqualification or cancellation of the project, application or tax credit reservation, allocation or award.

(15) For purposes of awarding tax credit, certain rules in this section do not apply to tax credit projects financed with tax-exempt bonds.

(16)(a) The commission may perform on-site inspections of projects, interview residents, review residents' applications and financial information, and review an applicant's or an owner's books and records. The applicant or owner shall provide the commission with all requested documentation, including periodic reports and certificates; shall provide the commission access to the project; and shall retain records as required by the code and the extended use agreement.

(b) The commission will monitor compliance of the projects receiving credit with the code and with contractual commitments to the commission. The commission will notify the Internal Revenue Service when instances of noncompliance come to its attention.

WSR 09-02-069
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 09-03—Filed January 6, 2009, 1:12 p.m., effective February 6, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-175.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 08-14-146 on July 1, 2008.

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.

Date Adopted: September 5, 2008.

Susan Yeager
for Jerry Gutzwiler, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13, ~~((anadromous salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021. Notwithstanding the provisions of this subsection, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619))~~ an angler must obtain and have in his or her personal possession a valid and appropriate Puget Sound Dungeness crab catch record card as described in WAC 220-69-236.

(2) ~~((Any angler, after obtaining a catch record card shall))~~ In order to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in his or her personal possession a valid and appropriate catch record card as described in WAC 220-69-236. The only exception is for commercially caught salmon retained for personal use, as provided for in WAC 220-20-016, and commercially caught sturgeon retained for personal use, as provided for in WAC 220-20-021. Also, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619.

(3) ~~To validate ((the)) their catch record cards ((by)),~~ anglers must completely, accurately, and legibly ((complete)) complete all personal identification information in ink

on the catch record card ~~((prior to))~~ before detaching the ~~((catch record))~~ card from ~~((the))~~ its underlying copy ~~((of the catch record card))~~ or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid ~~((so))~~ as long as there ~~((are))~~ is one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington ~~((for sturgeon)),~~ a catch record card remains valid ~~((when the))~~ for catch-and-release sturgeon fishing when the sturgeon portion of the ~~((catch record))~~ card is ~~((filled))~~ full. ~~((A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.))~~

(b) A person may not use a second or subsequent catch record card ~~((is invalid for retention of))~~ to retain sturgeon and wild steelhead after the first card is full.

~~((3))~~ (4) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, ~~((the))~~ anglers ~~((shall))~~ must enter, in ink, in the appropriate space on the card, the place, date of catch, and species (catch type)~~((;)).~~ For sturgeon, anglers also must record the length((;)) of the fish; for halibut, anglers also must record the vessel type; and for salmon, anglers also must indicate whether or not the fish was marked.

~~((4))~~ (5) Immediately upon retaining a Puget Sound Dungeness crab aboard a vessel or on the shore, ~~((the))~~ a fisher must enter, in ink, in the appropriate space on the Puget Sound Dungeness crab catch record card, the place and date of catch, the fishery type, and ~~((enter))~~ a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher ~~((shall))~~ must enter the total number of crab tally marks for each fishery type.

~~((5))~~ (6)(a) Every person issued a catch record card ~~((shall))~~ must, by April 30 of the year ~~((following the year printed on))~~ after they used the ~~((catch record))~~ card, return ~~((such))~~ the card to the department of fish and wildlife ~~((except as follows: Every person)).~~ People issued a Puget Sound Dungeness crab catch record card ~~((shall))~~ must return ~~((such catch record))~~ the card to the Washington department of fish and wildlife ~~((no later than the required return date printed on the catch record card or report their catch record card information on the internet site designated on the catch record card by the same date))~~ or report the card information at the designated internet site by the dates indicated on the card.

(b) Effective December 1, 2009, and thereafter, failure to return a Dungeness crab catch record card or to report the Dungeness crab catch record card information at the designated internet site by the dates indicated on the card will result in a ten-dollar administrative fee. The administrative fee will be collected from anglers when they acquire a subsequent Puget Sound Dungeness crab endorsement.

~~((6))~~ (7) Any person possessing a catch record card ~~((shall, upon demand of))~~ must show the card to any law enforcement officer or authorized department employee~~((; exhibit said card to such officer or employee for inspection))~~ who asks to inspect the card.

~~((7))~~ (8) A catch record card (~~shall~~) must not be transferred, borrowed, altered, or loaned to another person, unless pursuant to Substitute Senate Bill No. 6260, effective June 12, 2008.

WSR 09-02-073
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-06—Filed January 6, 2009,
4:08 p.m., effective July 1, 2009]

Effective Date of Rule: July 1, 2009.

Purpose: These new rules implement changes to the way insurance agents, brokers, solicitors, and general agents are licensed by the state and clarify education requirements both prelicensing and continuing. During the 2007-09 legislative sessions, the legislature enacted many provisions of the NAIC's Producer Licensing Model Act; these new rules effectuate the new laws.

Citation of Existing Rules Affected by this Order:
Repealing WAC 284-17-121, 284-17-230, 284-17-232, 284-17-234, 284-17-236, 284-17-238, 284-17-240, 284-17-242, 284-17-248, 284-17-280, 284-17-288, 284-17-290, 284-17-298, 284-17-301, 284-17-308, 284-17-320, 284-17-421, 284-17-425, 284-17-427, 284-17-431, 284-17-433, 284-17-437, 284-17-441, 284-17-447, 284-17-455, 284-17-457, 284-17-463, 284-17-469, 284-17-471, 284-17-477, 284-17-479, 284-17-481, 284-17-482, 284-17-552, 284-17-553, 284-17-554, 284-17-555 and 284-12-090; and amending WAC 284-17-120, 284-17-122, 284-17-123, 284-17-125, 284-17-130, 284-17-175, 284-17-200, 284-17-210, 284-17-220, 284-17-222, 284-17-224, 284-17-226, 284-17-244, 284-17-246, 284-17-250, 284-17-252, 284-17-254, 284-17-256, 284-17-270, 284-17-272, 284-17-274, 284-17-276, 284-17-278, 284-17-282, 284-17-284, 284-17-286, 284-17-292, 284-17-294, 284-17-296, 284-17-302, 284-17-304, 284-17-306, 284-17-310, 284-17-312, 284-17-422, 284-17-423, 284-17-429, 284-17-435, 284-17-439, 284-17-443, 284-17-445, 284-17-449, 284-17-467, 284-17-473, 284-17-483, 284-17-505, 284-17-510, 284-17-515, 284-17-520, 284-17-530, 284-17-535, 284-17-537, 284-17-539, 284-17-540, 284-17-545, 284-17-550, 284-17-551, 284-17-560, 284-17-565, 284-17-600, 284-15-010, and 284-15-080.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.005.

Adopted under notice filed as WSR 08-22-018 on October 27, 2008.

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 21, Amended 62, Repealed 38.

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 21, Amended 62, Repealed 38.

Date Adopted: January 6, 2009.

Mike Kreidler
Insurance Commissioner

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-12-090	When general agent may accept applications from nonappointed agents.
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AMENDATORY SECTION (Amending Matter No. R 2008-04, filed 7/2/08, effective 8/2/08)

WAC 284-15-010 Brokers—Surplus line brokers—Qualifications and examination. (1) Each applicant for a resident surplus line broker's license must take and pass the required examination and pay the required fee prior to acting as a surplus line broker. The examination will test an applicant's qualifications and competence in all areas of surplus line insurance. Current information about testing procedures and examination dates is available on the commissioner's web site at: www.insurance.wa.gov.

(2) Before the commissioner can issue a surplus line broker's license, the applicant must be licensed in this state as an ~~((agent or broker))~~ insurance producer with both property and casualty lines of authority. This requirement may be satisfied if the licenses are issued simultaneously.

(3) The commissioner deems that a nonresident person holding a surplus line broker's license, or the equivalent, in the applicant's home state is qualified, competent and trustworthy and, therefore, meets the minimum standards of this state for holding a surplus line broker's license. For that reason, the commissioner will waive the Washington surplus line broker's examination for a person who has and maintains a current resident surplus line broker's license, or the equivalent, in the applicant's home state.

AMENDATORY SECTION (Amending Matter No. R 2008-04, filed 7/2/08, effective 8/2/08)

WAC 284-15-080 Relationship between surplus line broker and insurance ~~((agent))~~ producer not acting as the agent of the insured. When a surplus line broker accepts surplus line business from an ~~((agent))~~ insurance producer not acting as an agent of the insured, as permitted by RCW 48.15.080, acceptance of the business does not mean that the ~~((agent))~~ insurance producer has become the representative of the insured with respect to that business. In this circumstance:

(1) Return premiums or claim payments will not be deemed to have been paid to the insured or claimant until the payments are actually received by the insured or claimant.

(2) Delivery of notices involving the insurance, such as cancellation or renewal notices, will not be deemed to have been made until actually received by the insured.

NEW SECTION

WAC 284-17-001 Definitions. For purposes of this chapter, unless the context requires otherwise:

(1) "Affiliation" is a type of appointment whereby a business entity authorizes an individual insurance producer or surplus line broker to represent it when conducting insurance business.

(2) "Business entity" has the meaning set forth in RCW 48.17.010(2) and includes a sole proprietorship having associated licensees authorized to act on its behalf in the business or trade name of the sole proprietorship.

(3) "Days" means calendar days including Saturday and Sunday and holidays, unless otherwise specified.

(4) "File" means a record in any retrievable format, and unless otherwise specified, includes paper and electronic formats.

(5) "Home state" has the meaning set forth in RCW 48.17.010(3).

(6) "Insurer" has the meaning set forth in RCW 48.17.010(6).

(7) "Licensee" means a person licensed by the commissioner under Title 48 RCW to sell, solicit or negotiate insurance and includes adjusters.

(8) "Line of authority" means a license issued in one or more lines of insurance listed in RCW 48.17.170.

(9) "NAIC" means the National Association of Insurance Commissioners.

(10) "Reinstatement" means the reissuance by the commissioner of a license that was not renewed more than sixty days but fewer than twelve months after its expiration date.

(11) "Resident" means a person who has elected to make Washington his or her home state, or, in the case of a business entity, has a place of business in this state.

(12) "Sending written notice" or "sending a copy of the written notice" means transmitting the required information in writing and, where required, on forms designated by the commissioner for that purpose, via first class mail, commercial parcel delivery company, telefacsimile, or electronic transmission, unless a specific method of transmission is specified.

(13) "Surety" means that limited line of authority of insurance or bond that covers obligations to pay the debts of, or answer for the default of another, including faithlessness in a position of public or private trust.

(14) "Travel insurance" means that limited line of authority of insurance coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability, and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier.

(15) "Written" or "in writing" means any retrievable method of recording an agreement or document, and, unless otherwise specified, includes paper and electronic formats.

NEW SECTION

WAC 284-17-005 Address of record. The address of record used by the commissioner will be the last mailing address provided by the person or entity to the commissioner.

Licensees must advise the commissioner of any change of address within thirty days after a change of address. This includes any change in the person's residence, mailing, business or e-mail address. Failure to advise the commissioner of a change of address may subject a licensee to disciplinary action under RCW 48.17.530 and 48.17.560.

NEW SECTION

WAC 284-17-009 Limited line credit insurance. Limited line credit insurance is defined at RCW 48.17.010(8).

(1) Insurers must ensure that their licensed and appointed insurance producers who transact the limited line credit insurance are qualified by education or experience to offer their credit insurance products.

(2) The requirements of this chapter for prelicensing and continuing insurance education do not apply to insurance producers that transact only the limited line credit insurance.

NEW SECTION

WAC 284-17-011 Limited line of travel insurance. Travel insurance is a limited line of authority and is defined in WAC 284-17-001(14).

(1) Insurers must ensure that their licensed and appointed insurance producers who transact the limited line of travel insurance are qualified by education or experience to offer their travel insurance products.

(2) The requirements of this chapter for passing an insurance producer examination and for prelicensing and continuing insurance education do not apply to insurance producers that transact only the limited line of travel insurance.

NEW SECTION

WAC 284-17-015 Variable life and variable annuity products—Standards for resident licenses. (1) Resident insurance producers who desire to sell, solicit or negotiate variable life and variable annuity products in this state must obtain and maintain an insurance producer license with a life line of authority and an appropriate securities license from the Financial Industry Regulatory Authority (FINRA). Upon presentation of satisfactory evidence that the producer has fulfilled this requirement, the commissioner will issue a license with a variable life and variable annuity products line of authority.

(2) All licensees with the variable life and variable annuity products line of authority are also subject to the licensing requirements set forth in RCW 48.18A.060.

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-120 Resident insurance producer licenses—Examination ((procedures for agents, solicitors and adjusters))required, procedures. Prior to the transaction of insurance, an applicant for a resident insurance producer's license must take and pass the required examination for each line of authority to be applied for, submit an application form with the required attachments and fees, and receive a license from the commissioner.

(1) Examinations.

(a) Any resident person applying to take an examination for ((any type of)) a license ((shown)) listed in ((subsection (2) of)) this section must submit a registration form and the applicable examination fee to an independent testing service ((under contract with)) designated by the commissioner ((for the administration of licensee examinations)).

((This)) (i) The examination fee is not refundable.

(ii) Registration forms and information about examinations may be obtained from the ((office of insurance)) commissioner((- any prelicensing education provider,)) or from the independent testing service((- Current information about the independent testing service, fees, dates of examinations, and other information related to licensing examinations, or to download an examination registration form, are available through)) under contract with the commissioner to conduct licensing examinations in this state.

(iii) An examination registration form can be downloaded through the commissioner's web site ((f))and current information about registered testing services, fees, dates, and other information is available through the commissioner's web site at www.insurance.wa.gov((t)).

((2) At least once each month at predetermined locations;) (b) The examinations required for each line of authority are identified in the following table. The independent testing service will conduct ((the)) these examinations ((required for the following types of licenses:)) at least once each month at predetermined locations.

((TYPE OF LICENSE	EXAMINATION(S) REQUIRED
Life insurance agent or solicitor	Life
Disability insurance agent or solicitor	Disability
Life and disability agent or solicitor	Life, disability
Property/casualty agent or solicitor	Property, casualty
Property/casualty and disability agent or solicitor	Property, casualty, disability
Life/disability/property/casualty agent or solicitor ...	Life, disability, property, casualty
Vehicle only agent or solicitor	Vehicle
Surety only agent or solicitor	Surety
Credit life and disability agent or solicitor	Credit life and disability
Credit casualty agent or solicitor	Credit casualty
Independent adjuster	Adjuster
Public adjuster	Adjuster
Life and disability broker	Life and disability

((TYPE OF LICENSE	EXAMINATION(S) REQUIRED
Property/casualty broker	Property and casualty (Disability questions are included))

LINE OF AUTHORITY OR TYPE OF LICENSE	REQUIRED EXAMINATION(S)
Life	Life
Disability	Disability
Life and disability	Life((;)) and disability
Property	Property
Casualty	Casualty
Property and casualty	Property((;)) and casualty
Personal lines	Personal lines
Adjusters (independent or public)	Adjuster
Limited line ((of)) credit insurance	Credit
Surety	Surety
Surplus line	Surplus line
Variable life and variable annuity products	Life

((3)) (c) If an applicant fails to take a scheduled examination, and requests to take the exam at a later date, a new examination date must be scheduled and a new ((registration form and applicable)) examination fee((s)) must be ((submitted for any later examination)) paid, unless repayment of the fee is waived ((because)) by the commissioner ((finds)) because the commissioner agrees that a serious emergency prevented the applicant's attendance at the scheduled date.

((4) Tests) (d) Examinations will be graded by the independent testing service and each applicant will be provided a score report((- following examination)).

((If the examination is passed,)) (2) Application for a license. The application for a license must be accompanied by all of the following: The score report ((must be forwarded by the applicant to the insurance commissioner with)) from the testing service, a completed insurance license application, one finger print card((- appointment form(s) for each insurer to be represented,)) and the applicable license, ((finger print,)) appointment and filing fees.

(3) Approval by the commissioner. The commissioner will review the application and if all requirements have been met will issue the license(s) applied for.

AMENDATORY SECTION (Amending Order R 90-1, filed 2/2/90, effective 3/5/90)

WAC 284-17-122 Applications for nonresident ((agent, broker, or adjuster's)) licenses. (1) Applicants who are not residents of Washington may be licensed as non-resident ((agents or brokers)) insurance producers without taking the required Washington examinations specified in WAC 284-17-120 (1)(b) if:

(a) The applicant has and maintains in good standing a similar license in ((the)) his or her home state ((of residence))

for the applicable line(s) of ~~((insurance))~~ authority defined in ~~((Washington's insurance statutes))~~ RCW 48.17.170; and

(b) The home state ~~((of residence))~~ reciprocates and licenses Washington's ~~((agents and brokers))~~ insurance producers as nonresident ~~((agents or brokers))~~ insurance producers.

~~(2) ((Applicants who are not residents of Washington may be licensed as nonresident adjusters if:~~

~~(a) The applicant has and maintains an adjuster's license in the state of residence; and~~

~~(b) The state of residence reciprocates and licenses Washington's adjusters as nonresident adjusters.~~

~~If an applicant's state of residence does not issue an adjuster's license, the applicant must pass this state's written adjuster's examination.~~

~~(3) All applicants for a nonresident license must provide written certification from the insurance department of their state of residence indicating:~~

~~(a) All currently active license(s) held by an applicant;~~

~~(b) The lines of insurance for which the agent or broker has qualified to sell; and~~

~~(c) All disciplinary actions taken against the applicant.)~~

Nonresident applicants whose home state requires submission of a fingerprint card for conducting background checks in connection with resident insurance producer (or equivalent) license, need not provide a fingerprint card to the commissioner.

(a) A list of states that the commissioner believes require a fingerprint card will be available on the commissioner's web site at www.insurance.wa.gov.

(b) If the home state of an applicant does not appear on that list and the applicant believes that list should include his or her home state, the applicant may provide information concerning the requirements of his or her home state for the commissioner's review. The commissioner will consider that information and determine whether the applicant's home state should be added to that list.

AMENDATORY SECTION (Amending Order R 90-1, filed 2/2/90, effective 3/5/90)

WAC 284-17-123 Resident and nonresident adjuster~~((s))~~ licenses—Trainees. (1) Applicants for a resident adjuster~~((s))~~ license may satisfy the experience or special training requirements of RCW 48.17.380(4) by employment as a "trainee" for a period of not ~~((less))~~ fewer than six months.

~~((2))~~ (a) Each ((trainee)) must be ((under the supervision of)) supervised by a resident licensed adjuster. ((Trainees)) must receive training in all adjustment activities and responsibilities. Activities of the ((trainee)) must be restricted to participation in factual investigation and tentative closing of losses. All adjusting transactions ((shall)) must be completed in the name of the supervising licensed adjuster who ((shall)) must review, confirm, and be responsible for all acts of the ((trainee)). Compensation of a ((trainee)) must be on a salary basis only.

~~((3) Anyone))~~ (b) Any person employing trainees ((shall)) must immediately advise the ((insurance)) commissioner ((by letter of such employment, giving)) and provide

the exact date ~~((of))~~ that employment of ~~((each))~~ the trainee begins and ends. ~~((The employer ((shall enclose)) must submit an application completed by each ((trainee) and one fingerprint card.~~

~~((4))~~ (c) Trainees ((shall be)) are eligible to take the adjuster's examination required by the ((insurance)) commissioner after completing no fewer than six months ~~((in))~~ as a trainee~~((status)).~~

~~((5) No))~~ (d) The maximum period a person ((shall)) may be designated as a ((trainee)) (as defined herein for more than)) is one nine-month period.

(A) (e) Any violation of this ((requirement)) section or a violation of any provision of the insurance code ((shall)) subjects both the trainee and ((their)) the supervisory adjuster to penalties of the code.

(2) Applicants who are not residents of Washington may be licensed as nonresident adjusters as follows:

(a) A nonresident adjuster license will be issued if the applicant has and maintains an adjuster license in good standing in his or her home state and the home state reciprocates and licenses Washington adjusters as nonresident adjusters.

(b) If the home state of an applicant for an adjuster license does not issue an adjuster license, the applicant must pass this state's written adjuster examination.

(c) If the home state of an applicant for a nonresident adjuster license does not issue an adjuster license but he or she has an active adjuster license as a nonresident in a state other than Washington that requires passing an examination, and he or she has taken and passed the examination and is in good standing with that state, the nonresident adjuster is deemed by the commissioner to have satisfied the examination required for adjusters in this state.

NEW SECTION

WAC 284-17-124 Examination for limited line surety and limited line credit insurance license required. Applicants for a limited line surety or limited line credit insurance license must take and pass the appropriate license examination. Information regarding the surety and credit insurance license examinations is available on the insurance commissioner's web site at www.insurance.wa.gov.

AMENDATORY SECTION (Amending Order R 88-11, filed 11/16/88)

WAC 284-17-125 Prohibited acts or practices by license examinees. In addition to the unlawful acts set forth in RCW 48.17.125, the following are prohibited acts or practices by persons taking examinations for licenses:

(1) ((Conduct that compromises the security of insurance license examination materials, including but not limited to:

(a) Unauthorized appropriation of examination questions or materials; or

(b) Unauthorized reproduction or replication of any portion of an examination; or

(c) Aiding, by any means, the unauthorized reproduction or replication of an examination; or

(d) Providing examination questions or other examination information to any person or business engaged in preparing applicants to pass such examination; or

~~(e) Obtaining examination questions or materials for the purpose of furnishing the questions or materials to license applicants; or~~

~~(f) Unauthorized sale, distribution, purchase or possession of any portion of a previously administered, current, or prospective examination; or~~

~~(g) Taking or attempting to take an examination in the line of insurance for which the examinee is already qualified.~~

~~(2)) Behavior that undermines the evaluative objective of the examination (including but not limited to);~~

~~((a)) (2) Communication with any other examinee during the examination period; ((e~~

~~(b)) (3) Copying answers or allowing another to copy answers;~~

~~((e) Possession of) (4) Possessing during the examination any books, materials, notes, or photography or recording devices not issued or approved by the independent testing service representative; or~~

~~((d)) (5) Impersonating, or engaging another to impersonate, any applicant for the purpose of completing the examination on behalf of another.~~

AMENDATORY SECTION (Amending Order R 88-11, filed 11/16/88)

WAC 284-17-130 ((Prerequisites to) Admittance to examination. As a prerequisite to admittance to any examination designed to test the ~~((examinee's))~~ applicant's qualifications to be an ~~((agent, broker, solicitor or adjuster))~~ insurance licensee, each applicant must certify on the form provided, that he or she:

(1) Is not taking the examination for purposes other than as the means to qualify for a license;

(2) Has not passed the examination for that line of ~~((insurance;))~~ authority within the ~~((previous two-year period))~~ last twelve months;

(3) Has been advised that the performance of any of the acts ~~((proscribed))~~ prohibited by WAC 284-17-125 ~~((constitutes))~~ is a violation of RCW 48.17.530 and ~~((48.17.560, as well as other statutes and regulations, and))~~ subjects the ~~((offender))~~ person to disciplinary action, including refusal to issue ~~((an insurance))~~ a license ~~((to the offender)),~~ revocation of any ~~((insurance))~~ license issued by the commissioner that is currently held by the ~~((offender))~~ licensee, and the imposition of a fine; and

(4) Has been advised that the unauthorized appropriation or conversion of questions or materials comprising the examination for a Washington state insurance ~~((agent's, broker's, adjuster's, or solicitor's))~~ license is a violation of federal copyright law.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-175 Education referrals. ~~((It shall be unlawful for any))~~ No person ~~((to))~~ may accept any rebate, refund, fee, commission, or discount in connection with referrals of students to an insurance education prelicense or continuing insurance education provider~~((;))~~ without making a full disclosure to each student so referred.

CONTINUING INSURANCE EDUCATION

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-200 ((What is the purpose of the)) Continuing insurance education ((regulation?))—Minimum standards. ~~((The purpose of))~~ WAC 284-17-200 through ~~((284-17-320 is to implement the provisions of RCW 48.17-150. This regulation establishes))~~ 284-17-312 establish the minimum continuing education requirements that must be met prior to the renewal of an insurance ~~((agent, solicitor or broker))~~ producer license, and ~~((specifies))~~ specify the minimum criteria that ~~((must be met in order to qualify))~~ continuing insurance education courses ~~((for approval))~~ must meet to be approved by the commissioner.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-210 ((What)) Definitions ((are important throughout this chapter?)). ~~((As used in this continuing education regulation))~~ The following definitions apply to WAC 284-17-200 through 284-17-312, unless the context clearly requires otherwise:

(1) "Approved course" means ~~((an educational insurancee related))~~ a program of continuing insurance education, including live presentations, correspondence courses and seminars ~~((that have been)),~~ formally approved by ~~((OIC))~~ the commissioner.

(2) "Credit hour(s)" means the value assigned to a course by the ~~((OIC))~~ commissioner. Generally, fifty minutes of instruction equals one credit hour.

(3) "Certificate of completion" means a document signed by ~~((the course instructor or other responsible officer))~~ an authorized designee of the insurance education provider ~~((signifying))~~ attesting to the satisfactory completion of the course and ~~((reflecting))~~ confirming the credit hours earned. ~~((The certificate shall be in standard format, completed in its entirety, and containing such identifying information as is prescribed by the OIC.))~~

(4) "Course number" means the identifying number assigned by ~~((OIC for))~~ the commissioner to an approved insurance education course.

(5) "Course outline" ~~((includes))~~ means a summary of the insurance education course content ~~((and)),~~ including the time allotted ~~((by))~~ to each topic.

~~((6)) ("Days" means calendar days including Saturday and Sunday.~~

~~((7)) "Designation course" ((includes)) means a course of study taken to achieve an insurance professional ((studies taken to achieve nationally recognized professional distinctions)) certification, requiring passage of several standardized examinations, and granted by an insurance or professional organization or an accredited educational institution.~~

~~((8)) (7) "Instructor" means an individual knowledgeable in topic(s) of ((discussion.~~

~~((9)) "Licensee" means an individual licensed under Title 48 RCW, as a resident insurance agent, solicitor or broker to sell life, disability, property, casualty or vehicle insurance.~~

An individual holding a limited license to sell credit life and disability insurance, or travel insurance, or holding a license to sell surety insurance, need not satisfy the continuing education requirement.

~~(10) "Long term care (LTC) special education" means education required by individual resident and nonresident agents and brokers prior to transacting long term care insurance.~~

~~(11) "Long term care (LTC) special education refresher course" means a condensed version of the LTC special education course.~~

~~(12)) instruction who has been designated by the insurance education provider to teach an approved course or courses.~~

~~(8) "Monitor" ((is an)) means the individual responsible for verifying class attendance and course ((content)) completion.~~

~~((13) "Override commission" means compensation received for the sale of insurance by a licensee who is not directly involved with a consumer.~~

~~(14) "OIC" means the Washington state office of insurance commissioner.~~

~~(15)) (9) "Provider" or "insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution ((created by Washington statutes)), ((or)) vocational school, or independent contractor ((to which)) authorized by the ((OIC has granted authority)) commissioner to conduct and certify completion of ((a course satisfying the)) insurance education ((requirements of resident individual agents and brokers)) courses.~~

~~((16)) (10) "Provider number" ((is)) means the identifying number assigned by ((OIC)) the commissioner to an approved insurance education provider ((of insurance education)).~~

~~(17) "Refresher LTC special education" means a condensed version of the LTC special education course.~~

~~(18) "Reinstatement" means the reissuance of a license that has expired more than sixty days but less than two years from the expiration date of the previous license.~~

~~(19)) (11) "Request for approval," ((is)) depending on the context, means either a ((submission of information required)) request for ((approval of a)) authority to act as an insurance education provider ((and)) or for approval of an insurance education course.~~

~~((20) "Resident" means a licensee who resides in Washington state.~~

~~(21)) (12) "Roster" ((is)) means a course attendance record ((or)), a record of a self-study course purchase ((and)), or a course completion record maintained by the insurance education provider.~~

~~((22) "Schedule" means written notification of when a course will be offered.~~

~~(23) "Self study" means a method of study independent of a classroom setting.~~

~~(24) "Surety" insurance includes credit insurance, bail bonds, fidelity, insurance contract performance guarantees, bonds, guarantee undertakings, and contracts of suretyship, and indemnification of banks, bankers, brokers, financial or~~

~~moneyed corporations or associations against certain losses enumerated in RCW 48.11.080(5).~~

~~(25) "Transacting" means solicitation, negotiations preliminary to execution, execution of an insurance contract, transaction of matters subsequent to execution of the contract and arising out of it and insuring.~~

~~(26) "Vehicle insurance" includes insurance against loss or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therefrom, and against any liability resulting from or incident to ownership.~~

~~(27)) (13) "Waiver" means an ((OIC)) approved exemption from ((the)) this state's continuing insurance education requirement granted by the commissioner.~~

AMENDATORY SECTION (Amending Matter No. R 2007-16, filed 3/19/08, effective 4/19/08)

WAC 284-17-220 ((Who is required to meet)) **Continuing insurance education ((CE requirements?)) required—Resident licensees.** Except as provided in WAC 284-17-222 or waived in accordance with WAC 284-17-254, all individual residents ((agents, brokers and solicitors)) licensed to ((sell)) transact life, disability, personal lines, property ((and)), casualty or variable life and variable annuity products lines of ((insurance)) authority must meet the continuing insurance education requirements of this chapter.

AMENDATORY SECTION (Amending Matter No. R 2007-16, filed 3/19/08, effective 4/19/08)

WAC 284-17-222 ((Who is exempt from the)) **Continuing insurance education ((requirements?)) exemptions.** ((All individual resident agents licensed under chapter 48.17 RCW to sell credit life and disability, credit casualty, travel, surety lines of insurance, and vehicle insurance are exempt from the continuing education requirement. Resident adjusters are exempt from the continuing education requirement.)) Resident adjusters and individuals holding only limited credit insurance, travel insurance, or surety licenses are exempt from the continuing insurance education requirements of this chapter.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-224 ((How many)) **Continuing insurance education—Required credit((s do I need?)) hours.** ((Currently you are required to)) Timely completion of this state's continuing insurance education requirement is a prerequisite for renewal or reinstatement of a license. Before applying for renewal or reinstatement of a license, except as provided in WAC 284-17-222 or waived in accordance with WAC 284-17-254, all resident persons licensed for personal lines, life, disability, property, casualty or variable life and variable annuity product lines of authority must complete ((thirty-two hours of approved continuing education for each license renewal cycle. Effective January 1, 2006, you will be required to complete)) twenty-four credit hours of approved continuing insurance education((, including)). The twenty-four hours of education must include three credit hours of

ethics education during every license continuation period. Courses must be completed within the twenty-four month period prior to the date of renewal or the date of the request for reinstatement.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-226 ((What is) Required ((as)) proof of completion of a course((?)). The ~~((course))~~ insurance education provider ((with)) must issue ((you)) a certificate of completion to each attendee within ((fifteen)) ten days ((of)) after completion of the course.

(1) The certificate of completion must be in the commissioner's designated format, completed in its entirety, and include all of the information prescribed by the commissioner. A form of certificate of completion is available to insurance education providers only on the commissioner's web site at www.insurance.wa.gov.

(2) For designation courses, the passing grade report will be accepted by the commissioner in lieu of a certificate of completion.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-244 ((How do I request individual) Request for approval ((for my)) of attendance ((of)) at an insurance related education course that is not ((already approved?)) preapproved and is given by a nonapproved insurance education provider. ~~((You))~~ A licensee may ((attend and)) request credit for completion of an insurance related course organized and conducted by an entity that is not already approved ((as a provider)) by the commissioner as a continuing insurance education provider. The ((of)) commissioner will ((make an informed determination as to)) consider the educational value of the course. ((You must submit)) Evidence of the following must be provided with the licensee's request for this approval:

(1) Proof of attendance ((by)), including the signature of the instructor(s) or person in charge verifying ((licensee's)) attendance;

(2) ((Sufficient)) Supporting materials ((regarding)) in sufficient detail to show the course content; and

(3) ((Credit)) The number of hours ((sought)) of actual attendance.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-246 ((Can I get) Approval of continuing insurance education credit for ((attending an)) insurance related college ((course?)) courses. ~~((Yes;))~~ The commissioner may grant continuing insurance education credits ((are granted)) earned for insurance related college level courses on approved subjects ((by submitting)). To request approval, the licensee must submit to the commissioner a copy of the course syllabus and a transcript showing ((completion of)) that the requester completed the course. The number of credit hours ((are)) will be determined as follows:

(1) Twelve hours will be assigned for each college quarter credit hour((-)); and

(2) Sixteen hours will be assigned for each college semester credit hour.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-250 ((Can I repeat) Retaking a continuing insurance education course((?)). ~~((Yes, you can repeat))~~ A continuing insurance education course with the same course number ((after three years from the previous completion date)) may be completed for credit only once every three years.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-252 ((If I have excess hours (hours that exceed the minimum required for license renewal), can I carry them over to my next license renewal?) No carry-over of excess continuing education credits. ~~((No, excess hours))~~ Credit hours earned during any license continuation period in excess of the continuing insurance education requirement cannot be carried over to the next license renewal period.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-254 ((How can I be granted a) Waiver of the continuing insurance education requirements((?)). ~~((If you believe good cause exists, you))~~ Licensees may request a waiver of the continuing insurance education requirement. Requests must be ((in writing)) sent to the commissioner at time of renewal of ((your)) the license and must specify in detail the reason why ((you believe)) a waiver is merited.

(1) ((Retirement waiver. If your request for a waiver is based upon your retirement, your request must be accompanied by a statement attesting that:

(a) You are least sixty-five years of age;

(b) You are retired from selling insurance products; and

(c) You no longer represent any insurer either directly or through an affiliation with a business entity.

(2) **Medical waiver.** If ((your)) the request for a waiver is based ((upon a)) on the medical condition of the licensee, ((your)) the request must be accompanied by a ((physician's)) statement ((of your)) from the treating provider describing the illness or injury.

(3) **Military waiver.** If ((your)) the request for a waiver is based ((upon)) on activation to military service, ((your)) the request must be accompanied by a copy of the licensee's "Letter of Mobilization." ((and your))

(a) The licensee must designate a representative((-s)) (including the name and address of the individual given power-of-attorney by the licensee), by name and address ((so that your)), to whom the license renewal notice or other correspondence can be sent ((to your representative)) during the licensee's active military service. ((Your))

(i) The address of the designee may be a mailing address or may be an e-mail address.

(ii) It is the obligation of the licensee to notify the commissioner of any change to the identity or contact information of the designee.

(b) In order to renew a license during the licensee's military deployment, the designated representative must sign the renewal form and submit it with the applicable fees to the commissioner no later than the due date.

(c) The commissioner may waive the continuing insurance education requirement for renewal of a license for the duration of the licensee's active military service.

(3) A waiver is only valid for the associated license continuation period. If the medical condition or period of active duty exists on the date of the next license renewal, a new waiver may be requested by the licensee or the licensee's designee.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-256 (If I instruct a class, how many) Approved credits for insurance education instructors. (You will) Instructors who teach an entire course receive twice the number of approved credit hours for that course. Credit hours for the same course may be used only once in a three-year period.

CONTINUING INSURANCE EDUCATION PROVIDERS

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-270 (How do I become a provider?) Continuing insurance education providers—Standards. A person who seeks to become a continuing insurance education provider must meet the requirements of RCW 48.17.563 and submit the proper application for approval to act as a continuing insurance education provider. The application form can be found on the commissioner's web site at www.insurance.wa.gov.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-272 (What are the) Responsibilities of an approved continuing insurance education provider. (1) In addition to meeting the relevant requirements of this chapter and any other applicable law or rule, an approved continuing insurance education provider must:

(a) Provide the name of a contact person who is the responsible person for the pro-

vider;

(b) Hire only instructors who are trustworthy, competent, and knowledgeable;

(c) Provide adequate supervision over instructors;

(d) Notify the commissioner of the course schedule at least ten days prior to the course start date in the format required by the commissioner;

(e) Designate a monitor who is responsible for verification of class attendance and course content completion;

(f) Maintain a course roster, consisting of sign-in and sign-out registers, for lecture courses;

(g) Maintain a purchase and completion roster for self-study courses;

(h) File the course roster electronically in the format required by the commissioner, within ten days after completion of the course;

(i) Issue course completion certificates to attendees within ten days after completion of course; and

(j) Maintain records for a period of three years after the completion date of the course.

(2) The format for providing this information is available on the commissioner's web site at www.insurance.wa.gov.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-274 (Is there a fee to become an approved provider or for course approval?) Fee. No fee is required for applying to become a continuing insurance education provider or for requesting the commissioner's approval of a continuing insurance education course.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-276 (Will I be issued a) Continuing insurance education provider (number?) numbers. (Yes. You) A continuing insurance education provider will be assigned a provider number by the commissioner. That number must be included on all correspondence related to continuing insurance education and on all certificates of completion.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-278 (How do I get a) Approval of a continuing insurance education course (approved?). (You must submit a) (1) Requests for approval of a continuing insurance education course must be submitted to the commissioner no fewer than twenty days prior to the first date the course is offered for credit. The request must include all of the following, as applicable:

(a) Lecture (classroom) courses;

(i) Completed course approval request form;

~~((b))~~ (ii) Content outline (which includes), including a list of topics to be covered and an estimate of the time to be spent on each topic;

~~((e))~~ (iii) Biography or resume of instructor(s); and
~~((d))~~ (iv) Date(s) that course (is to) will be offered.

~~((2))~~ (b) Self-study(;) courses:

~~((a))~~ (i) Completed course approval request form;

~~((b))~~ (ii) Study material; and

~~((e))~~ (iii) Sample exams.

(2) Continuing insurance education courses eligible for approval to satisfy the continuing insurance education requirement include:

(a) Courses demonstrating a direct and specific application to insurance; and

(b) Courses presenting information relevant to insurance-related statutory and regulatory requirements.

(3) General education, sales, motivation, management, leadership, and automation courses are not eligible unless the insurance education provider demonstrates to the satisfaction of the commissioner that a substantial portion of the course relates to the business of insurance and is not solely focused on a particular insurer's products.

(4) Prelicensing insurance education courses are not eligible for approval for continuing insurance education credit.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-282 ~~((Will I be issued a))~~ **Continuing insurance education course ~~((number?))~~ numbers.** ~~((Yes, you will be issued a))~~ The course number issued by the commissioner at the time of approval of the continuing insurance education course ~~((This number))~~ must be included on all correspondence related to the course and must be included on all certificates of completion for that course.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-284 ~~((What courses are specifically approved?))~~ **Designation courses.** ~~((Designation courses.))~~

(1) ~~((The following courses are))~~ Successful completion of any part of a course of study leading to an insurance professional designation is approved for the maximum number of credit hours required per renewal period ~~((:~~

(a) Any part of the American College Life Underwriting Training Council (LUTC) designation program.

(b) Any part of the American College Chartered Life Underwriter (CLU) designation program and advanced study programs.

(c) Any part of the Insurance Institute of America's program of insurance.

(d) Any part of the American Institute for Chartered Property Casualty Underwriter (CPCU) designation program.

(e) Any part of the Certified Insurance Counselor (CIC) program.

(f) Any part of the Health Insurance Association of America (HIAA) designation program.

(g) Any part of the Certified Employee Benefit Specialist (CEBS) designation program.

(h) Any part of the Life Office Management Association (FLMI) designation program. Changes in the above identified courses are presumed to be approved by the OIC unless the sponsoring organization is advised of disapproval.

(2) The OIC may approve additional designation courses of similar substance ~~((:))~~ as a designation course, as defined in WAC 284-17-210(6).

(2) A current list of approved designations for course credit can be found on the commissioner's web site at www.insurance.wa.gov.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-286 ~~((How are credit hours assigned to a))~~ **Continuing insurance education course ~~((?)~~ credit hours.** (1) The number of credit hours assigned to a continuing insurance education course will ~~((normally))~~ be based upon the number of classroom hours or ~~((their))~~ the equivalent for self-study ~~((correspondence))~~ courses.

~~((However, the number of credit hours assigned may be less))~~ (2) After evaluation of the content of a continuing insurance education course, the commissioner may assign fewer credits than the total ~~((amount of time))~~ hours spent by the licensee in the ~~((course, based upon an evaluation of the course content))~~ classroom or in self-study.

(3) No continuing insurance education course will be approved for less than one hour of continuing insurance education credit.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-292 ~~((What must be included on a))~~ **Certificates of completion ~~((?)~~ of continuing insurance education courses—Form.** The form of certificate of course completion ~~((must be in the form specified by OIC and))~~ required by the commissioner is available to insurance education providers only on the commissioner's web site at www.insurance.wa.gov. The certificate and signature may be in electronic format. The certificate must include the following:

(1) Name of student;

(2) Course title and number;

(3) Date of purchase of course, if applicable;

(4) Date of completion of course;

(5) Number of credit hours;

(6) Provider's name and number; and

(7) Signature of instructor or monitor and date ~~((; and~~

(8) Certification of completion by student ~~((:))~~.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-294 ~~((Do I have to renew my approval as a))~~ **Renewal—Continuing insurance education provider ~~((?)~~.** ~~((No. You))~~ A continuing insurance education provider is required to request renewal of approval to act as a continuing insurance education provider ~~((does not need to~~

be renewed as long as you have received)) only if the provider did not receive approval from the commissioner for ((a)) at least one course within the last four years. Otherwise, the commissioner's approval is continuous.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-296 ~~((Do I have to renew an))~~ Renewal—Approval of a continuing insurance education course((?)). ~~((Yes, a))~~ Approval of a continuing insurance education course offered by an approved insurance education provider must be renewed every two years. A ((renewal)) notice of renewal of course approval will be sent ((by the OIC and must be completed and returned with a copy of the current course material for a correspondence course or outline for a lecture course)) to the continuing insurance education provider. If ((substantial)) substantive changes have been made in the course curriculum since its most recent approval, ((it should)) the course must be ((submitted)) resubmitted as a new course.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-302 ~~((What))~~ Actions by a continuing insurance education provider ((could)) that may result in a fine((?)). The following actions by a continuing insurance education provider may result in a fine:

- (1) Advertising or offering a course for credit without the prior approval of the commissioner;
- (2) ~~((Not following))~~ Failing to follow the approved course outline;
- (3) Issuing fraudulent completion certificates; ~~((and))~~
- (4) ~~((Recruitment within an advertisement or during the hours of a course presentation.))~~ Erroneous advertising; or
- (5) ~~((The provider has failed))~~ Failing to comply with ((or has violated)) any statute or ((regulation)) rule pertaining to continuing insurance ((continuing)) education providers.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-304 ~~((Can the))~~ Revocation or suspension of approval of a continuing insurance education provider ((be suspended or revoked?))—Reinstatement. (1) ~~((Yes, the))~~ The commissioner's approval of a person to act as a continuing insurance education provider and approval of any or all of the provider's approved courses may be suspended or revoked by the commissioner if:

- (a) The provider or any of its employees involved in continuing insurance education is found to have violated any ((of the)) provision((s)) of Titles 48 RCW or ((Title)) 284 WAC; or
- (b) The ~~((OIC))~~ commissioner finds ((under these titles)) that disciplinary action against ((any)) a continuing insurance education provider is appropriate((; the OIC may exercise the discretion to suspend or revoke the provider approval and all of its courses)) based on the facts and circumstances of the violation.

(2) Reinstatement of a suspended or revoked approval ~~((shall be at the discretion of the OIC))~~ may be made by the commissioner only after ((receipt)) acceptance of satisfactory proof that the conditions responsible for the suspension or revocation have been successfully corrected and the possibility of reoccurrence of the violation has been eliminated.

(3) Reinstatement is at the sole discretion of the commissioner.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-306 ~~((Can an))~~ Grounds for revocation or suspension of approval of a continuing insurance education course ((be suspended or revoked?)). (1) ~~((Yes, the))~~ Approval of a continuing insurance education course may be suspended or revoked if the ((OIC determines)) commissioner concludes that any of the following has occurred:

(a) The content of an approved course ~~((was))~~ is significantly changed without notice to and prior approval from((;)) the ((OIC)) commissioner;

(b) A certificate of completion ~~((was))~~ is issued to ((any individual)) a person who did not complete the course;

(c) A certificate of completion ~~((was))~~ is not issued to ((any individual)) a person who satisfactorily completed the course;

(d) The actual instruction of the course is ~~((determined))~~ found by the commissioner to be inadequate; or

(e) Within fifteen days after the date of the commissioner's request, the continuing insurance education provider ((failed)) fails to ((comply with the OIC's request for submissions of)) supply updated descriptions of any course ((offerings; or)) records, ((course)) materials, or audit ((information were not provided within fifteen days of the OIC's request)) reports.

(2) Reinstatement of ~~((a suspended or revoked))~~ approval is at the sole discretion of the ((OIC. The OIC must receive)) commissioner and is conditioned upon receipt of satisfactory proof that the conditions responsible for the suspension have been corrected and the possibility of reoccurrence of the violation has been eliminated.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-310 ~~((What must))~~ Content of a course advertisements ((include?)). A continuing insurance education course advertisement must include all of the following:

- (1) The insurance education provider's name, using the name registered with the commissioner;
- (2) The course title, as approved by the commissioner;
- (3) A brief description of the content of the course;
- (4) The number of credit hours ~~((applied for or))~~ approved by the commissioner;
- (5) The location where the course will be held;
- (6) The date and time that the course will be presented; and
- (7) The total cost of the course.

AMENDATORY SECTION (Amending Matter No. R 2004-04, filed 3/17/05, effective 4/17/05)

WAC 284-17-312 ~~((Does Washington participate in the))~~ **NAIC Uniform Continuing Education Reciprocity Agreement** ~~((?))~~, ~~((+ Yes,))~~ Washington ~~((has entered into an agreement with states participating))~~ participates in the NAIC Uniform Continuing Education Reciprocity Agreement. ~~((With just a few state specific exceptions))~~ Generally, a continuing insurance education course approved by a participating state will be accepted by ~~((other participating states))~~ this state by submitting the NAIC Uniform Continuing Education Reciprocity Course Filing Form and any required attachments.

(1) An insurance education provider must be qualified as an approved provider in this state.

(2) ((Participating states have agreed they will not review another state's CE credit hours. Instructor qualifications will also not be reviewed.)) A standard course filing form, available on the commissioner's web site or through the NAIC, will be ((used)) acceptable for reciprocity filings.

(3) ((The)) Participation in the NAIC Uniform Continuing Education Reciprocity Agreement does not change ((any of a provider's current duties under Washington law)) this state's standards for insurance education providers. ((A provider must still be independently qualified as an approved provider in a participating state.))

RENEWALS, APPOINTMENTS AND AFFILIATIONS

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-422 **Reciprocity for nonresident ((agents)) insurance producers holding ((personal)) licenses for lines ((only)) of authority in the home state that are not issued in this state.** If an otherwise qualified applicant for a nonresident ~~((agent's))~~ insurance producer's license holds a license in his or her home state ~~((limited to personal lines only authority.))~~ that is not among the recognized lines of authority in this state, the commissioner will ((reciprocate by licensing the nonresident for property and casualty lines of authority)) issue a nonresident license that is substantially equivalent to the license issued by the person's home state insurance regulator.

((+)) The nonresident licensee's authority to transact insurance in this state is limited to the scope of the license granted by the licensee's home state.

((2) For purposes of this section, "personal lines only authority" means property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.)) For example nonresident insurance producers holding a limited line crop insurance license in their home states will be issued Washington insurance producer licenses with a property line of authority.

AMENDATORY SECTION (Amending Matter No. R 2005-06, filed 5/30/06, effective 6/30/06)

WAC 284-17-423 ~~((How long are))~~ **Term of initial and reinstated individual license** ~~((s in effect?))~~, (1) Initial

and reinstated individual licenses are valid from ~~((the))~~ their date of issuance until the date of the licensee's next birthday anniversary plus one year. Additional licenses issued to the same active licensee will be on the same renewal cycle as the first license issued to that licensee.

(2) The renewal date of a business entity license is based on the date of application. The license is valid for two years. Additional licenses issued to the same active licensee will be on the same renewal cycle as the first license issued to that licensee.

AMENDATORY SECTION (Amending Matter No. R 2005-06, filed 5/30/06, effective 6/30/06)

WAC 284-17-429 ~~((How long is an initial appointment valid?))~~ **Appointments and affiliations of licensees.**

(1) An insurance producer may be appointed or affiliated:

(a) By submitting the notice of appointment or affiliation electronically through a third-party on-line licensing provider or the commissioner's on-line services, available at www.insurance.wa.gov; or

(b) By submitting the notice of appointment or affiliation to the commissioner using the form provided by the commissioner for that purpose available on the commissioner's web site at www.insurance.wa.gov.

(2) Insurance producers upon initial appointment by an insurer or upon initial affiliation by a business entity must be authorized to transact at least one line of authority within the authority of the insurer or the business entity.

(3) Initial appointments and affiliations are ((valid for the period ending with the insurer's first appointment renewal date after the initial issue date of the appointment. The appointment renewal date for the insurer is assigned by the commissioner)) continuous. Each appointment or affiliation is effective until the insurance producer's license is revoked, terminated, or nonrenewed; the appointment or affiliation renewal fee is not paid; or written notice of termination is received by the commissioner, whichever occurs first.

(4) The insurer is obligated to ensure that its appointed insurance producers are licensed for the proper line of authority for which the insurance producer submits an application for insurance.

(5) Individual surplus line brokers may be affiliated with a business entity possessing a surplus line broker license in the manner set forth in subsection (1) of this section.

(6) Business entities are obligated to ensure that all affiliated insurance producers for the proper line of authority for which the insurance producer submits an application for insurance and that surplus line brokers are properly licensed.

(7) The applicable initial and renewal appointment and affiliation fees, as set forth in RCW 48.14.010, must be paid at the time of appointment, affiliation, or their renewals.

AMENDATORY SECTION (Amending Matter No. R 2005-06, filed 5/30/06, effective 6/30/06)

WAC 284-17-435 ~~((How will the commissioner notify an insurer that an agent has been appointed?))~~ **Notification of appointments and affiliations.** The commissioner will confirm the ~~((agent's))~~ licensee's appointment or affiliation by sending ~~((written notice))~~ an electronic message to

the insurer or business entity within fifteen ((calendar)) days after ((receipt of the appointment by the commissioner)) the commissioner receives the notice from an insurer or business entity. If an insurer or business entity is not registered with the commissioner's on-line services, notice will be sent to the address of record.

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-439 Notice that ((an agent)) a licensee is not eligible for an electronic appointment or affiliation. A licensee is not eligible for an appointment or affiliation if the license is not valid or the person is not licensed for at least one line of authority within the authority of the appointing insurer or affiliating business entity. If ((an agent)) a licensee is not eligible for an electronic appointment or affiliation, the insurer or business entity will be notified at the time the electronic notice of appointment or affiliation is not accepted for transmission through ((NIPR)) the third-party on-line licensing provider or the commissioner's web site. ((An agent is not eligible for an appointment if the agent's license is not valid or the agent is not licensed for all lines of insurance that the appointing insurer is authorized to transact in the state of Washington.))

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-443 Renewal ((of)) fee for an ((agent's)) appointment or affiliation. ((Prior to the renewal date of an agent's)) (1) **Insurer and business entities that are not registered with the commissioner's on-line services.**

(a) At least forty-five days prior to the renewal date, an appointment((-, the commissioner will send)) or affiliation list will be sent to the insurer ((an appointment renewal notification. An insurer may renew an appointment by:

(1) Sending notice to the commissioner that the appointment will be renewed on the form provided by the commissioner for that purpose or through the commissioner's web site (www.insurance.wa.gov); and

(2) Paying the renewal fee for each agent appointed by the insurer no later than the renewal date assigned by the commissioner)) or business entity identifying all of the licensees appointed by or affiliated with the insurer or business entity whose appointments or affiliations are due to expire.

(b) The insurer or business entity must verify that the list is accurate, make any changes, and return the list with the correct fees to the commissioner.

(c) The verified and corrected list and fees are due to the commissioner no later than the renewal date.

(2) **Insurer and business entities that are registered with the commissioner's on-line services.**

(a) At least sixty days prior to the renewal date, an appointment or affiliation renewal fee notice will be sent to the insurer or business entity electronically.

(b) The insurer or business entity may review the on-line list of appointees or affiliates, make any changes and must remit the correct fees to the commissioner.

(c) The on-line appointment or affiliation renewal and payment of fees must be completed no later than the renewal date.

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-445 Termination of an appointment or affiliation by an insurer or business entity. (1) An insurer or business entity may terminate an appointment or affiliation of an insurance producer or surplus line broker through the commissioner's web site if the insurer or business entity is registered for on-line services by sending written notice of termination to the ((agent and by sending a notice of termination of the appointment to)) insurance producer or surplus line broker with a copy to the commissioner ((electronically)), or through ((NIPR, the commissioner's web site, or on the form provided by the commissioner for that purpose)) a third-party on-line licensing provider. ((The)) A form ((may be obtained upon request or may be found)) for that purpose is available on the commissioner's web site ((f)) at www.insurance.wa.gov((g)).

(2) The effective date of the termination is the date of receipt by the commissioner.

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-449 ((Terminating an appointment)) Termination of an affiliation ((of)) for cause.((of)) ((of)) If ((an insurer)) a business entity or its authorized representative terminates the ((appointment)) affiliation of an ((agent of)) insurance producer or surplus line broker for cause,((of)) the ((insurer must notify the insurance)) commissioner must receive notice of that termination by mail or electronic facsimile within thirty days following the effective date of the termination ((by sending notice of the "for cause" termination to the commissioner)).

(1) A form for this purpose is available on the commissioner's web site ((f)) at www.insurance.wa.gov((g)).

(2) ((If requested by the commissioner, the insurer must provide additional information, documents, records or other data pertaining to the "for cause" termination or activity of the agent.

(3) "For cause" includes the following conduct:

(a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;

(b) Violating any insurance law, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner;

(c) Obtaining or attempting to obtain a license through misrepresentation or fraud;

(d) Improperly withholding, misappropriating or converting any moneys or properties received in the course of transacting the business of insurance;

(e) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(f) Having been convicted of a felony;

(g) Having admitted or been found to have committed any insurance unfair trade practice or fraud;

~~(h) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;~~

~~(i) Having an insurance license denied, suspended or revoked in any other state, province, district or territory;~~

~~(j) Forging another's name to an application for insurance or to any document related to an insurance transaction;~~

~~(k) Knowingly accepting insurance business from an individual who is not licensed;~~

~~(l) Being incompetent;~~

~~(m) Failing to account for premiums;~~

~~(n) Rebating; and~~

~~(o) Abandonment.) Upon the request of the commissioner, additional information, documents, records or other data pertaining to the for-cause termination or activity of a licensee's affiliation must be provided promptly to the commissioner.~~

~~(3) The reasons an insurance producer may be terminated for cause are set forth in RCW 48.17.530 and 48.17.595. The reasons a surplus line broker may be terminated for cause are set forth in RCW 48.15.140.~~

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-467 Consequences—((Agent)) Insurance producers not eligible for appointment by the insurer. If an ((agent)) insurance producer solicits insurance on behalf of an insurer, as authorized by ((WAC 284-17-457)) RCW 48.17.160, but it is later determined that the ((agent)) insurance producer was not eligible for appointment by the insurer:

(1) The insurance contract will be effective;

(2) The ((agent)) insurance producer must not receive compensation for any insurance product sold by the ((agent)) insurance producer; and

(3) The ((agent)) insurance producer and the insurer may be subject to disciplinary action under RCW 48.17.530.

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-473 ((²))Affiliation((¹ defined—Procedures for affiliation, renewal)) requirements. ("Affiliation" is a type of appointment where a business entity authorizes one or more individual licensed agents, brokers, surplus line brokers or adjusters to represent the business entity. An affiliated licensee may exercise only the authority the business entity confers. The commissioner must receive notice of an affiliation and accept the affiliation before the licensee is allowed to represent the business entity.

~~(1)) Individual licensees that represent a business entity or act on its behalf must be affiliated with the licensed business entity. A business entity must have at least one affiliated individual licensee in order to transact insurance business. Each business entity must ((submit to)) provide the commissioner ((a notice of affiliation for)) with the names of all individual licensees authorized to represent the business entity and act on its behalf((-A)) using the form ((is)) provided by the commissioner for that purpose ((which can be obtained~~

~~upon request or found on)) and paying the applicable fees, or by using the on-line services available through the commissioner's web site ((f)) at www.insurance.wa.gov((g)).~~

~~((2) A licensed business entity must have at least one affiliated individual licensee.~~

~~(3) If an agent is affiliated with a licensed business entity, the agent is not required to be directly appointed by an insurer to sell its products if the business entity is appointed by the insurer.~~

~~(4) The affiliated agent's, broker's, or surplus line broker's authority to act as a representative of a business entity is limited to those lines of authority for which the agent, broker, or surplus line broker is qualified and that are consistent with the business entity's lines of authority.~~

~~(5) If an agent, broker, surplus line broker, or adjuster cannot be affiliated electronically, the commissioner will notify the business entity that the licensee is not eligible for affiliation. A licensee cannot be affiliated under the following circumstances:~~

~~(a) The person's license is not valid;~~

~~(b) The agent, broker, or surplus line broker is not licensed for at least one of the lines or limited lines of authority that the business entity is authorized to transact in this state; or~~

~~(c) The agent is not licensed for at least one of the lines or limited lines of authority of the business entity's appointing insurers.~~

~~(6)(a) At the time of renewal of a business entity license, a renewal affiliation list will be sent to the business entity listing the affiliated agents, brokers, surplus line brokers, or adjusters whose affiliations are due to expire.~~

~~(b) A business entity may renew an affiliation by sending a list of affiliations to be renewed to the commissioner and paying the renewal fees by mail or through the commissioner's web site (www.insurance.wa.gov).)~~

NEW SECTION

WAC 284-17-476 License requirements for business entity affiliations. If an individual insurance producer is affiliated with a business entity, the insurance producer is not required to be directly appointed by the insurer.

(1) The individual insurance producer's authority to transact insurance is limited to those lines of authority for which the insurance producer is licensed and that are within the business entity's lines of authority.

(2) When an insurance producer places business with an insurer that has appointed the business entity with which the insurance producer is affiliated, the insurance producer is deemed to be placing business with an insurer with which the insurance producer holds an appointment for the purpose of the bonding requirements set out in RCW 48.17.250.

AMENDATORY SECTION (Amending Matter No. R 2008-03, filed 8/18/08, effective 9/18/08)

WAC 284-17-483 Termination of an appointment or affiliation by ((a licensee)) an insurance producer. (1) An ((individual agent)) insurance producer or surplus line broker may terminate ((an)) its appointment or affiliation with ((a)) an insurer or business entity by sending advance written

notice to the insurer or business entity, with a copy to the commissioner. ~~((The notice must state that the agent is no longer authorized to act on behalf of the business entity.))~~

(2) The notice must state that the insurance producer or surplus line broker will no longer transact insurance on behalf of the business entity, as the case may be.

(3) The effective date of the termination is the date of receipt by the commissioner.

NEW SECTION

WAC 284-17-490 Late renewal or reinstatement. If a request for renewal of a license is received by the commissioner after its due date, the licensee must not transact insurance under the license until the renewal or reinstatement is completed.

(1) As a precondition to late renewal or reinstatement of a license, payment of the following late fees, as set forth in RCW 48.17.170 (6) and (7), is required:

Days Late	Surcharge
First 30 days late	50% of the license renewal fee
31-60 days late	100% of the license renewal fee
61 days to twelve months late	200% of the license renewal fee

(2) If no request for late renewal is received by the commissioner within sixty days after expiration of a license, the license and all associated appointments and affiliations will be terminated. All authority conferred by the license ends on its expiration date.

(3) If a license is expired for more than sixty days but less than twelve months, a licensee may request its reinstatement. A license is not eligible for reinstatement if the reinstatement application is received by the commissioner more than twelve months after its expiration date.

(4)(a) A licensee may request reinstatement of a license without retesting if no more than twelve months has passed since the expiration or cancellation date of the license, whichever is earlier. All of the following must accompany the request for reinstatement:

- (i) A completed application for reinstatement;
- (ii) Certificates for twenty-four credit hours of continuing insurance education, including three hours of ethics education, completed during the twenty-four months prior to the date of application for reinstatement, as set forth in WAC 284-17-224; and
- (iii) The fee and surcharge applicable to the reinstatement, as set forth in subsection (1) of this section.

(b) After twelve months, the licensee must retake and pass all applicable preclicensing insurance education courses and the applicable license examinations. A new license application, including fingerprint card, and all required fees are also required. A new fingerprint card is not required if the licensee has other active licenses or held another license during the past year.

(5)(a) If a licensee cancels a license prior to its renewal date and later asks that it be reissued and the request to reissue is submitted prior to the license renewal date, the licensee must submit an application and must pay the applicable fee prior to the license renewal date.

sue is submitted prior to the license renewal date, the licensee must submit an application and must pay the applicable fee prior to the license renewal date.

(b) If a licensee cancels a license prior to its renewal date and a request to reissue the license is made after the license renewal date but before twelve months after the date the license was canceled, the request to reissue will be treated as though it were a late renewal or reinstatement and the late fee will be calculated from the cancellation date.

(c) If the request to reissue is made more than twelve months after the license renewal date, it cannot be reissued.

(d) The renewal date of any reissued license will be on the same renewal cycle as the original license.

(6) Information regarding renewal or reinstatement of a license and the necessary forms are available at the commissioner's web site at www.insurance.wa.gov.

(7) License renewals and reinstatements may be submitted by licensees that are registered with the commissioner's on-line services through the web site at www.insurance.wa.gov.

((PRELICENSURE)) PRELICENSING INSURANCE EDUCATION

AMENDATORY SECTION (Amending Order R 89-8, filed 6/29/89)

WAC 284-17-505 Definitions. As used in WAC 284-17-505 through ~~((284-17-565))~~ 284-17-580, the ~~((following))~~ terms below have the following meaning~~((s indicated))~~ unless the context clearly requires otherwise:

(1) "Approved ~~((prelicense))~~ preclicensing insurance education provider" ~~((or "provider"))~~ means ~~((any insurer, professional association, educational institution created by Washington statutes or vocational school licensed under Title 28C RCW, or independent contractor,))~~ a provider to which the commissioner has granted authority to conduct and certify completion of an approved course satisfying the preclicensing insurance education requirements of ((RCW 48.17-150)) this state.

(2) "Approved course" means a series of seminars, classes, or lectures meeting the requirements of WAC ~~284-17-517 and~~ 284-17-550~~(;)~~, covering the prescribed ~~((curricula of WAC 284-17-551 and the applicable section(s) of WAC 284-17-552 through 284-17-555))~~ course of study. A course is approved only ~~((for offering by an approved provider, while))~~ if when offered it will be supervised by an approved program director, and presented by or under the supervision of an approved instructor, according to the applicable section of either WAC 284-17-540 or 284-17-545.

(3)~~((a))~~ "Instructor" means a person meeting the requirements of WAC 284-17-537.

~~((b))~~ "Student" means an individual taking the preclicensing education course that is required as a prerequisite to admission to the life, disability, property, or casualty resident insurance agent's license examination.

(4) "Curriculum" ~~((or "curricula"))~~ means the ~~((topics))~~ course of study prescribed for ((prelicense)) preclicensing insurance education by the commissioner ((at WAC 284-17-551 through 284-17-555, concerning the)), covering personal

lines, life, disability, property(, and) or casualty lines of ((insurance)) authority, and ((including the)) Washington insurance ((statutes)) laws and ((regulations curriculum)) rules.

(5) "Independent testing service" means the entity having a contract with ((which)) the commissioner ((has contracted)) to develop, administer, and score ((license)) prelicensing insurance examinations.

(6) ("Insurer" means an insurance company, health care service contractor, or health maintenance organization authorized to conduct business in Washington under RCW 48.05.030, 48.44.015, or 48.46.027, respectively.) "Independent provider" means an insurance education provider that is not an insurer or affiliated with an insurer.

(7) "Provider" or "prelicensing insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution, vocational school, or independent contractor authorized by the commissioner to conduct and certify completion of prelicensing insurance education courses.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-510 ((Prelicense)) Prelicensing insurance education requirement. (1) Unless ((exempted)) waived by the commissioner under WAC 284-17-515, as a prerequisite to admission to the examination, an applicant for a resident((s)) insurance producer license ((as a) for personal lines, life, disability, property((;)) or casualty ((insurance agent or solicitor)) line of authority must complete ((the following education requirements as a prerequisite to admission to the examination:

Complete four)) twenty hours of ((instruction relating to)) prelicensing insurance education for each major line of authority for which the applicant will be tested. Each course must include training on Washington((s general statutes)) insurance laws and ((regulations governing the sale of)) rules applicable to that line of authority and general insurance((; and sixteen hours of instruction relating to the specific line of:

(a) Life insurance, if the applicant is seeking to be licensed as a life insurance agent or solicitor; or

(b) Disability insurance, if the applicant is seeking to be licensed as a disability insurance agent or solicitor; or

(c) Casualty insurance, if the applicant is seeking to be licensed as a casualty insurance agent or solicitor; or

(d) Property insurance, if the applicant is seeking to be licensed as a property insurance agent or solicitor)) laws and rules.

(2) ((An applicant planning to undergo examination for more than one major line need not repeat the four hours' instruction on general statutes and regulations:

(3)) The prescribed curriculum for ((a particular,)) each line of authority to be tested and the ((prescribed curriculum for the)) related insurance ((statutes)) laws and ((regulations)) rules, must be successfully completed within the twelve-month period immediately preceding the examination.

AMENDATORY SECTION (Amending Order R 91-2, filed 6/3/91, effective 7/4/91)

WAC 284-17-515 Waiver of the ((prelicense)) prelicensing insurance education requirement—Equivalent education. Any person ((with documented insurance education or licensed experience that meets or exceeds the requirements of subsections (1) or (2) of this section as applicable,)) may file a ((written)) petition with the commissioner for a waiver of the ((prelicense)) prelicensing insurance education requirement((. Any person who believes that a prelicense education course is unavailable to her or him may file a written petition with the commissioner for permission to undertake self study in accordance with provisions of subsection (3) of this section)) upon completion of equivalent education.

(1) ((Equivalent education.)) A ((written)) waiver((;)) based on a documentation of equivalent insurance education((;)) may be granted by the commissioner in lieu of the certificate of completion ((for the purpose of complying with)) of the ((prelicense)) required prelicensing insurance education ((requirement, provided that)) if the ((insurance education)) course of study was completed within the twelve months immediately preceding the date of the petition for waiver((;)) and the petitioner demonstrates to the satisfaction of the commissioner that the ((materials and/or classes required to complete such insurance)) education meets or exceeds the curriculum ((prescribed by WAC 284-17-552 through 284-17-555)) required for ((each)) the applicable line of authority.

((a) An equivalent education in insurance may be demonstrated by a course syllabus and the student's transcript from an accredited college, university, or a course of study recognized as a mark of distinction by the insurance industry and deemed by the commissioner to be fully qualified and competent.

(b)) (2) Persons successfully completing the following insurance professional designations are deemed to have completed the required prelicensing education requirements and will be issued a waiver of the prelicensing insurance education requirements:

(a) Life insurance: CEBS, ChFC, CIC, CFP, CLU, FLMI, and LUTCF;

(b) Disability insurance: RHU, CEBS, REBC, and HIA; and

(c) Property or casualty insurance: AAI, ARM, CIC, and CPCU.

(3) Except as provided in subsection (2) of this section, the commissioner retains the discretion to determine whether a petitioner has presented sufficient evidence ((that her or his)) of equivalent((")) education and merits a waiver of the ((prelicense)) prelicensing insurance education requirement.

((e) Prior to the petitioner's participation in the insurance agent's license examination,)) (4) The petition must be submitted and the commissioner's written waiver of prelicensing insurance education must ((be)) have been issued before the petitioner will be admitted to the insurance licensing examination.

((d) A waiver is valid for twelve months from the date signed by the commissioner. A waiver of the applicable insurance line curriculum requirement is not a waiver of the insurance statutes and regulations curriculum requirement, or

of any other requirement prescribed by the commissioner for insurance license examination eligibility.

(2) ~~**Licensed experience.** A written waiver from the prelicense education requirement for life, disability, casualty, or property insurance as defined respectively by WAC 284-17-552, 284-17-553, 284-17-554, or 284-17-555 may be granted by the commissioner to any person who can demonstrate that (a) he or she has been licensed within the previous ninety days for the same line or lines of insurance in another state and that (b) he or she was licensed continuously for at least two years. Such waiver is not a waiver of Washington's statutes and regulations curriculum as defined in WAC 284-17-551.~~

(3) ~~**Unavailability.** Any person who believes that a prelicense education course is unavailable to her or him may file a written petition with the commissioner for permission to undertake self-study. Written permission to undertake self-study of the prelicense education curricula, based on a showing of the unavailability of an approved prelicense education course, may be granted by the commissioner provided that the petition shall specify in detail the reasons why a prelicense education course for the identified line of insurance is unavailable, and shall identify with particularity the materials to be used to study the prescribed curricula.~~

~~The petitioner shall demonstrate that the materials cover the curriculum prescribed for Washington insurance statutes and regulations as well as the curriculum prescribed for that line.~~

~~(a) The commissioner retains the discretion to determine whether the petitioner has presented sufficient cause to justify a grant of permission to self-study the prelicense curriculum.~~

~~(b) If the commissioner grants permission to self-study, such study must be completed within twelve months of the grant. Upon completion of study, the petitioner shall present to the commissioner a certified statement in which the self-study materials that have been utilized are identified, and in which the amount of time spent in study is clearly recorded by dates and clock times as covering at least the prelicense education hour requirement.~~

~~(c) Upon the petitioner's satisfactory completion of the approved program of self-study, the commissioner will issue a certificate of completion of approved self-study.)~~

NEW SECTION

WAC 284-17-516 Home self-study—Candidate, course materials and approved providers. (1) A candidate for an insurance producer license examination that undertakes home self-study in lieu of attending a lecture class or proctored self-study, must contact an approved preclicensing insurance education provider to purchase the required course materials.

(2) A list of approved preclicensing insurance education providers is available on the commissioner's web site at www.insurance.wa.gov.

(3) The candidate must complete all preclicensing insurance education requirements set forth in WAC 284-17-510.

(4) After completion of the program of home self-study, the petitioner must provide verification of completion of each

course to the preclicensing insurance education provider before the provider can issue a certificate of completion. A certificate of completion is required before the candidate will be admitted to the insurance licensing examination.

(5) The preclicensing insurance education provider must keep accurate purchase and completion rosters of all students participating in home self-study.

(6) "Home self-study" means a form of study using course materials approved by the commissioner and completed away from an insurance school and a course other than a lecture or classroom course. It includes approved internet-based on-line courses accessed from a home computer. The course materials may include textbooks, CDs or reading material accessed on-line from the insurance school's web site.

NEW SECTION

WAC 284-17-517 Home self-study—Materials, course standards. (1) Home self-study course materials must be approved by the commissioner before being used by a preclicensing insurance education provider or offered to a candidate for purchase or use.

(2) To qualify for the commissioner's approval, the preclicensing insurance education provider must demonstrate to the commissioner's satisfaction that the study materials for each course include all prescribed curriculum specified in the examination content outline of the candidate handbook for the particular line of authority.

(3) Each course must be divided into individual lessons covering the prescribed curriculum. The table of contents of the materials must include all of the examination content outline topics as published in the candidate handbook. Each course must cover all required content and must be designed so that a candidate will complete twenty hours of study per line of authority.

(4) Approved preclicensing education providers must apply to the commissioner for amendment to the course approval if there is a change in the content of the study material other than changes made to conform the study materials to modifications of the candidate handbook examination content outline.

(5) Prior to implementation of any change, the preclicensing insurance education provider must advise the commissioner if it makes any change to its course tuition charge or to its rebate policy.

(6) The candidate handbook is available through the commissioner's web site at www.insurance.wa.gov.

AMENDATORY SECTION (Amending Order R 89-8, filed 6/29/89)

~~**WAC 284-17-520 ((When prelicense education requirement must be met.)) Certificates of completion required for admittance to licensing exam—Passing score report must be provided to the commissioner.** The requirements of WAC 284-17-505 through 284-17-520 apply to all persons taking an ((agent's)) insurance license examination((; conducted on or after November 1, 1989)).~~

~~(1) ((Any)) In order to be admitted to the examination, an applicant ((seeking)) for a resident((s)) license ((as a)) with a~~

personal lines, life, disability, property((-)) or casualty ((insurance agent or solicitor in the state of Washington who appears at an examination site)) line of authority must present certificates of completion of the ((requisite)) required number of hours of approved ((prelicense)) prelicensing insurance education((-)) or a written waiver ((of the applicable line curriculum and a certificate of completion of the statutes and regulations curriculum, to be allowed access to the examination)).

(2) ((Any)) The commissioner will issue a license after the applicant ((who receives a passing score on the licensing examination must include validated certificates of completion of the approved prelicense education, or a written waiver of the applicable line curriculum requirement, along with)) provides the passing score report, all other required license application documents, ((to be issued the license)) and the proper fee.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-530 Requirements applicable to all ((prelicense)) prelicensing insurance education providers. ((This section applies to all persons offering life, disability, property, or casualty insurance prelicense education, for purposes of satisfying the education requirements prescribed by the commissioner at WAC 284-17-505 through 284-17-520 for insurance license applicants.

(1) Persons seeking authority to conduct an approved course for life, disability, property, or casualty insurance shall obtain the written approval from the commissioner prior to the commencement of any such course. No course may be advertised as approved until the provider has obtained in writing all approvals required from the commissioner.

(a) The request for approval must include all information, disclosures, statements, and certifications required by the commissioner, on the prescribed forms.

(b) Course materials must be submitted to the commissioner with references to the provisions of the prescribed curricula. Provided, however, That the commissioner may waive submission of materials that were approved within the previous twelve months, if references to the prescribed curriculum are drawn in sufficient detail. The provider shall submit a request for approval only for those courses that satisfy the requirements of WAC 284-17-550, 284-17-551, and the applicable sections of WAC 284-17-552 through 284-17-555.

(c) The provider must disclose the tuition to be charged for each proposed course.

(i) Disclosure to the office of insurance commissioner of the total tuition to be charged for all course offerings shall be made in the request for provider approval.

(ii) The provider must disclose to each student at the time of enrollment the amount of the course tuition to be paid, to persons other than the provider's full-time employees, as compensation for referring students to the provider.

(iii) The provider must comply with the enrollment procedures set out at WAC 490-800-060 by the Washington state board for vocational education.

(2) The commissioner will look to the provider to maintain the integrity of the training system. The provider shall be responsible for its employees' conduct, and shall be subject to disciplinary action for its employees' failure to comply with chapter 284-17 WAC. As a condition of approval, therefore:

(a) The provider must retain all student enrollment and performance data, personnel records, and course materials and student evaluations of each course, available for the commissioner's review, for three years.

(b) The provider must identify its proposed program director, and must certify, upon conclusion of a competent background investigation, that its program director's qualifications meet or exceed the requirements at WAC 284-17-535, including that the program director has been determined to be trustworthy.

(i) The commissioner's approval of a program director is valid for a period of twelve months from the most recent provider approval date.

(ii) The provider must apply to the commissioner for amended approval at least ten calendar days before instituting a change of program director.

(iii) The provider must continually monitor its program director's supervision of instruction, and must immediately remove the program director if he or she violates any statute or regulation pertaining to insurance sales or licensing then in effect.

(c) The provider must identify its proposed instructor(s), and must certify, upon conclusion of a competent background investigation, that each instructor's qualifications meet or exceed the requirements at WAC 284-17-537, including that each instructor has been determined to be trustworthy.

(i) The commissioner's approval of each instructor is valid for a period of twelve months from the most recent provider approval date.

(ii) The provider must apply to the commissioner for amended approval at least ten calendar days before instituting a change of instructors, except in the case of an instructor vacancy created by an emergency as defined by WAC 284-17-535(3)(a)(i).

(3) After due investigation and consideration, the commissioner may grant approval of the provider upon a showing that the provider has satisfied all the requirements of WAC 284-17-530 through 284-17-539, 284-17-540 or 284-17-545, and 284-17-550.

(4) Provider approval is valid for a period of twelve months from the initial approval date. To retain such approval, approved prelicense education providers must:

(a) Post in a conspicuous location at the prelicense education site, the procedures for applying for an insurance agent's or solicitor's license, including all preexamination qualifications and a notice of prohibited examination behavior in the standard form prescribed by the commissioner.

(b) Apply to the commissioner for amended provider approval at least ten calendar days prior to instituting any change of its owner or executive officer or of its program director. Amended approval, if granted, is valid only until the original provider approval expiration date.

(c) Report to the commissioner, by the fifteenth day of each month, the name of each student receiving a certificate

of completion for each approved course offered during the previous calendar month.

(d) Permit the commissioner or the commissioner's designees to conduct unannounced audits of any of the provider's approved courses, for purposes of monitoring the provider's continued compliance with WAC 284-17-530 through 284-17-565.

(e) Immediately produce, upon request of the commissioner or the commissioner's designee, a true and complete copy of the provider's instructional plan for each approved course.

(f) Post in a conspicuous location at the prelicense education site, the tuition for each approved course, and if applicable:

(i) The full text of any referral/rebate policy;

(ii) The specific dollar amount of course tuition which is payable, to each person other than the provider's full-time employees, as compensation for referring students to the provider;

(iii) The name(s) of the person(s) to whom referral fees are paid.

(g) Any approved provider that has a referral fee/tuition rebate plan must provide a written copy of the agreement to each referred student at the time of her or his enrollment. The copy must contain:

(i) The full text of any referral/rebate policy;

(ii) The specific dollar amount of course tuition which is payable, to each person other than the provider's full-time employee, as compensation for referring students to the provider;

(iii) The name(s) of the person(s) to whom referral fees are paid.

(5) The provider must notify the commissioner, in writing, of the provider's intent to terminate its prelicense education program at least ten calendar days prior to the termination.

(a) If the commissioner sends a written inquiry by certified mail, the provider must respond within ten calendar days.

(b) Failure to notify the commissioner of a course termination, or to respond to a written inquiry, within the specified time limits will result in immediate loss of provider approval, and shall be so noted upon the record.

(6) The provider must give at least ten calendar days' notice to the commissioner of the provider's intent to change the tuition amount or the rebating policy, or to initiate a rebating policy with a person other than the provider's full-time employee.

(7) It shall be unlawful for any prelicense education provider to use license examination performance data for advertising or promotional purposes.

(8) It shall be unlawful for any prelicense education provider to use any name that implies or suggests that the provider is affiliated with either the office of insurance commissioner or with the independent testing service that conducts the examination, or to use any name that implies or suggests that the provider is the only person authorized to provide prelicense education in the state of Washington.)) This section applies to all persons seeking to be approved by the com-

missioner to act as prelicensing insurance education providers.

(1) Approval to act as prelicensing education providers. Persons seeking to be approved as prelicensing insurance education providers must obtain the written approval of the commissioner prior to offering any prelicensing insurance education course for credit.

(a) Requests for approval must include all information, disclosures, statements and certifications required by the commissioner. An approved form for this purpose is available on the commissioner's web site at www.insurance.wa.gov.

(b) The provider must comply with the standards for licensing and regulating this state's private vocational schools, but need not be actually licensed as a private vocational school.

(c) The commissioner may grant approval of the prelicensing insurance education provider upon a showing that the provider has satisfied all requirements of this chapter.

(d) Approval of a prelicensing education provider is valid for a period of twelve months.

(2) Approval of the prelicensing insurance education provider's program director.

(a) The prelicensing insurance education provider must identify its proposed program director, must complete a background investigation of that person, must certify that the qualifications of the proposed program director meet or exceed the requirements of WAC 284-17-535 and must verify that the proposed program director is trustworthy.

(b) The commissioner's approval of the program director is valid for twelve months.

(c) The provider must certify on its annual renewal notice that the approved individual continues to act as its program director.

(d) The provider must apply for an amendment to its approval at least ten days before changing its program director, unless the change is required due to an emergency.

(e) The commissioner retains discretion to determine whether the qualifications of each proposed program director meet the minimum scholastic and professional criteria required for approval.

(3) Approval of the provider's instructors.

(a) The provider must identify each proposed instructor, conduct a background investigation of each individual, certify that each proposed instructor's qualifications meet or exceed the requirements in WAC 284-17-537, and verify that each proposed instructor is trustworthy.

(b) Approval of each instructor is valid until the next renewal date of the prelicensing education provider.

(c) The provider must state on its annual renewal notice whether each individual continues to act as its instructor.

(d) The provider must apply to the commissioner for amended approval at least ten days before adding a new instructor, except if an instructor vacancy is created by an emergency.

(e) The commissioner retains discretion to determine whether the qualifications of each proposed instructor meet the minimum scholastic and professional criteria required for approval.

(4) Approval of courses.

(a) Course materials must be submitted to the commissioner prior to use.

(b) The provider must provide all of the following information to the commissioner with its request for course approval:

(i) The total tuition to be charged to students; and

(ii) The provider's referral and rebate policy.

(c) No course may be advertised until the provider has been finally approved by the commissioner in writing.

(5) Duties of approved providers. Throughout any period of approval to act as a prelicensing insurance education provider, the provider must:

(a) Retain all student enrollment and performance data, personnel records, and copies of course materials and student evaluations for each course and make them available to the commissioner upon request;

(b) Continually monitor its program director's supervision of instruction;

(c) Immediately remove the program director if that individual violates any law or rule related to insurance;

(d) Apply for amended approval to act as a provider at least ten days prior to a change of ownership, the executive officer, or of the program director. Amended approval, if granted, is valid only until the original provider approval expiration date;

(e) Report to the commissioner by the fifteenth day of each month the name of each student receiving a certificate of completion for each approved course offered during the previous calendar month;

(f) Permit the commissioner or the commissioner's designee to conduct unannounced audits of any approved course in order to monitor the provider's continuing compliance with WAC 284-17-530 through 284-17-580;

(g) Provide a true and complete copy of the provider's instructional plan for each approved course, upon request;

(h) Notify the commissioner if it intends to terminate its prelicensing education program at least thirty days prior to the date of termination;

(i) Notify the commissioner at least ten days in advance of its intent to change the tuition amount, the referral or rebate policy, or initiate a referral or rebate policy with a person other than a full-time employee of the provider.

(6) Provider advertising and name. A provider must not:

(a) Use license examination performance data for advertising or promotional purposes; or

(b) Use any name that implies or suggests that the provider is affiliated with either the commissioner or with the independent testing service that conducts the examination.

(7) Renewal requirements for all providers.

(a) At the time of renewal all providers must provide all of the following information:

(i) List of prelicensing education courses currently offered and the tuition for each and verify that the course curricula meet the requirements of WAC 284-17-550;

(ii) A description of the instruction method used for each course, lecture, proctored self-study, or home self-study;

(iii) List of all active instructors and verify that each has complied with the requirements of WAC 284-17-537;

(iv) Verify that the program director has complied with WAC 284-17-535; and

(v) Confirm the address and contact information for each business location.

(b) The commissioner may approve renewal of the prelicensing insurance education provider upon a showing that the provider has satisfied all requirements of this chapter required for renewal, including the annual renewal requirements provided in WAC 284-17-547.

(c) Detailed information related to course standards is available on the commissioner's web site at www.insurance.wa.gov.

(8) Required disclosures to students.

(a) The prelicensing insurance education provider must disclose to prospective students the total amount of tuition that will be charged for each proposed course.

(b) The provider must post in a conspicuous location at the prelicensing insurance education site a note containing all of the following:

(i) Procedures for applying for an insurance license, including all preexamination qualifications;

(ii) A notice of prohibited examination behavior; and

(iii) The tuition for each approved course.

(c) If the provider has a referral or rebate program, it must be fully disclosed to each student in writing.

(i) The disclosure must state the amount of the course tuition that will be paid to persons other than the provider's full-time employees as compensation for referring students to the provider; and

(ii) The full text of the policy must be posted, including the specific amount of tuition payable to persons other than full-time employees of the provider as compensation for referring students to the provider, and the names of any individuals to whom referral fees or rebates may be paid.

(9) Penalties.

(a) The commissioner may refuse to renew or immediately terminate a provider for the following reasons:

(i) Failure to notify the commissioner that a course will be terminated at least thirty days prior to the date of termination;

(ii) Failure to respond to an inquiry of the commissioner within the time limit specified in the inquiry.

(b) A provider is responsible for the conduct of its employees and may be subject to disciplinary action for failure of any employee to comply with the requirements of this chapter.

AMENDATORY SECTION (Amending Order R 89-9, filed 9/15/89, effective 10/16/89)

WAC 284-17-535 Program director's qualifications and responsibilities. (1)(a) A program director(~~'s necessary qualifications are:~~

~~(a))~~) must have at least five years of teaching experience and knowledge of insurance products, principles, (~~and~~) laws and rules.

~~((a))~~ (b) Each independent prelicensing insurance education provider's program director must possess and hold in good standing a Washington (~~(agent's or broker's)~~) insurance license(~~(-~~

(ii) Each insurer provider's program director must) and possess ((such a license or comparable)) scholastic or professional credentials ((that)) acceptable to the commissioner ((deems equivalent to such a license.

((iii)) (c) The requirements of ((a)(i) and (ii) of) this subsection ((shall)) do not apply to program directors employed by ((approved providers governed by chapters 28B.19 and 28B.50 RCW, community colleges within Washington state; or to program directors employed by vocational technical institutes)) community or technical colleges governed by the ((superintendent of public instruction and the)) state board ((of education)) for community and technical colleges.

((b) An employment)) (2) A program director must have a history ((involving)) of employment demonstrating administrative educational experience.

((e) Trustworthiness:) (3) A program director must be trustworthy. A program director is ((untrustworthy)) not trustworthy if he or she has violated any ((statute)) law or ((regulation)) rule pertaining to insurance(;) or to any other regulated occupation(;-or), has had an occupational or professional license revoked in any state(;), or has been convicted of a crime ((evidencing lack of fitness to assume fiduciary duties)) reasonably related to his or her honesty or integrity.

((2) Information on)) (4) The program director ((which)) must ((be submitted to the commissioner includes the full disclosure of)) fully disclose to the commissioner any regulatory or legal action ((involving the program director's)) related to his or her honesty, integrity, or professional or occupational activities.

((3)) (5) A program director's responsibilities include:

(a) Conducting a ((competent)) background investigation to ascertain that each instructor is trustworthy and qualified ((under WAC 284-17-537 and under WAC 284-17-540 or 284-17-545 for)) to teach the line of ((insurance)) authority he or she has been designated to instruct(;), except ((that)) as follows:

(i) In the event of an emergency created by the unavoidable absence of an approved instructor, the program director may appoint an interim instructor who was not previously certified and approved(;-); to complete the current course offering(;-however);

(ii) If it is necessary to appoint an interim instructor, the program director must immediately notify the commissioner of the nature of the emergency, the name of the interim instructor, and the date ((upon which)) the current course offering will conclude(;-); and

(iii) At the conclusion of the ((current)) affected course ((offering)) the program director and provider ((shall suspend operation of)) must not continue to offer the affected course until an approved instructor is available ((to conduct the classes)).

(b) Supervising each approved course and reviewing all completed student evaluations ((of the course)); and

(c) ((Insuring)) Ensuring that instructors properly issue certificates of completion according to WAC 284-17-539 to ((the)) students at the ((completion)) end of each course.

AMENDATORY SECTION (Amending Order R 89-8, filed 6/29/89)

WAC 284-17-537 Prelicensing insurance education instructor qualifications and responsibilities. The prelicensing insurance education provider must submit the name((s)) of each proposed prelicensing insurance education instructor to the commissioner for approval.

(1) To qualify as ((an)) a prelicensing insurance education instructor for an approved provider, each proposed instructor must:

(a) Be experienced. An instructor is experienced if he or she can demonstrate any combination of at least three years of experience instructing insurance education courses, supervising students completing self-paced insurance instructional materials, or experience as ((a licensed)) an insurance ((agent or broker)) producer.

(b) Be trustworthy. An instructor is ((untrustworthy)) not trustworthy if he or she has violated any statute or ((regulation)) rule pertaining to insurance(;) or to any other regulated occupation(;-or), has had an occupational or professional license revoked in any state(;), or has been convicted of a crime ((evidencing lack of fitness to assume fiduciary duties)) reasonably related to his or her honesty or integrity.

(c) ((Demonstrate competence)) Be competent. An instructor is competent in the line of ((insurance)) authority he or she proposes to teach if:

(i) ((Each independent provider's instructor must possess)) He or she possesses and holds in good standing a Washington ((agent's or broker's)) insurance producer license for the applicable line(s) of ((insurance-)) authority; and

(ii) ((Each insurer provider's instructor must possess such a)) He or she has a current license or provides to the satisfaction of the commissioner evidence of appropriate scholastic or professional credentials ((that the commissioner deems)) reasonably equivalent to ((such a)) an insurance license.

(2) The instructor of each approved course ((shall)) must perform all of the following instructional and administrative duties:

(a) At the beginning session of each approved course, ((assure)) ensure that each student has been properly registered.

(b) Remain on the premises whenever instruction is being offered.

(c) Ensure that the study materials ((utilized;)) incorporate the prescribed curriculum(;-) and ((comply with)) follow the lesson plans filed with the commissioner.

(d) ((The instructor may)) Teach approved courses on a live-instruction basis(;-) or combine live instruction with the use of other instructional aids, or proctor student use of self-paced insurance instructional materials.

(e) At the conclusion of the course, distribute ((the standard)) a course evaluation form ((prescribed by the commissioner;)) to each student who ((has completed)) completes the course(;-) and collect the completed forms.

(i) A form that can be used for evaluation of a course is available at the commissioner's web site at www.insurance.wa.gov.

(ii) A copy of each evaluation must be available to the commissioner upon request for three years after conclusion of the course.

(f) ~~((To each student who has completed the course,))~~ Issue a signed certificate of completion ~~((by signing each certificate, and thereby certify))~~ to each student who completes the course that certifies that the student actually completed the course. The certificate and signature may be in electronic form.

(g) Review course evaluations with the program director.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-539 Certificates of completion of a prelicensing insurance education course. (1) A ~~((“))~~ certificate of completion ~~((“))~~ in the standard form prescribed by the commissioner ~~((, shall))~~ must be completed in its entirety, signed by the instructor, and issued by the approved ~~((prelicense))~~ prelicensing insurance education provider to each student in the student's legal name, who has satisfactorily completed an approved course.

(2) Both the student and the instructor(s) ~~((shall))~~ must certify that the course was conducted and completed according to the credit hours and curriculum required ~~((, by affixing their original signatures in the spaces provided on the certificate of completion))~~.

(3) The provider ~~((shall indicate,))~~ must include on the face of the certificate of completion ~~((,))~~ the correct codes assigned by the commissioner to each approved ~~((prelicense))~~ prelicensing insurance education provider and to each approved course.

(4) The approved ~~((prelicense))~~ prelicensing insurance education provider must issue ~~((each valid))~~ certificates of completion within ~~((twenty-four hours from))~~ two business days after the ~~((time the))~~ course ~~((was))~~ is completed.

(5) No instructor may issue a certificate of completion to herself or himself.

(6) Completion of less than the full course curriculum, or of individual classes ~~((,))~~ does not qualify ~~((for))~~ a student to receive a certificate of completion.

(7) A valid certificate of completion (or a valid waiver) for the line of ~~((insurance))~~ authority on which the student will be examined ~~((, and a certificate of completion for the statutes and regulations curriculum,))~~ must be presented to the independent testing service as a prerequisite to ~~((participating in any of the agent's))~~ taking any insurance license examination ~~((, (s) for life, disability, property, or casualty insurance))~~.

(8) The certificate ~~((is valid))~~ of completion for the prelicensing insurance education course will be accepted for twelve months ~~((from))~~ after the course completion date ~~((shown on its face)).~~ Unless waived in accordance with RCW 48.17.175, a prelicensing insurance education course must be retaken if a student does not pass the required examination within twelve months after completion of prelicensing education.

(9) The certificate of completion and required signature may be in electronic form.

AMENDATORY SECTION (Amending Order R 89-9, filed 9/15/89, effective 10/16/89)

WAC 284-17-540 Requirements applicable to independent ~~((prelicense))~~ prelicensing insurance education providers. ~~((This section applies to all persons, other than insurers, offering life, disability, property, or casualty insurance courses to license applicants for purposes of satisfying the educational requirement prescribed by WAC 284-17-505 through 284-17-520.~~

(1) In addition to the general conditions for approval set out at WAC 284-17-530 through 284-17-539, and in addition to ~~((complying with the requirements of WAC 284-17-550, each noninsurer prelicense education provider shall:~~

- (a) Describe any existing insurance education program:
- (i) Class titles and curricula covered;
 - (ii) Number of students per course during previous year;
 - (iii) Name(s) and qualifications of instructor(s);
 - (iv) Name and qualifications of the person responsible for the previous program.

(b) Describe the changes necessary to bring any existing program into compliance with WAC 284-17-530 through 284-17-539, 284-17-550 and 284-17-551, and each applicable section of WAC 284-17-552 through 284-17-555.

(c) ~~((Reveal the provider's department of revenue registration number.~~

~~((2) To qualify a provider for the commissioner's approval, the provider's proposed program director must hold in good standing a valid Washington agent's or broker's license and present evidence of teaching experience, the combination to total a minimum of five consecutive years' qualifications.~~

~~((a) After November 1, 1994, the license(s) must have been held in good standing for at least five years.~~

~~((b) The requirements of this subsection shall not apply to program directors employed by community colleges governed by chapters 28B.19 and 28B.50 RCW, or to program directors employed by vocational technical institutes governed by the superintendent of public instruction and the state board of education.~~

~~((3) To qualify a provider for the commissioner's approval, each of the provider's proposed instructors must hold in good standing a valid Washington agent's or broker's license for the line(s) of insurance he or she will be instructing, and present evidence of teaching experience or experience supervising student completion of self-paced instructional materials, the combination to total a minimum of three consecutive years' qualifications. After November 1, 1992, the license(s) must have been held in good standing for at least three years.~~

~~((4) An independent provider shall establish and maintain records and an appropriate accounting system for all tuition payments received by the provider.~~

~~((a) All tuition funds received must be deposited promptly into a bank account or depository separate from any other account or depository.~~

~~((b) The accounting system used must effectively isolate the separate account from any other operating or personal accounts, and must provide an audit trail so that details underlying the summary data may be identified.~~

(e) The provider shall make such records available for inspection by the commissioner during regular business hours upon demand during the three years immediately after the date of the transaction.

~~(5) Noninsurer course providers shall have an exact physical location or locations.)~~ In addition to the requirements set forth in WAC 284-17-530, all independent providers must comply with the following additional requirements:

(1) The proposed program director must meet the standards set forth in WAC 284-17-535.

(2) The proposed instructors must be in good standing with the commissioner and must meet the standards set forth in WAC 284-17-537.

(3) All tuition funds received must be promptly deposited into an account separate from any other account or depository.

(4) The accounting system used must provide an audit trail so that details underlying the summary data can be identified.

(5) Records of tuition accounting must be available for inspection by the commissioner during regular business hours for three years after the date of the transaction.

(6) Lecture or proctored self-study courses must be offered at one or more physical locations accessible to the public within Washington.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-545 Requirements applicable to ~~((insurer prelicense))~~ insurer-based prelicensing education providers. ~~((This section applies to all admitted insurers regulated by the commissioner, and offering life, disability, property, or casualty insurance education courses to license applicants for purposes of satisfying the educational requirements prescribed by WAC 284-17-505 through 284-17-520.~~

~~(1) In addition to the general conditions for approval set out at WAC 284-17-530 through 284-17-539, and in addition to complying with the requirements of WAC 284-17-550, each insurer applying for prelicense education provider approval must exhibit an existing, bona fide insurance education function which is supervised from the corporate level. The insurer shall:~~

~~(a) Describe the existing program:~~

~~(i) Class titles and curricula covered;~~

~~(ii) Number of students per course during previous year;~~

~~(iii) Name(s) and qualifications of instructor(s);~~

~~(iv) Name and qualifications of person responsible for the program.~~

~~(b) Describe the insurer's plan for agent development.~~

~~(c) Submit the prelicense education plan to be applied throughout Washington state.~~

~~(2) For each program director not licensed as a Washington agent or broker, the provider shall in the request for approval identify the program director's equivalent qualifications, including educational degrees or professional designations earned, and certified evidence of past insurance education and licenses held in this or other states, and identify the program director's past teaching experience.~~

~~(3) For each instructor not licensed as a Washington agent or broker in the line of insurance which is the subject of instruction, the insurer's program director shall in the request for approval identify the instructor's equivalent qualifications, including educational degrees or professional designations earned, and certified evidence of past insurance education and licenses held in this or other states.~~

~~(4) The commissioner retains discretion to determine whether the proposed instructor(s) and the proposed program director's asserted qualifications meet the minimum scholastic and professional criteria required herein.)~~ In addition to the requirements set forth in WAC 284-17-530, all insurer-based providers are subject to the following additional requirements:

(1) Each course must be supervised from the insurer's corporate level.

(2) If the program director does not hold a current Washington insurance license, the insurer must provide the following to the commissioner:

(a) Description of the program director's qualifications, including educational degrees or professional designations earned;

(b) Summary of the program director's past insurance education and past teaching experience; and

(c) Evidence of past insurance education and insurance licenses held in this or other states.

NEW SECTION

WAC 284-17-547 Renewal—Prelicensing insurance education provider. A prelicensing insurance education provider must obtain renewal of the provider's authority, program director, instructors, and courses yearly.

AMENDATORY SECTION (Amending Order R 89-8, filed 6/29/89)

WAC 284-17-550 Prelicensing insurance education course standards. (1) No prelicensing insurance education course will be approved unless the Washington insurance statutes and ~~((regulations))~~ rules applicable to the specific line are incorporated into ~~((each specific line(s)))~~ the curriculum ~~((offered by the provider. These line specific statutes and regulations are not to be contained in the statutes and regulations curriculum of general application found at WAC 284-17-554))~~ for the line of authority.

(2) To qualify for approval, each course ~~((shall be presented under the supervision of an approved instructor, utilizing))~~ must use study materials that include all ~~((the prescribed))~~ required curriculum, ~~((and shall be presented under the general supervision of an approved prelicense education provider.~~

(a) Each instructor's qualifications shall be identified, according to the requirements of WAC 284-17-530 (2)(d) and 284-17-537, and 284-17-540 or 284-17-545, for approval by the commissioner.

(b) The course instructor shall be on the premises whenever instruction is being offered)) as set forth in the examination content outline published in the candidate handbook for each line of authority. The candidate handbook is available

through the commissioner's web site at www.insurance.wa.gov.

(3) Each prelicensing insurance education course ~~((shall))~~ must be broken into individual lesson components covering the prescribed curriculum and the table of contents must include all examination content outline topics.

(a) The course may include instruction ~~((may include coverage of))~~ on related subject matter; however, ~~((such peripheral instruction must be presented in the individual lesson components))~~ any optional subject matter must be designated as supplementary and must be provided as an addition to the prescribed curriculum hours set forth in WAC 284-17-510.

(b) The provider ~~((may choose the prelicense education study materials, and shall))~~ must certify that the study materials include all of the prescribed curriculum.

(4) ~~((“Hours” are approved by the commissioner for an approved course. Each “hour” shall represent at least fifty minutes of actual instruction on a topic within the prescribed prelicense education curriculum.~~

~~(5))~~ No prelicensing insurance education course may be represented as approved until the approved ~~((prelicense))~~ prelicensing insurance education provider has received the commissioner's written approval of the instructor and of the course.

(a) Approved ~~((prelicense))~~ prelicensing insurance education providers must apply to the commissioner for amended course approval if any of the following changes or revisions ~~((are instituted))~~ will be made before the original course approval expiration date:

- (i) Change of study materials; or
- (ii) Change of location ~~((; or~~
- ~~(iii) Change of course tuition or rebate policy)).~~

(b) Amended approval, if granted, is valid only until the original course approval expiration date.

(5) Detailed requirements of course content are available on the commissioner's web site at www.insurance.wa.gov.

AMENDATORY SECTION (Amending Order R 91-3, filed 6/3/91, effective 7/4/91)

WAC 284-17-551 ((Statutes and regulations curriculum)) Prelicensing insurance education—Candidate handbook. ~~((Every prelicense education course shall incorporate study of the:~~

- (1) Nature of insurance:
 - (a) Definition of insurance; insurance transaction;
 - (b) Insurer;
 - (c) Public interest;
 - (d) Risk management;
 - (e) Law of large numbers;
 - (f) Indemnification.
- (2) Insurance commissioner:
 - (a) Authority and duties;
 - (b) Broad powers;
 - (c) Rate and form filings;
 - (d) Examination of records;
 - (e) Penalties;
 - (f) Notice of hearing;
 - (g) Examinations:

- (i) Insurers' financial status;
- (ii) License applicant's qualifications;
- (h) Hearings and appeals;
- (i) Public access to records.
- (3) Insurers:
 - (a) Definitions:
 - (i) Domestic, foreign, alien;
 - (ii) Life, disability—stock, mutual, fraternal;
 - (iii) Property, casualty, vehicle, surety—stock, mutual, reciprocal, Lloyds;
 - (iv) Authorized, unauthorized insurers; certificate of authority.
 - (b) Financial status:
 - (i) Mergers, insider trading;
 - (ii) Rehabilitation, liquidation; Washington Insurance Guaranty Associations:
 - (c) Insuring powers—defining the separate lines;
 - (d) Assets and liabilities:
 - (i) Investments;
 - (ii) Reserves.
 - (e) Fees and taxes.
 - (4) The insurance contract:
 - (a) General provisions;
 - (b) Exclusions and limitations;
 - (c) Insured;
 - (d) Cancellation and nonrenewal;
 - (e) Premium;
 - (f) Binder.
 - (5) Agents, brokers, solicitors, adjusters:
 - (a) Company appointment or affiliation:
 - (i) Purpose, contractual authority, and liability;
 - (ii) Termination.
 - (b) Types of licenses:
 - (i) Exemptions;
 - (ii) Limited lines;
 - (iii) Temporary;
 - (iv) Nonresident;
 - (v) Authority and liability under the regulation:
 - (A) Solicitor;
 - (B) Agent;
 - (C) Broker;
 - (D) Surplus lines broker;
 - (E) Adjuster: Independent, public.
 - (6) Major lines:
 - (a) Life insurance;
 - (b) Disability insurance;
 - (c) Property insurance;
 - (d) Casualty insurance.
 - (7) Other lines:
 - (a) Vehicle insurance;
 - (b) Surety;
 - (c) Credit life and credit accident/health;
 - (d) Travel insurance.
 - (8) Penalties for noncompliance:
 - (a) Refusal/nonrenewal;
 - (b) Suspension/revocation;
 - (c) Fines;
 - (9) Maintenance and duration of license:
 - (a) Appointments/terminations of appointments;
 - (b) Renewal procedures;

(10) Licensing requirements:

(a) Purpose;

(b) Licensing procedures:

(i) Resident;

(ii) Nonresident;

(iii) Temporary license;

(c) Continuing education; renewal procedures:

(i) Penalties for misconduct;

(ii) Exemption from the licensing requirement;

(iii) Temporary license;

(11) Agent responsibilities:

(a) Recordkeeping;

(b) Reply promptly to inquiry by the commissioner;
notify the commissioner of a change of address;

(c) Application completion;

(d) Policy delivery;

(e) Separate account requirement;

(f) Premium accountability;

(g) Fiduciary accountability;

(12) Compensation of licensees:

(a) Sharing commissions;

(b) Charges for extra services;

(13) Protection of public interest;

(14) Unfair practices:

(a) Advertising, comparisons, and defamation;

(b) Charges, inducements, rebating;

(c) Misrepresentation;

(d) Twisting;

(e) Illegal dealing in premiums;

(f) Illegal inducements;

(g) Failure to issue proper receipts;

(h) Unfair claims methods and trade practices;

(i) Broker's fees disclosed;

(j) Penalties;

(k) Discrimination.) The preclicensing insurance education curriculum is described in the candidate handbook. The candidate handbook is incorporated by reference and its entire contents will be enforced by the commissioner. A copy of the current candidate handbook is available through the commissioner's web site at www.insurance.wa.gov.

(1) Information in the current version of the candidate handbook must be provided to each license candidate at the time of enrollment.

(2) If changes are implemented in the prescribed preclicensing education curriculum, the preclicensing insurance education provider must submit a revised course outline at least fifteen calendar days before the implementation date.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-560 Providers ((not approved)) denied approval. The commissioner may deny approval to any ((prelicense)) preclicensing insurance education provider ((based upon)) if:

(1) ((Such)) The preclicensing insurance education provider((s refusal)) refuses or ((failure)) fails to comply with any ((of the)) requirement((s)) of chapter 284-17 WAC, including but not limited to the provider's employment and use of an unqualified program director or instructor; or

(2) Any owner, ((operator,)) program director, or instructor((, or other employee of such provider has)), directly or indirectly, ((compromised)) compromises or ((attempted)) attempts to compromise the integrity or security of Washington state licensing examination questions, or has induced another to do so; or

(3) Any owner, ((operator,)) program director, or instructor((, or other employee of such provider has been cited for noncompliance));

(a) Fails to comply with any of the requirements of ((this chapter or chapter 284-12 WAC, or of)) any ((other)) statute or ((regulation)) rule pertaining to the ((sale)) transaction of insurance or to insurance education; ((or has been cited for violations of))

(b) Violates any statute((s)), ((regulations)) rule, or copyright((s)) related to an examination for any occupational or professional license; or

(c) Is convicted of a crime reasonably related to his or her honesty or integrity.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-565 Suspension or revocation of approved preclicensing insurance education providers((— Loss of approval)). (1) The commissioner may suspend or revoke approval of any ((prelicense)) preclicensing insurance education provider based upon a finding that:

(a) Any owner, ((operator,)) program director, or instructor ((, or other employee of such provider has)) failed to comply with any of the requirements of chapter 284-17 WAC, including but not limited to the failure to employ a qualified program director or instructor(s); or

(b) Any owner, ((operator,)) program director, or instructor((, or other employee of such provider has)), directly or indirectly, compromised or attempted to compromise the integrity or security of Washington state insurance licensing examination questions, or has induced another to do so; ((or))

(c) ((Such)) The provider ((has)) failed to maintain an effective instructional program((;)) or ((has)) misrepresented the quality of the instruction provided((;)) to the detriment of its students; or

(d) An owner, program director, or instructor is or has been convicted of a crime reasonably related to his or her honesty or integrity.

(2) The commissioner may suspend or revoke approval of any ((prelicense)) preclicensing insurance education provider based upon ((such)) a provider's failure to:

(a) Reply promptly((, in writing,)) to an inquiry of the commissioner.

(b) Submit revised course outlines requested by the commissioner. ((If changes are implemented in the prescribed prelicense curricula, affected providers must submit revised course outlines at least fifteen calendar days before the implementation date.))

(c) Make timely disclosure to the ((office of insurance)) commissioner and to enrolling students at the time of their enrollment ((of)) about any offer or payment of any rebate, refund, fee, commission, or discount to persons((;)) other

than the provider's full-time employees(~~(, in connection with))~~ made by the provider based on referrals of students to the provider.

NEW SECTION

WAC 284-17-572 Fee. No fee is required for applying to become a preclicensing insurance education provider or for requesting the commissioner's approval of a preclicensing insurance education course.

NEW SECTION

WAC 284-17-574 Preclicensing insurance education provider numbers. A preclicensing insurance education provider will be assigned a provider number by the commissioner. That number must be included on all correspondence related to preclicensing insurance education and on all certificates of completion.

NEW SECTION

WAC 284-17-576 Actions by a preclicensing insurance education provider that may result in a fine. The following actions by a preclicensing insurance education provider may result in a fine:

- (1) Advertising or offering a course for credit without the prior approval of the commissioner;
- (2) Failing to follow the approved course outline;
- (3) Issuing fraudulent completion certificates;
- (4) Erroneous advertising; or
- (5) Failing to comply with any statute or rule pertaining to preclicensing insurance education providers.

NEW SECTION

WAC 284-17-578 Reinstatement of approval of a preclicensing insurance education provider. (1) Reinstatement of a suspended or revoked approval may be made by the commissioner only after acceptance of satisfactory proof that the conditions responsible for the suspension or revocation have been successfully corrected and the possibility of reoccurrence of the violation has been eliminated.

(2) Reinstatement is at the sole discretion of the commissioner.

NEW SECTION

WAC 284-17-580 Grounds for revocation or suspension of approval of a preclicensing insurance education course. (1) Approval of a preclicensing insurance education course associated with a preclicensing provider may be suspended or revoked if the commissioner concludes that any of the following has occurred:

- (a) The content of an approved course is significantly changed without notice to and prior approval from the commissioner;
- (b) A certificate of completion is issued to a person who did not complete the course;
- (c) A certificate of completion is not issued to a person who satisfactorily completed the course;

(d) The actual instruction of the course is found by the commissioner to be inadequate; or

(e) Within fifteen days after the date of the commissioner's request, the preclicensing insurance education provider fails to supply updated descriptions of any course, records, materials, or audit reports.

(2) Reinstatement of approval of a preclicensing insurance education provider is at the sole discretion of the commissioner and is conditioned upon receipt of satisfactory proof that the conditions responsible for the suspension have been corrected and the possibility of reoccurrence of the violation has been eliminated.

AMENDATORY SECTION (Amending Order R 90-12, filed 11/1/90, effective 1/15/91)

WAC 284-17-600 Licensing requirements for (~~licensees~~) insurance producers who maintain more than one place of business in the state. (1)(a) If (~~an agent operates~~) an individual insurance producer transacts the business of insurance out of more than one place of business in this state, in addition to complying with the requirements of RCW 48.17.450, each (~~such location~~) place of business must be under the charge of an individual properly licensed for the insurance transactions being conducted at the location(~~, and such individual~~).

(b) A business entity insurance producer that maintains more than one place of business in this state must (~~be~~) have an individual licensed as an insurance producer physically present in (~~such~~) the location (~~during the times such~~) when the location is open for the transaction of insurance(~~;~~) to the same extent as would be expected of (~~an agent~~) an insurance licensee operating at a single location.

(2) Each (~~agent~~) insurance producer involved in an insurance transaction must have (~~the appointments~~) all authority necessary for each (~~such~~) insurance transaction, whether by direct appointment from the insurer or by affiliation with (~~an appropriately appointed agent~~).

(2) ~~If an insurance agent is also licensed as an insurance broker while maintaining more than one place of business in this state, transactions in any location which require the services of a broker shall be conducted only by a properly licensed broker)~~ a business entity.

(3) (~~A~~) If a surplus line broker maintains more than one place of business in this state, transactions in any location which require the services of a surplus line broker must be conducted only by a properly licensed individual.

(4) ~~Each failure to comply with this section (~~shall be~~) is an unfair practice pursuant to RCW 48.30.010(~~;~~ and a violation of a regulation pursuant to RCW 48.17.530 and 48.05-140.~~

(4) ~~As contemplated by RCW 48.01.060, the transaction of insurance includes solicitation, negotiations preliminary to execution, execution of an insurance contract, transaction of matters subsequent to execution of the contract and arising out of it, and insuring).~~

NEW SECTION

WAC 284-17-610 Insurance producers and business entities home state. (1) An individual insurance producer may claim only one state as the home state at a time.

(a) Individual insurance producers that claim multiple states as their home state must choose one state to be their home state for all insurance licensing purposes. This will usually be the state chosen for tax reporting.

(b) Insurance producers or business entities that do not claim Washington to be their home state are Washington nonresidents for purposes of Titles 48 RCW and 284 WAC.

(2) Business entities that have a location in this state must have a resident license.

NEW SECTION

WAC 284-17-620 Loans from insurance clients—Reasonable arrangements. RCW 48.17.530 (1)(m) permits the commissioner to define certain reasonable arrangements where an insurance producer may obtain a loan from an insurance client. The commissioner finds that a reasonable arrangement exists when an insurance producer and an insurance client enter into an arms-length commercial transaction, such as for the purchase of real property, and the financial arrangement is based on fair market value.

NEW SECTION

WAC 284-17-625 Documentation of consent to remuneration in addition to a fee where insurance is purchased over the telephone or by electronic means. RCW 48.17.270(5) provides that when insurance is purchased over the telephone or by electronic means for which written consent under RCW 48.17.270(3) cannot be reasonably obtained, consent documented by the insurance producer is acceptable in lieu of the signed written disclosure required by RCW 48.17.270 (3), (4), and (5).

(1) Documentation confirming the consent of the applicant or insured after communication of the information required by RCW 48.17.270(3) is acceptable under RCW 48.17.270(5) if:

(a) The insurance producer sends to the applicant or insured written confirmation of the disclosure;

(b) The written confirmation is sent no later than ten business days after the telephone or electronic purchase; and

(c) A copy of the confirmation is retained by the insurance producer.

(2) In addition, consent documented by a recording that meets the standards of RCW 9.73.030 is acceptable under RCW 48.17.270(5). The recording must be made and maintained in a retrievable format.

(3) The signature of the applicant or insured is not required for consent under this section.

(4) Documentation created under this section must be retained by the insurance producer for five years.

NEW SECTION

WAC 284-17-630 Display of licenses. RCW 48.17.460 requires the display of the license or licenses of each insur-

ance producer, title insurance agent, or adjuster in a conspicuous place in that part of the place of the licensee's business which is customarily open to the public. Licensees whose personal residence is shown on their licenses may obscure their residence addresses as long as the licensee's name can be seen clearly by the public.

NEW SECTION

WAC 284-17-650 Transition rules—July 1, 2009. All licensees and applicants for licenses are urged to read and understand the changes in the insurance producer statutes, new rules and amendments to existing rules related to licensing and insurance education found in chapters 48.17 RCW and 284-17 WAC before July 1, 2009. A link to the statutes and rules is available at the commissioner's web site at www.insurance.wa.gov.

(1) Insurance licenses held on June 30, 2009, as an agent, broker or solicitor will automatically transition to an insurance producer license at 12:01 a.m. on July 1, 2009. For example, persons holding an agent's license on June 30, 2009, will automatically become licensed insurance producers beginning at 12:01 a.m. on July 1, 2009. No application is required for this transition. It will occur automatically by operation of law.

(2) The agent, general agent, broker and solicitor license types will be discontinued on June 30, 2009. After 12:01 a.m. on July 1, 2009, these types of licenses will be merged and converted to an insurance producer license. Additionally, all active appointments or affiliations associated with these license types will be merged and associated with the producer license.

(3) Title insurance agent licenses will not transition to insurance producer licenses.

(4) The limited appointments to an insurer by a resident general agent based on RCW 48.05.310 will be eliminated on June 30, 2009. No conversion of existing limited appointments will occur.

(5) At 12:01 a.m. on July 1, 2009, licenses for the following lines of authority will automatically transition as follows:

Line of authority held on or before June 30, 2009	Line of authority transitioned to on July 1, 2009
Life	Life
Life with a securities license	Variable life and variable annuity products
Disability	Disability
Property	Property
Casualty	Casualty
Marine	Property and casualty
Surety	Surety
Vehicle	Personal lines
Credit life and disability	Limited line credit
Credit casualty	Limited line credit
Credit life and disability, with life, disability, property or casualty	Life, disability, property, casualty, or personal lines

Line of authority held on or before June 30, 2009	Line of authority transitioned to on July 1, 2009
Credit casualty, with life, disability, property or casualty	Life, disability, property, casualty, or personal lines
Travel	Travel

(6) Any license renewed or issued by the commissioner prior to July 1, 2009, will not be reprinted using the new license type or line of authority. Licensees who wish to obtain a new license document should go to the commissioner's web site (www.insurance.wa.gov) after July 1, 2009, for instructions on how to obtain a new license document.

(7) The license, licensing renewal and late fees must be paid beginning July 1, 2009, in accordance with RCW 48.14.010 and 48.17.170.

(8) Applications for late renewal and reinstatement not received by the commissioner as of midnight June 30, 2009, will be processed based on the requirements in effect on July 1, 2009.

(9) Pending applications for an initial or reinstated license or license renewal for agents, general agents, brokers, or solicitors received prior to June 30, 2009, but not approved for issuance until on or after July 1, 2009, will be issued as producer licenses.

(10) Any over-payments received by the commissioner based on fees in effect until July 1, 2009, will not be refunded; however, applicants for licenses, renewals and reinstatements, and assessments for late fees will be assessed and must be paid according to the requirements of RCW 48.14.010 beginning at 12:01 a.m. on July 1, 2009.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-17-121	Qualifications of agents of insurers authorized to transact more than one line of insurance—Exceptions.
WAC 284-17-230	May I take any approved continuing education course?
WAC 284-17-232	When must I meet the continuing education requirement?
WAC 284-17-234	What happens if I am late renewing my license?
WAC 284-17-236	What happens if my renewal is received prior to expiration but is incomplete due to the submission of an invalid course(s), an incorrect fee or noncompletion of the renewal notice?

WAC 284-17-238	What happens if I do not meet the continuing education requirement?
WAC 284-17-240	Can I reinstate my license?
WAC 284-17-242	How long do I have to keep the course completion certificates?
WAC 284-17-248	How long are my certificates of completion valid?
WAC 284-17-280	What courses are eligible for approval?
WAC 284-17-288	What attendance records must the provider maintain?
WAC 284-17-290	How long must the provider maintain the attendance or purchase and completion records?
WAC 284-17-298	Must I submit an electronic attendance roster?
WAC 284-17-301	Does the commissioner have the authority to levy a fine against a CE provider or revoke or suspend a CE provider's approval?
WAC 284-17-308	May I advertise a course prior to approval?
WAC 284-17-320	What are the qualifications of an instructor?
WAC 284-17-421	Definitions.
WAC 284-17-425	How long are initial and reinstated business entity licenses in effect?
WAC 284-17-427	What is the renewal period for a license?
WAC 284-17-431	What is the renewal period for an appointment?
WAC 284-17-433	How long is an appointment effective?
WAC 284-17-437	Appointments of agents.
WAC 284-17-441	Notice to an insurer if an agent is not eligible for an appointment if the appointment was not submitted electronically.
WAC 284-17-447	Termination of an appointment by an agent.
WAC 284-17-455	Agent must be licensed for all lines of authority of the appointing insurer.

WAC 284-17-457	Authority of an agent to act as a representative of an insurer and solicit insurance on its behalf before notifying the commissioner of the appointment.	oral, topical or nasal administration of vaccines, and to make housekeeping changes, and eliminate sections that are no longer needed.
WAC 284-17-463	Who is responsible for ensuring that the agent is eligible for appointment?	Citation of Existing Rules Affected by this Order: Repealing WAC 246-826-090 and 246-826-190; and amending WAC 246-826-030, 246-826-070, 246-826-080, and 246-826-100.
WAC 284-17-469	Is the insurer responsible for the acts of the agent during the period of time the agent is acting as a representative of the insurer or soliciting insurance on its behalf?	Statutory Authority for Adoption: RCW 18.135.030 (SHB 2475, chapter 58, Laws of 2008). Adopted under notice filed as WSR 08-15-086 on July 16, 2008.
WAC 284-17-471	What are the consequences if the commissioner is not notified of the appointment within thirty calendar days after the date the agent has signed the first application for insurance for submission to the insurer and the agent continues to act as a representative of the insurer or solicit insurance on its behalf?	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 4, Repealed 2. Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.
WAC 284-17-477	Valid period of an affiliation.	Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.
WAC 284-17-479	Termination of an affiliation by a business entity.	Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.
WAC 284-17-481	Requirements for termination of an affiliation by a business entity "for cause."	Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 2.
WAC 284-17-482	Information to be provided relating to a "for cause" termination to the commissioner.	Date Adopted: November 26, 2008.
WAC 284-17-552	Life insurance curriculum.	
WAC 284-17-553	Disability insurance curriculum.	
WAC 284-17-554	Casualty insurance curriculum.	
WAC 284-17-555	Property insurance curriculum.	

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-030 Supervision of health care assistants. A health care assistant may be supervised by either the ~~((practitioner who delegated the act))~~ delegator or by ~~((a))~~ another practitioner who ~~((could))~~ can order the act under his or her own license. The practitioner who is supervising the health care assistant must be physically present and immediately available in the facility during the administration of injections or vaccines. The supervising practitioner need not be present during procedures to withdraw blood.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-826-070 Maintenance of listing of drugs and functions authorized. Each delegator must maintain a list of the specific medications~~((/))~~, diagnostic agents, or vaccines and the route of administration of each that he or she has authorized ~~((for injection))~~. Both the delegator and the delegatee shall sign and date the ~~((above))~~ list ~~((-indicating the date of each signature))~~. The signed list shall be available for review by the secretary of the department of health or his/her designee.

WSR 09-02-081

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed January 7, 2009, 11:24 a.m., effective February 7, 2009]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 246-826 WAC amends health care assistant rules by expanding the scope of practice to include

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-826-080 Medication (~~and~~), diagnostic agent, and vaccine list. The list of specific medications, diagnostic agents, and vaccines, and the route of administration of each that has been authorized (~~(for injection pursuant to RCW 18.135.065)~~) shall be submitted to the secretary at the time of initial certification (~~(registration)~~) and again with every recertification (~~(registration)~~). If any changes occur which alter the list, a new list with the delegator and delegatee's signatures must be submitted to the department within thirty days of the change. All submitted lists will be maintained (~~(in)~~) by the department of health (~~(filed under the name of the certifying practitioner or facility and shall be available for review)~~).

AMENDATORY SECTION (Amending WSR 02-06-115, filed 3/6/02, effective 4/6/02)

WAC 246-826-100 Health care assistant classification. (~~(Effective December 2001, there are seven categories of health care assistants:)~~) There are seven categories of health care assistants. All categories may administer vaccines with appropriate delegation and supervision. This can be done by injection, orally, topically, or by nasal administration.

(1) Category A assistants may perform venous and capillary invasive procedures for blood withdrawal.

(2) Category B assistants may perform arterial invasive procedures for blood withdrawal.

(3) Category C assistants may perform intradermal, subcutaneous and intramuscular injections for diagnostic agents and administer skin tests.

(4) Category D assistants may perform intravenous injections for diagnostic agents.

(5) Category E assistants may perform intradermal, subcutaneous and intramuscular injections for therapeutic agents and administer skin tests.

(6) Category F assistants may perform intravenous injections for therapeutic agents.

(7) Category G assistants may perform hemodialysis.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-826-090 Decertification or disciplinary actions.

WAC 246-826-190 Grandfather clause.