

WSR 19-13-031
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket U-161024, General Order R-597—Filed June 12, 2019, 8:00 a.m.,
effective July 13, 2019]

In the matter of amending, adopting, and repealing sections of chapters 480-106 and 480-107 WAC, relating to the Public Utility Regulatory Policies Act.

1 STATUTORY OR OTHER AUTHORITY: The Washington utilities and transportation commission (commission) takes this action under Notice No. WSR 19-05-089, filed with the code reviser on February 20, 2019. The commission has authority to take this action pursuant to RCW 80.01.040, 80.04.160, and 34.05.220.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts, amends, and repeals these rules on the date this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires the commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the commission's responses to the comments reflecting the commission's consideration of them.

5 To avoid unnecessary duplication in the record of this docket, the commission designates the discussion in this order, including appendices, as its concise explanatory statement. This order provides a complete but concise explanation of the agency's actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This order amends, adopts and repeals the following sections of the Washington Administrative Code: Adopting WAC 480-106-001 Purpose, 480-106-002 Application of rules, 480-106-003 Exemptions from rules in chapter 480-106 WAC, 480-106-007 Definitions, 480-106-010 Obligations of qualifying facilities to the utility, 480-106-020 Obligations of the utility to qualifying facilities, 480-106-030 Tariff for purchases from qualifying facilities, 480-106-040 Schedules of estimated avoided costs, 480-106-050 Rates for purchases from qualifying facilities, 480-106-060 Rates for sales to qualifying facilities, 480-106-070 System emergencies and 480-106-080 Interconnection costs; amending WAC 480-107-001 Purpose and scope, 480-107-007 Definitions and 480-107-025 Contents of the solicitation; and repealing WAC 480-107-055 Schedules of estimated avoided cost, 480-107-085 Obligations of generating facilities to the utility, 480-107-095 Obligations of the utility to qualifying facilities, 480-107-105 Rates for sales to qualifying facilities, and 480-107-999 Adoption by reference.

7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on September 1, 2016, at WSR 16-18-

057. The statement advised interested persons that the commission was initiating a proceeding to consider whether rule changes were needed to implement integrated resource plan (IRP) legislation in chapter 19.280 RCW, clarify how recent advances in the energy industry should be treated, address how the resource acquisition rule in chapter 480-107 WAC can be made more effective, and make general process improvements. The commission also informed persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by providing notice to all utility companies and the commission's list of utility attorneys. Pursuant to the notice, the commission received comments on the subject of the rule making on November 2, 2016, and conducted a workshop on December 7, 2016.

8 COMMENTS, WORKSHOPS, AND DISCUSSIONS: The commission received written comments on several dates, including but not limited to, April 17, 2017, April 13, 2018, December 14, 2018, and April 1, 2019. The commission conducted additional workshops on March 10, 2017, May 17, 2017, and May 14, 2018, and hosted discussions with stakeholders on September 6, 2018.

9 SMALL BUSINESS ECONOMIC IMPACT ANALYSIS: The proposed rules implement federal requirements applicable to large, investor-owned utilities, which do not qualify as small businesses, and adopt basic information requirements for qualifying facility (QF) owners, some of which may be classified as small businesses. The commission's proposed rules, however, do not require QF owners to provide information or take action that is substantially different than information those businesses must provide to the investor-owned utilities to enter into a contract, regardless of the commission's rules. To determine whether any stakeholders had information concerning the economic impact of the proposed rules, the commission issued a notice requesting the calculation of any costs companies anticipate they would incur as a result of the proposed rules. The commission received only one response that provided such information, but the respondent subsequently submitted revised comments stating that the proposed rules would not have an economic impact. Accordingly, the information available to the commission demonstrates that the proposed rules would not impose more-than-minor costs on businesses.

10 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on February 20, 2019, at WSR 19-05-089 (notice). The notice includes only a portion of the rules at issue in the CR-101, which remains open for further commission consideration of, and action on, the remaining rules. The commission scheduled the matters in the notice for oral comment and adoption under Notice No. WSR 19-05-089 at 1:30 p.m., on Tuesday, April 30, 2019, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

11 WRITTEN COMMENTS: The commission received written comments in response to the notice on April 1, 2019, from Sun2o Partners, Puget Sound Energy (PSE), Avista

Corporation d/b/a Avista Utilities (Avista), DGEP Holdings, LLC, Northwest Intermountain Power Producers Coalition (NIPPC) and Renewable Energy Coalition (REC), Pacific Power & Light Company (Pacific Power), Renewable Northwest, and OneEnergy Renewables. Summaries of these comments and the commission's responses are contained in Appendix A, which is shown below, and made part of, this order.

12 RULE-MAKING HEARING: The commission considered the proposed rules for adoption at a rule-making hearing on Tuesday, April 30, 2019, before Chairman David W. Danner, Commissioner Ann E. Rendahl, and Commissioner Jay M. Balasbas. The commission heard a presentation from Brad Cebulko on behalf of commission staff (staff) and oral comments from NIPPC and REC, PSE, Pacific Power, Sierra Pacific, Renewable Northwest, OneEnergy, Geronimo Energy, and Avista, all of which largely echoed or expanded on the written comments they or others submitted.

13 SUGGESTIONS FOR CHANGE THAT ARE REJECTED/ACCEPTED: Written and oral comments suggested changes to the proposed rules. The suggested changes and staff's recommendations for rejecting or accepting the suggested changes are included in Appendix A. We agree with staff and adopt these recommendations. In addition, we address and further expand our reasoning on the following issues raised in the written and oral comments from stakeholders.

14 The first issue is the contract term for initial projects for QFs. The proposed rules would expand that term from the current five years (for two of the utilities) to fifteen years from the date of contract formation but not less than twelve years from the date of commercial operation of QF. NIPPC and REC, joined by several other commenters, request that the commission further expand that time frame to begin fifteen years from the date of commercial operation, which they state is the minimum term established in California, Oregon, and Utah, while Wyoming has adopted a twenty year term. The commenters cite to findings in those states that such a fixed term appropriately balances eligible QFs' ability to obtain adequate financing with the need to limit the potential divergence of standard contract rates from the utility's actual avoided costs.

15 We respect the right of other states to establish regulations best suited for their jurisdictions, but our responsibility is to establish appropriate requirements in Washington. We have carefully considered the comments and information provided by all stakeholders in this proceeding - both the utilities that urge us to adopt a shorter contract term and independent power producers who recommend a longer one - and we find that the proposed rules strike the proper balance of the competing interests. Those rules also more than double the minimum length of the contract term for two of the three utilities, while the third has a minimum term consistent with the proposed rule. We believe that such incremental change is preferable to the broader expansion some commenters suggest. Our judgment, of course, is necessarily predictive. Financial and energy markets are not static, and we base our determination on conditions that exist today and appear likely to develop in the future. If we find after implementation and experience with the new rules that a minimum initial contract

term of twelve to fifteen years is insufficient to accomplish Public Utility Regulatory Policies Act's (PURPA) and this state's goals, we will consider revising that requirement.

16 The second and related issue is the difference between the minimum contract terms for new and existing QF projects. The proposed rules would establish a term of twelve to fifteen years for new QF projects and ten years for existing projects. NIPPC and REC, along with other commenters, claim that this difference is discriminatory and at odds with the requirements in other states. If the commission adopts this proposal, the commenters request that the commission clarify the distinction between a "new" QF and an "existing" QF and modify the requirements for how utilities pay QFs for capacity to ensure that both new and existing projects receive full capacity payments.

17 The commenters have not cited any Federal Energy Regulatory Commission (FERC) or judicial precedent that prohibits as discriminatory a different minimum contract term for new and existing QFs, nor are we aware of any such decision. Our determination is based on the real world considerations in Washington that obtaining financing and interconnection takes less time for a QF that is already in operation than for a new project being built from scratch. We also expect such practical realities to be used to differentiate between a new and existing QF. We recognize that both parties have a financial incentive to characterize projects and compensation requirements differently and may exercise novel creativity in support of their positions. Until we have more experience with any such disputes that arise, we hesitate to anticipate and codify resolutions in a rule. If necessary, we may take such action in the future or make other revisions to the rules, relying on a more developed record than that before us now.

18 The third issue is the proposal made by several commenters that the commission revisit its interconnection rules and provide more guidance in light of the proposed revisions to these rules and recent legislation governing renewable energy issues. These commenters are concerned that utilities have a financial incentive to delay the commercial operation of QF projects through the interconnection process and thus effectively shorten the contract term to the minimum twelve years, rather than closer to the fifteen years contemplated in the rules. Other commenters dispute the need for such a proceeding, but all agree that it would likely be complex and contentious.

19 The commission's interconnection rules are outside the scope of the CR-102, and thus we could not take them up here even if we were inclined to do so. Moreover, we agree with the commenters that reopening those rules would require the commission and stakeholders to expend considerable time and resources, which we are reluctant to require in the absence of a demonstrated substantial need. We nevertheless recognize that interconnection process and terms generally could impact the relationship between QFs and utilities and more specifically could affect the implementation of the rules we adopt today. We are committed to facilitating the development of alternative sources of energy. If we become aware that interconnection issues are inhibiting the ability of QFs to effectively provide such alternatives, we will consider initiating a proceeding to address those issues.

20 Fourth, several commenters expressed concern with language in the proposed rule that legally enforceable obligations (LEO) must be memorialized in a written contract. These commenters allege that such a requirement seems to set out a default assumption that no LEO exists unless it is in writing, which is contrary to FERC precedent and has been found to be unlawful. The commenters suggest that the commission revise the proposed rules to state expressly that a LEO arises when QF makes its commitment to sell power and that additional requirements exist to facilitate, not impede, LEO formation.

21 The commenters correctly observe that the commission did not intend the proposed rule to conflict with federal law. We acknowledge that FERC has established that a LEO comes into existence when the QF commits to sell power to the utility. The proposed rule would not change when a LEO arises. The issue the proposed rule addresses, however, is the LEO's terms and conditions. As a practical matter, a QF and the utility cannot operate without a clear delineation in writing of their respective rights and responsibilities. Nor could the commission effectively resolve any disputes arising between the parties without such a document. The proposed rule recognizes that reality and establishes the commission's expectation that the terms and conditions under which a QF and a utility operate will be included in a written agreement after a LEO arises. We nevertheless agree that the language in the rule could be clearer, and we revise it accordingly.

22 Finally, commenters made two requests in their written comments that we address in this order. First, NIPPC and REC ask the commission to clarify that any inputs and assumptions regarding avoided cost changes can be challenged when filed by the utilities. This request is consistent with past commission practice, and we confirm that any party may raise concerns with any utility's inputs and assumptions when the utility files its tariff for purchases from qualifying facilities.

23 The second request is to require the utilities to refile their estimated avoided cost prices and tariffs prior to November 1, 2019. The proposed rules make significant changes to existing requirements, and we agree that the utilities' tariffs should promptly reflect those changes. Accordingly, the utilities should refile their estimated avoided cost prices and revised tariffs within sixty days of the date of this order.

24 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission finds and concludes that it should amend, repeal, and adopt the rules as proposed in the CR-102 at WSR 19-05-089 with the changes described below.

25 **CHANGES FROM PROPOSAL:** The commission adopts the proposal with the following changes from the text noticed at WSR 19-05-089:

1. WAC 480-106-030 (2)(a), replace "must be memorialized" with "will be considered."

2. WAC 480-106-030 (2)(b), at the end of the paragraph add the following sentence: "In making its determination, the commission will recognize that the formation of a legally enforceable obligation is based on a qualifying facility committing itself to sell all or part of its electric output to an electric utility."

3. WAC 480-106-040 (1)(a), replace "fifteen" with "twenty."

4. WAC 480-106-040 (1)(b), replace "ten" with "twenty."

5. WAC 480-106-040 (1)(b)(i), replace "filed" with "acknowledged."

6. WAC 480-106-050 (4)(a)(i), after "contract execution" insert "or a legally enforceable obligation."

26 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: After reviewing the entire record, the commission determines that chapters 480-106 and 480-107 WAC should be amended, repealed, and adopted to read as set forth in Appendix B, as rules of the commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

ORDER

27 THE COMMISSION ORDERS:

28 The commission repeals, amends, and adopts chapters 480-106 and 480-107 WAC to read as set forth in Appendix B, as rules of the Washington utilities and transportation commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

29 This order and the rule set out below, after being recorded in the register of the Washington utilities and transportation commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, June 12, 2019.

Washington Utilities and Transportation Commission

David W. Danner, Chairman
Ann E. Rendahl, Commissioner
Jay M. Balasbas, Commissioner

General Order R-597

Appendix A

(Comment Summary Matrix)

Chapter 480-107 WAC Revision—IRP Rule making U-161024

CR-102 Notice of Opportunity to File Written Comments on the PURPA—Obligations of the Utilities to Qualifying Facilities

Comments Received April 1, 2019

Summary of Comments

1. Avista

Rule or Topic	Summary of Comment	Staff Response
480-106-050 (4)(a)(i)	The proposed rules triple Avista's current terms from five to fifteen years. The commission should balance the risk and burden of longer-term contracts to utility customers' against QF developers' desire for longer-term contracts. If a utility does not have a resource need, tripling the required terms makes utility customers bear the burden of any delta between the utility's actual avoided cost and rates that are locked in. There has been no showing in this proceeding that shorter contract terms prevent qualifying facility developers from being able to obtain financing for their projects.	For new QFs, fifteen years of fixed rates from date of contract strikes an appropriate balance between ensuring that the QF has the ability to obtain financing, and ratepayers' interest that the contracted rates do not significantly diverge from a utility's avoided cost. We also look to FERC Order 69, which addressed this concern. In that order, FERC stated that "The Commission does not believe that the reference in the statute to the incremental cost of alternative energy was intended to require minute-by-minute evaluation of costs which would be checked against rates established in long term [sic] contracts between qualifying facilities and electric utilities ... and believes that, in the long run, 'overestimations' and 'underestimations' of avoided costs will balance out." ²
480-106-050 (4)(a)(i)	The term option for twelve years after commercial operation is problematic, allowing developers to obtain a fixed avoided cost rate as early as three years prior to commercial operation. These rates may not reflect a utility's avoided cost rate three years later and shift risk to utility customers. If avoided cost rates decrease over the three year period prior to commercial operation, QF developer obtains a fixed rate that exceeds the utility's actual avoided cost. If the avoided cost rate increases significantly, QF could dissolve a special purpose LLC and reappear as a new LLC. A utility will then be required to enter into a new contract with that QF at a higher avoided cost rate. This could allow developers a free put option, shifting all of the risk to utility customers.	If a utility's avoided cost rates increase and a QF dissolves a special purpose LLC and reforms, that QF would further delay its operation and its ability to earn any revenue from the project. Furthermore, any affected party may ask the commission to review the interpretation or application of these rules under WAC 480-07-910 or 480-07-370.

2. DGEP Holdings, LLC

Rule or Topic	Summary of Comment	Staff Response
480-106-050(4)	The fifteen years of fixed rates should begin at the date of commercial operation, not contract execution. The financial viability of a project depends on long-term operating cash flows. QF is at risk to any unforeseen delays between contract date and the date of commercial operation.	The commission's proposed rules significantly increase the required term of fixed rates for QF projects, from five years to fifteen, for two of the three regulated utilities. Staff believes that the proposed rules strike a reasonable balance of the interests of QF and the ratepayers.

Rule or Topic	Summary of Comment	Staff Response
480-106-030(2)	The commission should follow FERC precedent and provide language that established a LEO upon a QF's commitment to sell its output to a utility.	Staff recognizes FERC's precedent that a LEO hinges on a QF's commitment to sell all or part of its output to a utility. To further clarify the commission's intent, see staff's proposed changes to WAC 480-106-030(2).
480-106-040	The commission should direct utilities to employ the effective load carrying capability (ELCC) methodology when calculating the value of capacity.	Staff is supportive of the use of ELCC in IRPs, which would flow into the avoided cost filings. However, there may be more than one reasonable and effective methodology for determining the value of capacity of a resource. If a party does not believe that the utility is appropriately valuing a resource in its IRP, any party may ask the commission to review the interpretation or application of these rules under WAC 480-07-910 or WAC 480-07-370, or file a complaint before the commission.

3. Northwest and Intermountain Power Producers Coalition and Renewable Energy Coalition

Rule	Summary of Comment	Staff Response
Joint recommendations	The commission should adopt all of the joint recommendations (filed February 26, 2018), as a package and not reshuffle the deck to create new "winners" and "losers" from the group that was able to forge common ground.	The commission's proposed rules adopt many of the recommendations set forth by the parties that submitted the joint recommendations. ³ However, the commission's obligation is to promote the public interest while complying with all state and federal laws. Staff finds that the commission's rules strike the appropriate balance of meeting the intent of PURPA and providing adequate protection for ratepayers.
480-106-050(4)	A QF should be provided with standard rates for purchases for a term of fifteen years beginning on the date of commercial operation. The proposed rule makes it almost entirely infeasible for a project to get up to fifteen years of certainty for pricing. Oregon, California, and Utah all provided a full fifteen years of price certainty from the date of commercial operation. Wyoming requires twenty year[s] from commercial operation, and Idaho requires twenty years for biomass, cogeneration, and hydroelectric QFs.	For new QFs, fifteen years of fixed rates from date of contract strikes a reasonable balance between ensuring that QF has the ability to obtain financing and ratepayers' interest that the contracted rates do not significantly diverge from the actual avoided costs.
480-106-050(4)	If the commission maintains a fifteen year contract from date of contract execution, it should recognize that the utility has an incentive to delay commercial operation in its interconnection process. The commission should require QF to receive an extension of the total length of its contract if there is a utility-caused delay equal to the length of delay.	The rule states that a utility must make all the necessary interconnections with any QF to accomplish purchases or sales under this rule. In the event of a utility-caused delay, the QF developer can file a complaint against the utility at the commission. The commission would consider the circumstances of the case and make a determination.

Rule	Summary of Comment	Staff Response
480-106-050(4)	<p>Existing QFs should also have the option of receiving fifteen year contracts. No other state in the Pacific Northwest or Rocky Mountain west discriminate in contract length between new and existing QFs. If the commission does not modify the rules to allow fifteen year contract lengths, then the final rule should provide that:</p> <ol style="list-style-type: none"> 1. Existing QFs are paid a full capacity payment in all years; 2. The ten year period for an existing QF starts at the time of power delivery and not contract execution, because the vast majority of existing QFs cannot wait to enter into a new purchase power [power purchase] agreement (PPA) until the day before their current contract expires; and 3. The definition of existing QF should mean a QF that seeks to enter into a new purchase power agreement with the same utility to which QF is already selling power. <p>If the commission "elects to discriminate" contract length for existing QFs, then it should require utilities to pay these QFs full capacity payment based on the next deferrable capacity resource in all contract years. Many existing QFs require upgrading equipment and facilities, including interconnections, at the time of their new agreements and need financing for these long-term investments.</p>	<p>The commission should balance between ensuring that a new QF has the ability to obtain financing and minimizing the risk of the contracted avoided cost significantly diverging from a utility's actual avoided cost. For existing QFs where capital financing is not as significant of a limiting factor as it is for new QFs, shorter contract terms, such as ten years, can help ensure the avoided cost rate is adjusted more frequently to reflect the utility's actual avoided cost. Further, other contract term lengths in this rule also differ. QFs that do not meet the greenhouse gas emissions performance standard established under RCW 80.80.040 are appropriately limited to contract terms of less than five years.</p> <p>Regarding capacity payments valuation, there may be more than one reasonable and effective methodology for determining the value of capacity of a resource. If a party does not believe that the utility is appropriately valuing a resource in its IRP, any party may ask the commission to review the interpretation or application of these rules.</p> <p>We do not believe existing QFs needs to be further defined in rule. Existing QFs are generating, commercially operational facilities under the federal definition of a qualifying facility, as defined in WAC 480-106-007.</p>
480-106-030(2)	<p>Regarding LEO, the phrase "must be memorialized" implies that a default assumption that no LEO exists without being embodied in writing, contrary to FERC precedent. The rules should explicitly provide that the formation of a LEO is based on when QF makes it[s] commitment to sell power, and that the policies, rules, and tariffs related to processing and negotiating PPA do not impede the format of a LEO.</p> <p>The rules should give minimum criteria that must be met by a QF in order to establish that a LEO was formed. If the commission does not modify its rules, the commission should clarify in its adoption that:</p> <ol style="list-style-type: none"> 1. A LEO results from the QF's commitment to sell power to the utility, upon meeting those minimum criteria; 2. Neither a utility nor a state commission can impose restrictions on processes that have the practical effect of delaying the contract negotiation process; 3. Identify specific actions that have the presumption of creating a LEO; and 	<p>Staff recognizes FERC's precedent that a legally enforceable obligation hinges on a QF's commitment to sell all or part of its output to a utility. To further clarify the commission's intent, see staff's proposed changes to WAC 480-106-030(2).</p>

Rule	Summary of Comment	Staff Response
	4. Specifically explain that prior orders in Washington on this topic are superseded by more recent precedent.	
480-106-030(5)	Clarify subsection so that the rule is explicit that QFs larger than five megawatts are eligible for the fifteen year price certainty that is afforded to QFs with standard contracts. Recommend adding, "... including the provision of fixed rates for the terms provided for in the case of standard contracts."	As stated in the rules, nonbinding term sheets for QFs with capacities greater than five megawatts should be consistent with commission rules. Contracting parties should begin negotiations using the terms and conditions of the standard offer as a starting point, but the outcome of the final contract may deviate based on the specific characteristics of QF and the utility, and the circumstances at that time.
480-106-030(2)	Clarify that contracting procedures set out in utilities' tariffs for obtaining a LEO can be completed, assuming appropriate due diligence by QFs, within sixty days.	The commission adopted the sixty days' notice provision as recommended in the joint recommendations (filed February 26, 2018). Staff does not foresee anything in the rules that would prohibit a QF from establishing a LEO within the specified time frame.
480-106-040 (1)(b)(ii)	Clarify that the capacity of market purchases is valued at a simple-cycle combustion turbine for both small and large qualifying facilities.	For QFs larger than five megawatts, the contracting parties should begin negotiations using the terms and conditions of the standard offer as a starting point, but the outcome of the final contract may deviate based on the specific characteristics of QF and the utility, and the circumstances at that time.
480-106-040 (1)(b)	Change the length of estimated avoided cost of capacity from ten years to twenty years, as the ten year limit may unintentionally limit capacity payments to the first ten years of a contract, rather than the fifteen identified in the rule.	Staff agrees and recommends making the change in the final rules.
480-106-050 (4)(c)	QFs should have the option to choose between a renewable rate and a nonrenewable rate. The rules state that during any period in which QF receives standard rates based on the avoided capacity cost of an eligible renewable resource, the utility shall receive the renewable energy certificates produced by QF at no additional cost to the utility.	PURPA includes nonrenewable and renewable energy qualifying facilities. The utility's avoided rate filed with the commission should be representative of the cost a utility would incur if it chose to either provide the energy itself by building new capacity or the cost incurred by purchasing electricity from non-qualifying facilities. If the utility's avoided cost is based on the avoided capacity costs of an eligible renewable resource as defined in RCW 19.285.030, the utility's total avoided cost should include the cost of compliance with the Energy Independence Act (EIA), chapter 19.285 RCW. Therefore, the price reflected in the avoided cost includes the renewable energy certificate.
Avoided cost filings	The order adopting the new rules should clarify that any inputs and assumptions regarding avoided cost changes can be challenged when filed by the utilities.	The rules will continue to allow all interested parties to intervene each time a utility files its avoided cost and contest the utility's results.

Rule	Summary of Comment	Staff Response
Interconnection rule making	The commission should commence an interconnection rule making either as an additional phase of the instant rule-making process or as a separate investigation. The current interconnection rules are not sufficiently detailed and are unclear on key aspects.	The commission should consider this request amongst all the other rule makings and proceedings it has before it.

4. OneEnergy

Rule	Summary of Comment	Staff Response
Compliance filings after order	Requests that the commission order utilities to file estimated avoided cost pricing within thirty days after the rules are final. There is no basis to wait until November 1, 2019, for the initial avoided cost filing.	Staff agrees that the utilities should expeditiously meet the new requirements of the rule prior to November 1, 2019. Staff encourages the commission to explore with parties a reasonable timeline for meeting the new requirements. Staff's initial recommendation is for the utilities to file within sixty days of the order.
Compliance filings	The commission should set prompt deadlines for the utilities to file tariffs and make available standard PPAs for review and execution by QFs.	See staff's recommendation, above.
Interconnection issues	Pacific Power is significantly delayed in its processing of interconnection agreements. The company is not providing the developer with a feasibility study agreement within thirty business days.	Parties can file complaints against a regulated utility under WAC 480-07-910 or 480-07-370.

5. Pacific Power

Rule	Summary of Comment	Staff Response
General comments	The commission's PURPA rules do not go far enough to ensure that the "principle of customer indifference," ⁴ which requires that ratepayers and utilities should remain indifferent to whether the power is purchased from qualifying facilities or from other sources, is upheld.	Staff finds the commission's rules strike the appropriate balance of meeting the intent of PURPA while maintaining adequate protection for ratepayers. Fairness is paramount in PPAs and the principle of customer indifference is key. To this end, the utility's timely filing of accurate estimates of avoided costs is of the utmost importance.
480-106-040(1)	Filing avoided capacity costs separately from energy costs seems simple but is problematic. Must-take obligation means QFs will provide both energy and capacity, so separating these values will not provide meaningful information. Separating the values may also make tariff filings overly complex. Rules should prioritize commission flexibility. Pacific Power recommends removing the requirement that avoided costs for capacity and energy must be identified separately and combined (language revisions provided).	Staff does not support this particular recommendation or position. Separating the avoided cost by capacity, energy, and other costs is best practice for transparency to ensure that the public interest is fulfilled.
480-106-040 (1)(b)	Draft rules require use of most recently "acknowledged" IRP in WAC 480-106-040 (1)(b), then require use of the most recently "filed" IRP in WAC 480-106-040 (1)(b)(i), then revert back to most recently "acknowledged" IRP in subsection (ii). Pacific Power recommends basing avoided costs on estimates from the most recently "filed" IRP. It is critical to use the most up-to-date information available in setting avoided costs.	Staff thanks the parties for identifying this error. Staff recommends correcting WAC 480-106-040 (1)(b)(i) to state the most recently "acknowledged" IRP. While more recent data is generally preferable to older data, an acknowledgment is the only oversight the commission has over a utility's IRP. If resource cost estimates change dramatically between

Rule	Summary of Comment	Staff Response
	<p>Requiring use of old information is inconsistent with WAC 480-106-050(1). Rate cases allow new information and updated data to ensure the most accurate possible rates.</p>	<p>IRP cycles, a utility has the option of requesting an exception to this rule under WAC 480-07-110.</p>
<p>480-106-040(1)(b) and (1)(b)(ii)</p>	<p>Using fixed costs of the next incremental capacity resource overstates the value of that capacity because it fails to account for the lost benefits of a deferred capacity resource. Net capacity costs are a better proxy of a QF's actual value of capacity. Non-QF utility resources are usually dispatched based on economic value; the must-purchase obligation means utilities must buy QF's output even in hours where cheaper options would have been available. "[U]nless the full benefits of the ability to economically dispatch a deferred capacity resource are accounted for in the cost of capacity, customers are not indifferent when QF capacity displaces it." Pacific Power proposes replacing "fixed" with "net" in these sections.</p>	<p>PURPA requires that the utilities purchase a QF's output at its "avoided cost." The actual avoided cost to the utility continuously changes and can only be captured in a snapshot time frame. FERC recognized this issue in Order 69, as previously referenced in this document. When setting its rules, the commission must balance the public interest and goals of PURPA. An important component of that is to create rules that are relatively simple to interpret and implement. We believe Pacific Power's proposal unnecessarily complicates the issue, while not demonstrating that its outcome would produce a more accurate avoided cost.</p>
<p>480-106-040(1)(b)(ii)</p>	<p>Using a simple-cycle combustion turbine as a proxy for capacity valuation may be inconsistent with potential policies to move away from the use of fossil fuels for electricity production. A utility should value its avoided cost of such capacity based on the prevailing market cost it would otherwise incur to build the same type of resource to supply such capacity.</p>	<p>A simple-cycle combustion turbine is a transparent and simple proxy for the value of avoided cost of capacity of market purchases. Staff recognizes that the emerging state policy may require utilities to move away from fossil-fueled plants in the future. However, it is reasonable to assume that a simple-cycle combustion turbine will remain a marginal capacity plant for the foreseeable future.</p>
<p>480-106-040(1)(c)</p>	<p>Qualifying facilities should be required to post security as a condition to receiving levelized pricing, as is required in Utah and Wyoming, where the requirement seems to not be a prohibitive burden. This protects the utility and ratepayers from the possibility that a QF defaults after having benefited from higher-than-normal payments in the earlier years of the term. Contrary to previous commission responses to Pacific Power comments, levelizing payments greatly diminishes a QF's long-term performance incentive by bringing some of the benefits of higher, late-term pricing forward to the beginning of the term. Without security to ensure QFs continued performance, there is an increased risk of a QF defaulting toward the end of the term.</p>	<p>Staff disagrees that levelizing payments does not incentivize long-term performance and greatly diminishes a QF's long-term incentive by bringing forward some of the benefits. A QF does not receive financial compensation from a utility unless it is producing and delivering electricity to the utility. Levelized payments place equal value to the payments over the life of the contract resulting in an equal weighting of benefits over time.</p> <p>We are not convinced that the advantages of a security requirement are outweighed by the requirement's potential disadvantages, making tariffs and contracting processes lengthier, more expensive, and less transparent for all participants.</p>
<p>480-106-050(4)(a)(i)</p>	<p>Pacific Power believes that the intent of the proposed rules is to provide an overall maximum term of fifteen years, and to limit QFs to executing those contracts to no more than three years before their commercial operation dates. However, as written, the proposed rules would require standard rate prices be provided only</p>	<p>Staff appreciates Pacific Power's comments and believe that the order may need to clarify the intent. The fifteen year term begins at the date of contract execution for new QFs. Payments should begin on the commercial operation date, and should continue for either twelve</p>

Rule	Summary of Comment	Staff Response
	starting twelve years after QF reaches commercial operation. Recommends changes to WAC 480-106-050 (4)(a)(i).	years or until the end of the fifteen year term, whichever period is longer.

6. PSE

Rule	Summary of Comment	UTC Response
480-106-040(1)(b)	PSE continues to disagree with the commission's rationale that a simple cycle combustion turbine is the appropriate proxy for calculating the value of avoided cost of capacity of market purchases. PSE urges the commission to adopt a more technology neutral approach. PSE proposes a planning standard developed by a stakeholder advisory group. Demand growth is not a given, and changes in the generation market have introduced a wider range of technologies with which a utility may meet its capacity needs.	A PURPA standard offer contract should be reasonable, simple to understand, and transparent. A simple cycle combustion turbine is a reasonable, simple, and transparent proxy for the value of avoided cost of capacity of market purchases, particularly for QFs with capacities less than five megawatts. PSE does not resolve how a stakeholder advisory committee could come to a conclusion should reasonable parties disagree on an appropriate outcome. This issue is within the purview of the commission and it has proposed a reasonable solution.
480-106-030 (2)(b)	Acknowledges that the establishment of a LEO is an amorphous concept. Although not perfect, the commission's approach is workable.	Staff appreciates PSE's acknowledgment of the challenges of crafting LEO language. Please see previous responses for proposed LEO clarifications in this document.
480-106-040(1)	For QFs with capacities greater than five megawatts, publishing an avoided cost methodology "would provide better cost signals" than static avoided costs in tariff.	The schedule of estimated avoided costs required in WAC 480-106-040(1) is the same schedule that offers rates to QFs less than five megawatts. PSE's proposed replacement of this tariff schedule with a methodology is not acceptable. Staff agrees that there may be merit to the utility publishing methodologies as well. The rules do not prevent the company from also filing, on an informational basis, an avoided cost methodology to assist prospective QFs greater than five megawatts.
480-106-040 (1)(b)	There is an inconsistency within draft rules, using the most recently acknowledged IRP in some instances but the most recently filed IRP in others. PSE recommends using "the most recently filed IRP throughout."	Staff appreciates PSE identification of an inconsistency. While more recent data is generally preferable to older data, an acknowledgment is the only oversight the commission has over a utility's IRP. See staff's proposed edits to the rules.

7. Renewable Northwest

Rule	Summary of Comment	Staff Response
480-106-050 (4)(a)(i)	Draft language would effectively result in a fixed-price period shorter than fifteen years, which is shorter than other PURPA contracts in the region and shorter than many PPAs. The commission should modify the rule so that the fixed-price period begins at a QF's commercial operation date.	For new QFs, fifteen years of fixed rates from date of contract strikes a reasonable balance between ensuring that QF has the ability to obtain financing, and ratepayers' interest that the contracted rates are set at the utility's avoided cost.

Rule	Summary of Comment	Staff Response
480-106-030 (2)(a)	Current language could be interpreted to require an executed written contract for LEO formation. Encourages the commission to clarify its intent in the final version of WAC 480-106-030 (2)(a).	Staff recognizes FERC's precedent that a legally enforceable obligation hinges on a QF's commitment to sell all or part of its output to a utility. To further clarify the intent, see the proposed changes made to WAC 480-106-030(2).
480-106-007	The definition of LEO could be interpreted to require an active commitment of the utility before a LEO can be formed. In the definition, recommends replacing "commitment" with "obligation" to align with FERC precedent.	With staff's recommended addition to the rules, staff is not concerned that the definition of a LEO can be construed as requiring an active commitment of the utility.
480-106-030 (2)(b)	Draft rule says that the commission may make a determination about whether and when a LEO has been established, but the rules do not clarify the commission's standard for making such a determination. Encourages the commission to specify what steps a QF would have to follow to form a LEO.	The commission should make a determination, consistent with FERC precedent, on a case-by-case basis. However, the commission should be guided by FERC's determination in JD Wind 1 that, "... a QF, by committing itself to sell to an electric utility, also commits the electric utility to buy from QF; these commitments result either in contracts or in noncontractual, but binding, legally enforceable obligations [pursuant to the state's implementation of PURPA]."
480-106-040 [(1)](a)	Consistent with the recommendation that QF PPAs start at operation date, the commission should also require utilities to include at least eighteen years of estimated avoided energy costs.	Staff recommends twenty years. See staff's comments in response to the Northwest Inter-mountain Power Producer's comments on number of years of estimated avoided costs.
480-106-040 [(1)](b)	The estimated avoided costs of capacity should be based on the same period used to estimate avoided energy costs.	Staff understands the rules to require utilities to use the same period for estimating the avoided cost of energy and capacity.
480-106-040 [(1)](b)(i)	Using request for proposals (RFP) data, which is often highly confidential, to set avoided cost rates, limits the ability of other PURPA stakeholders to vet avoided cost filings. Encourages the commission to adopt final rules that require utilities to use acknowledged IRP cost estimates.	Should the utility rely on its most recent RFP data, the utility must follow disclosure rules for its most recent project proposals received, pursuant to an RFP issued, and consistent with chapter 480-107 WAC. The utility is also subject to the commission's confidentiality rules.
Compliance filings	Recommends that the commission specify in its order a timeline for the various filings and approval processes that may be required as part of the implementation of the final rules.	Staff agrees that the utilities should expeditiously meet the new requirements of the rule prior to November 1, 2019. Staff encourages the commission to explore with parties a reasonable timeline for meeting the new requirements. Staff's initial recommendation is for the utilities to file within sixty days of the order.

8. Sun2o Partners

Rule	Summary of Comment	Staff Response
Compliance filings	Following the adoption hearing [hearing], the commission should expedite the release of the utilities' avoided cost pricing tariffs and a draft PPA. Further delays to implement the rules could have a detrimental impact on QF's ability to obtain the federal investment tax credit.	Staff agrees that the utilities should expeditiously meet the new requirements of the rule prior to November 1, 2019. Staff encourages the commission to explore with parties a reasonable timeline for meeting the new requirements. Staff's initial recommendation is for the utilities to file within sixty days of the order.

Rule	Summary of Comment	Staff Response
480-106-030(2)	Regarding a LEO, the rules should establish a quantifiable test that relies fundamentally on a QF unequivocally committing itself to sell its output to a utility. LEO criteria cannot depend solely on factors in the control of a utility. The proposed rules do not define the substance of the written contract but its reliance that it be executed by both the utility and QF is not in line with FERC precedent. LEO precedent in Oregon could be useful to the commission. Oregon determined that "a LEO exists when a QF signs a final draft of an executable standard contract that includes a scheduled commercial on-line date and information regarding the QF's minimum and maximum annual deliveries" while still providing that a QF could establish a LEO prior to its execution of a PPA should there be delays or obstruction in the establishment of the contract.	Staff believes that the commission's draft rules are aligned with FERC and Oregon's rules. However, we propose additional clarifying edits in WAC 480-106-030(2).
480-106-050(4)	QFs should have the option to select up to fifteen year contracts at the date of commercial operation and the right to select a date of commercial operation three years from contract execution, so long as QF can complete commercially reasonable milestone events. A period of three years after contract execution is necessary to ensure the completion of the development milestones, including the interconnection study, which is out of the control of the utility. A utility-owned generator typically last[s] for over thirty years regardless of future market pricing.	The commission's proposed rules significantly increase the required term of fixed rates for QF projects, from five years to fifteen, for most of the regulated utilities. Staff believes that the proposed rules strike a reasonable balance of the interests of QF and the ratepayers.
480-106-040	Utilities should use publicly available and independently published third-party data to drive the avoided cost rate schedules. Recommend using EIA data, which has been adopted in other states.	Staff recommends that the utilities use best available information to set its [their] avoided cost rate schedules with a preference for publicly available information, as outlined in WAC 480-100-238 (IRP rules) and chapter 480-107 WAC (acquisition rules). If the utility uses third-party data, the utility should make that information available for inspection and review.
Energy storage	QFs should have the right to incorporate energy storage and be compensated accordingly. FERC has ruled that energy storage is eligible to be incorporated into QFs, so long as at least seventy-five percent of the charging energy is from qualifying renewables.	Staff recommends that the commission remain open to the concept of QFs sited with storage and consider applications on a case-by-case basis, should a petition arrive before the commission, rather than make a determination before an application has been submitted.
480-106-040 (1)(c)	The commission should provide clarity of the levelized avoided cost pricing. A QF delays, reduces, or eliminates the utility's future capacity need and should be compensated accordingly.	Levelized avoided cost pricing means that the costs are converted to a level stream of payments over the contract period.
480-106-040	The commission should require the utilities to use a robust method for calculating the capacity value of each resource, and recommends using the ELCC method. The commission should set clear ELCC guidelines that allow for the contribution of energy storage when paired with a QF. ELCC method should be fixed upon contract	Staff supports the ELCC method and its use in IRPs. However, there may be more than one reasonable and effective methodologies [methodology] for determining the value of capacity of a resource. If a party does not believe that the utility is appropriately valuing a resource

Rule	Summary of Comment	Staff Response
	execution or LEO formation, as it is essential to a QF's ability to secure financing.	in its IRP, it may intervene when the utility files avoided cost rates. Any party may also ask the commission to review the interpretation or application of these rules under WAC 480-07-910 or 480-07-370.
480-106-040	The commission should set standard ELCC percentage by technology by month for all standard offer QFs.	Staff urges the commission not to set standard ELCC percentages by technology and month for all standard offers. The ELCC of a resource will change based on its location and the utility with which it is interconnecting. This determination is best made in a utility's IRP.
480-106-030(5)	The commission should confirm that the proposed rules established for standard offer QFs provide the starting point for large QFs contract negotiations. Large QFs should still be entitled to contract provisions for qualifying facilities with capacities greater than five megawatts.	As stated in the rules, nonbinding term sheets for QFs with capacities greater than five megawatts should be consistent with the commission's rules. Contracting parties should begin negotiations using the terms and conditions of the standard offer as a starting point, but the outcome of the final contract may deviate based on the specific characteristics of QF and the utility, and the circumstances at that time.

¹ WAC 480-100-001.
² FERC Order 69 ¶ 12224, 18 C.F.R. Part 292 Federal Register Vol. 45, No. 38.
³ U-161024 *Joint Recommendations*, on behalf of Puget Sound Energy, Northwest and Intermountain Power Producers Coalition, Renewable Energy Coalition, Renewable Northwest, Northwest Energy Coalition and Climate Solutions (February 26, 2018).
⁴ *Washington Utilities and Transportation Commission v. Washington Water Power Company*, 83 P.U.R. 4th 364 at 375 (1987), is upheld.

Appendix B

Chapter 480-106 WAC

ELECTRIC COMPANIES—PURCHASES OF ELECTRICITY FROM QUALIFYING FACILITIES

NEW SECTION

WAC 480-106-001 Purpose. The purpose of this chapter is to implement the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292 Subparts A and C. If there is any conflict between these rules and PURPA, or the related rules promulgated by FERC in 18 C.F.R. Part 292, PURPA and those related FERC rules control. Purchase of electric power under these rules satisfies a utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.

NEW SECTION

WAC 480-106-002 Application of rules. (1) Except as otherwise provided in this chapter, the rules in this chapter apply to any utility that is subject to the commission's jurisdiction under RCW 80.01.040, 80.04.010, and chapter 80.28 RCW, and qualifying facilities as defined herein. The rules in this chapter do not supersede contracts existing before the effective date of this rule. At the expiration of such an exist-

ing contract between a utility and a qualifying facility, the provisions of this chapter shall apply to rates and terms offered under any contract extension or new contract.

(2) Nothing in this chapter prohibits a utility or a qualifying facility from agreeing to voluntary contracts with rates, terms, or conditions that differ from the provisions in this chapter.

NEW SECTION

WAC 480-106-003 Exemptions from rules in chapter 480-106 WAC. The commission, in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any rule in this chapter consistent with the standards and according to the procedures set forth in WAC 480-07-110 Exemptions from and modifications to commission rules; conflicts with other rules.

NEW SECTION

WAC 480-106-007 Definitions. "Avoided costs" means the incremental costs to a utility of electric energy, capacity, or both that, but for the purchase from the qualifying facility or qualifying facilities, the utility would generate itself or purchase from another source.

"Back-up power" means electric energy or capacity supplied by a utility to replace energy ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the qualifying facility.

"Capacity" means the capability to produce or avoid the need to produce electric energy and ancillary electrical services, measured in kilowatts (kW) including, but not limited to, the criteria described in WAC 480-106-050 (5)(b).

"Commission" means the Washington utilities and transportation commission.

"Energy" means electric energy, measured in kilowatt-hours (kWh) or megawatt-hours (MWh).

"Integrated resource plan" or **"IRP"** means the filing made every two years by a utility in accordance with WAC 480-100-238 Integrated resource planning.

"Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administration incurred by the utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility that are in excess of the corresponding costs the utility would have incurred if it had not engaged in interconnected operations. Interconnection costs do not include any costs included in the calculation of avoided costs.

"Interruptible power" means electric energy or capacity supplied by a utility subject to interruption by the utility under specified conditions.

"Legally enforceable obligation" means the binding commitment of a qualifying facility to sell, and of a utility to purchase, the energy, capacity, or both provided by the qualifying facility over a specified term in accordance with these rules.

"Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of a qualifying facility.

"Qualifying facility" means a cogeneration facility or a small power production facility that is a qualifying facility under 18 C.F.R. Part 292 Subpart B.

"Request for proposals" or **"RFPs"** means the documents describing a utility's solicitation of bids for delivering electric capacity, energy, or both, or conservation that was issued consistent with chapter 480-107 WAC.

"Supplementary power" means electric energy or capacity supplied by a utility that a qualifying facility regularly uses in addition to the energy or capacity that the qualifying facility generates itself.

"System emergency" means a condition on a utility's system that is likely to result in an imminent, significant disruption of service to customers or is imminently likely to endanger life or property.

"Utility" means an electrical company as defined in RCW 80.04.010 that is subject to the commission's jurisdiction under RCW 80.01.040, 80.04.010, and chapter 80.28 RCW.

NEW SECTION

WAC 480-106-010 Obligations of qualifying facilities to the utility. (1) The owner or operator of a qualifying facility purchasing or selling electricity under this chapter must execute a written agreement with the utility stating at a minimum that:

(a) The owner or operator of the qualifying facility will construct and operate all interconnected qualifying facilities within its control in accordance with all applicable federal, state, and local laws and regulations to ensure system safety and reliability of interconnected operations;

(b) The qualifying facility will furnish, install, operate, and maintain in good order and repair, and without cost to the utility, such switching equipment, relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus determined by the utility to be reasonably necessary for the safe and reliable operation of the qualifying facility in parallel with the utility's system, or the qualifying facility may contract for the utility to do so at the qualifying facility's expense; the qualifying facility's delivery of electricity to the utility must be at a voltage, phase, power factor, and frequency as reasonably specified by the utility; and

(c) The utility at all times must have access to all switching equipment capable of isolating the qualifying facility from the utility's system.

(2) To the extent that the qualifying facility will assume responsibility for the safe operation of the interconnection facilities, the qualifying facility is not required to assume responsibility for negligent acts of the utility.

(3) The utility may operate the switching equipment described in subsection (1)(c) of this section if, in the sole opinion of the utility, continued operation of the qualifying facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification in accordance with WAC 480-106-070 System emergencies. The utility must endeavor to minimize any adverse effects of such operation on the owner or operator of a qualifying facility.

NEW SECTION

WAC 480-106-020 Obligations of the utility to qualifying facilities. (1) **Obligation to purchase from qualifying facilities:** A utility must purchase, in accordance with WAC 480-106-050 Rates for purchases from qualifying facilities, any energy and capacity that is made available from a qualifying facility:

(a) Directly to the utility; or

(b) Indirectly to the utility in accordance with subsection (4) of this section.

(2) **Obligation to sell to qualifying facilities:** A utility must sell to any qualifying facility, in accordance with WAC 480-106-060 Rates for sales to qualifying facilities, any energy and capacity requested by the qualifying facility at the same rates, terms, and conditions that are available to other customers of the utility in the same customer class who do not generate electricity.

(3) **Obligation to interconnect:** A utility must make all the necessary interconnections with any qualifying facility to accomplish purchases or sales under this section. The qualifying facility must pay for interconnection costs to the extent required under WAC 480-106-080 Interconnection costs.

(4) **Transmission to other electrical companies:** If a qualifying facility agrees, a utility that would otherwise be obligated to purchase energy, capacity, or both, from such qualifying facility must transmit energy, capacity, or both, to

any other electric service provider at the expense of the qualifying facility. The qualifying facility's use of a utility's transmission facilities shall be pursuant to the utility's open access transmission tariff. Any utility to which energy or capacity generated by a qualifying facility and transmitted to such utility over the facilities of another utility shall purchase the energy or capacity under this subpart as if the qualifying facility were supplying energy or capacity directly to the purchasing utility. The rate the purchasing utility pays the qualifying facility shall be adjusted to reflect line losses and shall not include any charges for transmission.

(5) **Parallel operation:** Each utility must offer to operate in parallel with a qualifying facility if the qualifying facility complies with all applicable standards established in this section.

NEW SECTION

WAC 480-106-030 Tariff for purchases from qualifying facilities. (1) **Tariff for purchases from qualifying facilities required:** Each utility must file a tariff consistent with this chapter and with WAC 480-80-102 Tariff content.

(2) **Contracting procedures:**

(a) In the tariff required in subsection (1) of this section, each utility must file contracting procedures that sets forth the obligations of the utility and the qualifying facility entering into contracts for the purchase and sale of qualifying facility output. Such contracting procedures shall provide that a legally enforceable obligation will be considered in an executed written contract between the utility and the qualifying facility prior to commercial operation;

(b) A legally enforceable obligation may exist prior to an executed written contract. If an irreconcilable disagreement arises during the contracting process, the qualifying facility or the purchasing utility may petition the commission to resolve the disagreement, including making a determination about whether the qualifying facility owner is entitled to a legally enforceable obligation and the date that such obligation occurred based on the specific facts and circumstances of each case. In making its determination, the commission will recognize that the formation of a legally enforceable obligation is based on a qualifying facility committing itself to sell all or part of its electric output to an electric utility.

(3) **Schedule of estimated avoided costs offering standard rates for purchases from qualifying facilities of five megawatts or less:** In the tariff required in subsection (1) of this section, all utilities must file a schedule of estimated avoided costs offering standard rates for purchases from qualifying facilities with nameplate capacities of five megawatts or less, as described in WAC 480-106-040 Schedules of estimated avoided costs. Qualifying facility developers proposing projects with a design capacity of five megawatts or less may choose to receive a purchase price for power that is set forth in such standard tariff.

(4) **Standard contract provisions for purchases from qualifying facilities of five megawatts or less:** In the tariff required in subsection (1) of this section, each utility shall specify the information required for qualifying facilities with nameplate capacities of five megawatts or less to obtain draft executable contracts. All utilities shall file standard contract

provisions for purchases from a qualifying facility with a capacity of five megawatts or less. Standard contracts may include commercially reasonable milestone events and cure periods including, but not limited to, the qualifying facility's:

(a) Provision of any necessary credit support, necessary governmental permits and authorizations, evidence of construction financing, and as-built supplements;

(b) Completion of interconnection facilities;

(c) Completion of start-up testing; and

(d) Achievement of mechanical availability of operation.

(5) **Information and term sheets for qualifying facilities with capacities of greater than five megawatts:** In the tariff required in subsection (1) of this section, each utility shall specify the information required for qualifying facilities of greater than five megawatts to obtain draft and executable contracts. All utilities shall post upon the utility's web site nonbinding term sheets with limited contract provisions for qualifying facilities with capacities greater than five megawatts. Such contract provisions need not be the same as the standard contract provisions required pursuant to subsection (3) of this section, but shall be consistent with the commission's rules.

NEW SECTION

WAC 480-106-040 Schedules of estimated avoided costs. (1) **Filing requirement.** A utility must file by November 1st of each year, as a revision to its tariff described in WAC 480-106-030 Tariff for purchases from qualifying facilities, a schedule of estimated avoided costs that identifies, both separately and combined, its avoided cost of energy and its avoided cost of capacity. All schedules of estimated avoided costs must include:

(a) Identification of avoided energy: An estimated avoided cost of energy based on the utility's current forecast of market prices for power stated on a cents per kilowatt-hour or dollars per megawatt-hour basis for the current calendar year and each of the next twenty years. In determining its avoided cost of energy, the utility may incorporate the daily and seasonal peak and off-peak period prices, by year; and

(b) Identification of avoided capacity: An estimated avoided cost of capacity expressed in dollars per megawatt based on the projected fixed cost of the next planned capacity addition identified in the succeeding twenty years in the utility's most recently acknowledged integrated resource plan filed pursuant to WAC 480-100-238 Integrated resource planning, and such identification must include the following:

(i) Identification of capacity cost: A utility must identify the projected fixed costs of its next planned capacity addition based on either the estimates included in its most recently acknowledged integrated resource plan or the most recent project proposals received pursuant to an RFP issued consistent with chapter 480-107 WAC, whichever is most current; and

(ii) Proxy for planned market purchases: If the utility's most recently acknowledged integrated resource plan identifies the need for capacity in the form of market purchases not yet executed, then the utility shall use the projected fixed costs of a simple-cycle combustion turbine unit as identified

in the integrated resource plan as the avoided capacity cost of the market purchases.

(c) **Levelized avoided cost pricing:** The avoided cost of capacity must account for any differences between the in-service date of the qualifying facility and the date of the next planned generating unit by levelizing the lump sum present value of the avoided cost of capacity discounted by the utility's commission-approved weighted average cost of capital.

(2) **Differentiating among qualifying facilities.** A utility's estimated avoided cost of capacity may differentiate among qualifying facilities based on the supply characteristics of different technologies of qualifying facilities for purposes of calculating the estimated avoided cost of capacity.

(3) **Schedule revisions.** A utility may file to revise its schedule of estimated avoided costs prior to its next annual filing, provided that the commission may not allow such tariff revision to become effective until at least sixty days after such filing. Filing a revised schedule of estimated avoided costs in this subsection does not relieve the utility of its annual obligation to file a schedule in subsection (1) of this section if such filing occurs more than thirty days prior to such annual tariff filings.

NEW SECTION

WAC 480-106-050 Rates for purchases from qualifying facilities. (1) **Rates for purchases by a utility:**

(a) Rates must be just and reasonable to the utility's customers and in the public interest;

(b) Rates must not discriminate against qualifying facilities; and

(c) Rates must not exceed the avoided cost to the utility of alternative energy, capacity, or both.

(2) **Establishing rates:**

(a) A rate for purchase from qualifying facilities satisfies the requirements of subsection (1) of this section if the rate equals the utility's avoided costs after consideration, to the extent practicable, of the factors set forth in WAC 480-106-040 Schedules of estimated avoided costs, and in subsection (5) of this section.

(b) When a utility bases its purchase rates on estimates of avoided costs over a specific term of the contract or other legally enforceable obligation, the rates do not violate these rules if any payment under the obligation differs from avoided costs at the time of delivery.

(3) **Rates for purchases - Time of calculation:** Except for the purchases made under a standard rates tariff pursuant to subsection (4) of this section, each qualifying facility shall have the option to:

(a) Provide energy as the qualifying facility determines such energy to be available for such purchases, in which case the rates for such purchases shall be based on the purchasing utility's avoided cost of energy at the time of delivery; or

(b) Provide energy, capacity, or both, pursuant to a legally enforceable obligation, in which case the rates for purchases shall, at the option of the qualifying facility exercised prior to the beginning of the specified term, be based on:

(i) The avoided costs of energy and capacity calculated at the time of delivery; or

(ii) The avoided costs of energy and capacity projected over the life of the obligation and calculated at the time the parties incur the obligation.

(4) **Standard rates for purchases from qualifying facilities with capacities five megawatts or less:** A utility shall establish standard rates for its purchases from qualifying facilities with capacities of five megawatts or less as follows:

(a) A utility must file the schedule of estimated avoided costs containing standard rates for purchases pursuant to WAC 480-106-040 Schedules of estimated avoided costs as a revision to its tariff required in WAC 480-106-030 Tariff for purchases from qualifying facilities.

(i) The utility's standard rates for purchases must offer fixed rates to a new qualifying facility for a term of fifteen years beginning on the date of contract execution or a legally enforceable obligation, but not less than twelve years from the commercial operation date of the qualifying facility.

(ii) The utility's standard rates for purchases must offer fixed rates to an existing qualifying facility entering into a new agreement with the utility for a term of ten years.

(iii) Qualifying facilities that do not meet the greenhouse gas emissions performance standard established under RCW 80.80.040 are limited to contract terms of less than five years.

(b) A utility's standard rates for purchases must provide the qualifying facility the option to either:

(i) Provide energy as the qualifying facility determines such energy to be available for such purchases, in which case the rates for such purchases shall be based on the purchasing utility's avoided cost of energy at the time of delivery; or

(ii) Provide energy, capacity, or both, pursuant to a legally enforceable obligation, in which case the rates for purchases shall, at the option of the qualifying facility exercised prior to the beginning of the specified term, be based on:

(A) The avoided energy and capacity calculated at the time of delivery; or

(B) The avoided costs of energy and capacity identified in the utility's schedule of estimated avoided costs in effect when the parties incur the obligation.

(c) Except where expressly conveyed to the utility for additional consideration, the qualifying facility shall own the renewable energy certificates and any other environmental attributes associated with the production from such qualifying facility unless the standard rates are based on the avoided capacity costs of an eligible renewable resource as defined in RCW 19.285.030. During any period in which the qualifying facility receives standard rates that are based on the avoided capacity costs of an eligible renewable resource, the utility shall receive the renewable energy certificates produced by the qualifying facility at no additional cost to the utility.

(d) The standard rate may account for the integration costs associated with variable technologies, as approved by the commission.

(5) **Negotiated rates for qualifying facilities with capacities greater than five megawatts:** Each utility shall file and obtain commission approval of its avoided cost rate methodology for qualifying facilities with capacity greater than five megawatts. When negotiating rates for purchases from qualifying facilities with capacities greater than five

megawatts, to the extent practicable, the parties should consider the following factors:

(a) The data the utility provided to the commission pursuant to WAC 480-106-040 Schedules of estimated avoided costs, and the commission's evaluation of the data;

(b) The availability of energy, capacity, and ancillary services from a qualifying facility during the system daily and seasonal peak periods, including:

(i) The utility's ability to dispatch the qualifying facility;

(ii) The qualifying facility's expected or demonstrated reliability;

(iii) The terms of any proposed contract or other legally enforceable obligation;

(iv) The extent to which the parties can usefully coordinate their respective scheduled outages;

(v) The usefulness of energy, capacity, or both, supplied from a qualifying facility during system emergencies, including the qualifying utility's ability to separate its load from its generation;

(vi) The individual and aggregate value of energy and capacity from qualifying facilities on the utility's system; and

(vii) The smaller capacity increments and the shorter lead times available, if any, with additions of capacity from qualifying facilities.

(c) The relationship of the availability of energy, capacity, or both, from the qualifying facility as derived in (b) of this subsection, to the ability of the utility to avoid costs, including the deferral of capacity additions and the reduction of fossil fuel use; and

(d) The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility.

NEW SECTION

WAC 480-106-060 Rates for sales to qualifying facilities. (1) General rules:

(a) Rates for sales:

(i) Shall be just and reasonable, and in the public interest; and

(ii) Shall not discriminate against any qualifying facility in comparison to rates for sales to other customers served by the utility.

Utilities may not deny service to a customer for which the customer otherwise qualifies based on the presence of a qualifying facility, including interruptible power service.

(b) Rates for sales that are based on accurate data and consistent system-wide costing principles will not be considered to discriminate against any qualifying facilities if those rates apply to the utility's other customers with similar load or other cost-related characteristics.

(2) Additional services to be provided to qualifying facilities:

(a) Upon request by a qualifying facility, each utility will provide:

(i) Supplementary power;

(ii) Back-up power;

(iii) Maintenance power; and

(iv) Interruptible power.

(b) The commission may waive any requirement of (a) of this subsection if, after notice in the area served by the utility and after opportunity for public comment, the utility demonstrates and the commission finds that compliance with such requirement will:

(i) Impair the utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the utility.

(3) The rate for sale of back-up power or maintenance power:

(a) Shall not be based on an assumption, unless supported by factual data, that forced outages or other reductions in electric output by all qualifying facilities on a utility's system will occur simultaneously, or during the system peak, or both; and

(b) Must take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

NEW SECTION

WAC 480-106-070 System emergencies. (1) Qualifying facility obligation to provide power during system emergencies: A qualifying facility may be required to provide energy or capacity to a utility during a system emergency only to the extent:

(a) Provided by agreement between the qualifying facility and utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) Discontinuance of purchases and sales during system emergencies: During any system emergency, a utility may, in a nondiscriminatory fashion, discontinue:

(a) Purchases from a qualifying facility if such purchases would contribute to such emergency; and

(b) Sales to a qualifying facility provided that such discontinuance is on a nondiscriminatory basis.

(3) System emergencies resulting in utility action under this chapter are subject to verification by the commission upon request by either party to the power contract.

NEW SECTION

WAC 480-106-080 Interconnection costs. (1) Any costs of interconnection are the responsibility of the owner or operator of the qualifying facility entering into a power contract under this chapter. The utility must assess all reasonable interconnection and necessary system or network upgrade costs the utility incurs against a qualifying facility on a non-discriminatory basis.

(2) The owner or operator of the qualifying facility must reimburse the utility for any reasonable interconnection costs the utility may incur. Such reimbursement may be made, at the utility's election:

(a) At the time the utility invoices the owner or operator of the qualifying facility for interconnection costs incurred by the utility; or

(b) Over an agreed period not greater than the length of any contract between the utility and the qualifying facility.

Chapter 480-107 WAC

ELECTRIC COMPANIES—PURCHASES OF ELECTRICITY (~~FROM QUALIFYING FACILITIES AND INDEPENDENT POWER PRODUCERS AND PURCHASES OF ELECTRICAL SAVINGS FROM CONSERVATION SUPPLIERS~~)

AMENDATORY SECTION (Amending WSR 06-08-025, filed 3/28/06, effective 4/28/06)

WAC 480-107-001 Purpose and scope. (1) The rules in this chapter require utilities to solicit bids, rank project proposals, and identify any bidders that meet the minimum selection criteria. The rules in this chapter do not establish the sole procedures utilities must use to acquire new resources. Utilities may construct electric resources, operate conservation programs, purchase power through negotiated contracts, or take other action to satisfy their public service obligations.

(2) The commission will consider the information obtained through these bidding procedures when it evaluates the performance of the utility in rate and other proceedings.

~~((3)) The rules in this chapter are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. To the extent of any conflict between these rules and PURPA, or the related rules promulgated by FERC in 18 C.F.R. Part 292, PURPA and those related rules control. Purchase of electric power under these rules satisfies a utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.)~~

AMENDATORY SECTION (Amending WSR 06-08-025, filed 3/28/06, effective 4/28/06)

WAC 480-107-007 Definitions. "Affiliate" means a person or corporation that meets the definition of an "affiliate interest" in RCW 80.16.010.

"Avoided costs" means the incremental costs to a utility of electric energy, electric capacity, or both, that the utility would generate itself or purchase from another source, but for purchases to be made under these rules. A utility's avoided costs are the prices, terms and conditions, including the period of time and the power supply attributes, of the least cost final contract entered into as a result of the competitive bidding process described in these rules. If no final contract is entered into in response to a request for proposal (RFP) issued by a utility under these rules, the utility's avoided costs are the lesser of:

~~((1))~~ (a) The price, terms and conditions set forth in the least cost project proposal that meets the criteria specified in the RFP; or

~~((2))~~ (b) Current projected market prices for power with comparable terms and conditions.

~~("Back-up power" means electric energy or capacity supplied by a utility to replace energy ordinarily supplied by utility owned generation or purchased through contracts that is unavailable due to an unscheduled outage.)~~

"Commission" means the Washington utilities and transportation commission.

"Conservation" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production or distribution, or from demand response, load management or efficiency measures that reduce peak capacity demand.

"Conservation supplier" means a third party supplier or utility affiliate that provides equipment or services that save capacity or energy.

~~("Economic dispatch" means modifying the scheduling of power purchases from a generating facility within contractually specified limits to minimize the costs of delivering electricity.)~~

"Generating facilities" means plant and other equipment used to generate electricity purchased through contracts entered into under these rules.

"Independent power producers" means an entity that owns generating facilities or portions thereof that are not included in a utility's rate base and that are not qualifying facilities as defined in this section.

"Integrated resource plan" or "IRP" means the filing made every two years by a utility in accordance with WAC 480-100-238 Integrated resource planning.

~~("Interruptible power" means electric energy or capacity supplied to a utility by a generating facility, the availability of which may be interrupted under certain conditions.)~~

~~"Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of a generating facility.)~~

"Project developer" means an individual, association, corporation, or other legal entity that can enter into a power or conservation contract with the utility.

"Project proposal" means a project developer's document containing a description of a project and other information responsive to the requirements set forth in a request for proposal, also known as a bid.

"Qualifying facilities" means generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B.

"Request for proposals" or "RFPs" means the documents describing a utility's solicitation of bids for delivering electric capacity, energy, or capacity and energy, or conservation.

"Resource block" means the deficit of capacity and associated energy that the IRP shows for the near term.

"Subsidiary" means any company in which the utility owns directly or indirectly five percent or more of the voting securities, and that may enter a power or conservation contract with that electric utility. A company is not a subsidiary if the utility can demonstrate that it does not control that company.

~~("Supplementary power" means electric energy or capacity supplied by a utility that is regularly used by a generating facility in addition to that which the facility generates itself.)~~

"Utility" means an electrical company as defined by RCW 80.04.010.

AMENDATORY SECTION (Amending WSR 06-08-025, filed 3/28/06, effective 4/28/06)

WAC 480-107-025 Contents of the solicitation. (1) The RFP must identify the resource block, consisting of the overall amount and duration of power the utility is soliciting, the initial estimate of avoided cost schedule as calculated in WAC ((480-107-055)) 480-106-040 Avoided cost schedule, and any additional information necessary for potential bidders to make a complete bid.

(2) The RFP must document that the size of the resource block is consistent with the range of estimated new resource needs identified in the utility's integrated resource plan.

(3) The RFP must explain general evaluation and ranking procedures the utility will use in accordance with WAC 480-107-035 Project ranking procedure. The RFP must also specify any minimum criteria that bidders must satisfy to be eligible for consideration in the ranking procedure.

(4) The RFP must specify the timing of process including the solicitation period, the ranking period, and the expected selection period.

(5) The RFP must identify all security requirements and the rationale for them.

(6) Utilities are encouraged to consult with commission staff during the development of the RFP. Utilities, at their own discretion, may submit draft RFPs for staff review prior to formally submitting an RFP to the commission.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-107-055 Schedules of estimated avoided cost.
- WAC 480-107-085 Obligations of generating facilities to the utility.
- WAC 480-107-095 Obligations of the utility to qualifying facilities.
- WAC 480-107-105 Rates for sales to qualifying facilities.
- WAC 480-107-999 Adoption by reference.

WSR 19-15-005

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed July 5, 2019, 1:31 p.m., effective August 5, 2019]

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

Purpose: Chapter 246-834 WAC, Midwifery, the department of health (department) is adopting amendments to rule language that will clarify licensure rules and update the legend drugs and devices section for improved safety of out-of-hospital births. Specific rules amended include WAC 246-834-060 Initial application, 246-834-250 Legend drugs and devices, 246-834-400 Expired license, and 246-834-450 Inactive license.

Citation of Rules Affected by this Order: Amending WAC 246-834-060, 246-834-250, 246-834-400, and 246-834-450.

Statutory Authority for Adoption: RCW 18.50.135 and 18.50.115.

Adopted under notice filed as WSR 19-06-066 on March 5, 2019.

Changes Other than Editing from Proposed to Adopted Version: In WAC 246-834-250 (3)(a) changed language from: Intravenous fluids limited to Lactated Ringers, 5% Dextrose with Lactated Ringers heparin and 0.9% sodium chloride for use in intravenous locks;

Edited language to: Intravenous fluids limited to Lactated Ringers, 5% Dextrose with Lactated Ringers, and 0.9% sodium chloride;

The reason given is because heparin is no longer routinely used by midwives, and emergency medical services only allow sodium chloride as an IV fluid during transport. This is a current community standard.

A final cost-benefit analysis is available by contacting Kathy Weed, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4883, fax 360-236-2901, TTY 360-833-6388 or 711, email kathy.weed@doh.wa.gov, web site 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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, 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 4, Repealed 0.

Date Adopted: July 3, 2019.

John Weisman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 15-20-049, filed 9/30/15, effective 10/31/15)

WAC 246-834-060 Initial application requirements for licensure as a midwife. (1) An applicant for a midwife license shall submit to the department the following:

(a) Initial application on forms provided by the department.

(b) Fees required in WAC 246-834-990.

(c) Proof of high school graduation, or its equivalent.

(d) Proof of at least three years of midwifery training, per RCW 18.50.040 (2)(a), unless the applicant qualifies for a reduced academic period.

(e) ~~((A current plan for consultation, emergency transfer and transport.~~

~~(f))~~ Proof of completion of seven clock hours of HIV/AIDS education as required in chapter 246-12 WAC, Part 8.

~~((g))~~ (f) Proof of successful completion of the midwifery jurisprudence exam, as offered by the department.

(2) In addition to the requirements in subsection (1) of this section, an applicant for a midwife license shall also:

(a) Have transcripts sent directly to the department from the applicant's midwifery school demonstrating that the applicant has received a certificate or diploma in midwifery. ~~((Those))~~ An applicant(s) applying under WAC 246-834-065 or 246-834-066 ((or 246-834-220)) may be exempted from this requirement.

(b) Have verification of passing the North American Registry of Midwives (NARM) examination. Results must be sent directly to the department from NARM.

(3) Once all application requirements in this section are met, and additional requirements in WAC 246-834-065 or 246-834-066 ~~((or 246-834-220))~~ if applicable, the department will schedule the applicant for the Washington state specific component exam.

AMENDATORY SECTION (Amending WSR 05-06-118, filed 3/2/05, effective 4/2/05)

WAC 246-834-250 Legend drugs and devices. (1) Licensed midwives may purchase and use legend drugs and devices as follows:

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amni-hooks, airway suction devices, electronic fetal ~~((monitoring, tococ monitoring, neonatal and adult resuscitation equipment, oxygen, glucometer, and centrifuge; and~~

~~((b))~~ monitors, tocodynamometer monitors, oxygen and associated equipment, glucose monitoring systems and testing strips, neonatal pulse oximetry equipment, hearing screening equipment, and centrifuges;

(b) Nitrous oxide as an analgesic, self-administered inhalant in a 50 percent blend with oxygen, and associated equipment, including a scavenging system;

(c) Neonatal and adult resuscitation equipment and medication, including airway devices and epinephrine for neonates.

(2) Pharmacies may issue breast pumps, compression stockings and belts, maternity belts, diaphragms and cervical caps, glucometers and testing strips, iron supplements, prenatal vitamins, and recommended vaccines as specified in subsection (3)(e) through (j) of this section ordered by licensed midwives.

~~((2))~~ (3) In addition to prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho (D) immune globulin ((human)), and local anesthetic medications as listed in RCW 18.50.115, licensed midwives may obtain and administer the following medications:

(a) Intravenous fluids limited to Lactated Ringers, 5% Dextrose with Lactated Ringers ~~((heparin)), and 0.9% sodium chloride ((for use in intravenous locks));~~

(b) Sterile water for intradermal injections for pain relief;

(c) Magnesium sulfate for prevention of maternal seizures pending transport;

(d) Epinephrine for use in maternal anaphylaxis and resuscitation and neonatal resuscitation, pending transport;

(e) Measles, Mumps, and Rubella (MMR) vaccine to nonimmune postpartum women ~~((, HBIG and HBV for neonates born to hepatitis B+ mothers));~~

(f) Tetanus, diphtheria, acellular pertussis (Tdap) vaccine for use in pregnancy;

(g) Hepatitis B (HBV) birth dose for any newborn administration;

(h) HBIG and HBV for any neonates born to hepatitis B+ mothers;

(i) Influenza vaccine for use in pregnancy;

(j) Any vaccines recommended by the CDC advisory committee on immunization practices for pregnant or postpartum people or infants in the first two weeks after birth, as it existed on the effective date of this section;

(k) Terbutaline ((for nonreassuring fetal heart tones and/or cord prolapse)) to temporarily decrease contractions pending emergent intrapartum transport;

~~((g))~~ (l) Antibiotics for intrapartum prophylaxis of Group B beta hemolytic Streptococcus (GBS) per current CDC guidelines; and

~~((h))~~ (m) Antihemorrhagic drugs to control postpartum hemorrhage((- such as misoprostol per rectum (for use only in postpartum hemorrhage)) including, but not limited to, oxytocin, misoprostol, methylergonovine maleate ((in the absence of hypertension,)) (oral or intramuscular), and prostaglandin F2 alpha ((hemobate), intramuscular)).

~~((3))~~ (4) The client's records ((shall)) must contain documentation of all medications administered.

~~((4))~~ (5) The midwife must have a procedure, policy or guideline for the use of each drug and device. A midwife may not administer a legend drug or use a legend device for which he or she is not qualified by education, training, and experience.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-400 Expired license. (1) If a midwife's license under this chapter has been expired for less than three years ~~((or less)),~~ to reinstate the license the practitioner shall meet the requirements of chapter 246-12 WAC, Part 2.

(2) If a midwife's license under this chapter has expired and the practitioner has been engaged in the active practice of midwifery in another United States jurisdiction or territory, or other location approved by the department, to reinstate the license the practitioner shall:

(a) Submit verification of active practice; and

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If a midwife's license under this chapter has been expired for ~~((more than))~~ three years or more but less than five years at time of application, and the practitioner has not been actively engaged in midwifery, the practitioner shall:

(a) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of ten births; and

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(4) If a midwife's license under this chapter has been expired for more than five years at time of application, and the practitioner has not been actively engaged in midwifery, the practitioner shall:

(a) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of fifteen births;

(b) Retake and successfully pass the Washington state licensing examination; and

(c) Meet the requirements of chapter 246-12 WAC, Part 2.

(5) A proposed preceptor shall:

(a) Hold an active license without restriction, current discipline, or conditions as a midwife under chapter 18.50 RCW, a certified nurse midwife under chapter 18.79 RCW, an allopathic physician under chapter 18.71 RCW, or an osteopathic physician under chapter 18.57 RCW;

(b) Have actively practiced at least three consecutive years or attended at least one hundred fifty births; and

(c) Have demonstrated ability and skill to provide safe, quality care.

AMENDATORY SECTION (Amending WSR 17-15-024, filed 7/7/17, effective 8/7/17)

WAC 246-834-450 Inactive license. (1) A licensed midwife may obtain an inactive license ~~(-Refer to)~~ by meeting the requirements of chapter 246-12 WAC, Part 4.

(2) An inactive license must be renewed every year on the midwife's birthday according to WAC 246-12-100 and by paying the fee required under WAC 246-834-990.

(3) A midwife with an inactive license may return to active status.

(a) A midwife with an inactive license for three years or less who wishes to return to active status must meet the requirements of chapter 246-12 WAC, Part 4.

(b) A midwife with an inactive license for more than three years, who has been in active practice in another United States jurisdiction or territory or other location approved by the department and wishes to return to active status must:

(i) Submit verification of active practice; and

(ii) Meet the requirements of chapter 246-12 WAC, Part 4.

(c) A midwife with an inactive license for more than three years but less than five, who has not been in active practice and wishes to return to active status must:

(i) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of ten births; and

(ii) Meet the requirements of chapter 246-12 WAC, Part 4.

(d) A midwife with an inactive license for more than five years who has not been in active practice and wishes to return to active status must:

(i) Work as a birth assistant under the supervision of a department-approved preceptor for a minimum of fifteen births;

(ii) Retake and successfully pass the Washington state licensing examination; and

(iii) Meet the requirements of chapter 246-12 WAC, Part 4.

(4) A proposed preceptor shall:

(a) Hold an active license without restriction, current discipline, or conditions as a midwife under chapter 18.50

RCW, a certified nurse midwife under chapter 18.79 RCW, an allopathic physician under chapter 18.71 RCW, or an osteopathic physician under chapter 18.57 RCW;

(b) Have actively practiced at least three consecutive years or attended at least one hundred fifty births; and

(c) Have demonstrated ability and skill to provide safe, quality care.

WSR 19-15-008

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed July 8, 2019, 9:22 a.m., effective August 8, 2019]

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

Purpose: The department is amending WAC 388-828-9360 to allow short-term employment support to be authorized for a maximum of six months at a time rather than three months at a time.

Citation of Rules Affected by this Order: Amending WAC 388-828-9360.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.040.

Adopted under notice filed as WSR 19-11-083 on May 17, 2019.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@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 the Request of a Non-governmental 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: July 5, 2019.

Cheryl Strange
Secretary

AMENDATORY SECTION (Amending WSR 13-01-076, filed 12/18/12, effective 1/18/13)

WAC 388-828-9360 What ~~((are))~~ is short-term employment ~~((supports))~~ support? (1) Short-term employment ~~((supports))~~ support is a service that allows ~~((DDD))~~ DDA to approve ~~((additional))~~ service hours in addition to the amount of your employment service base hours ~~((see))~~

under WAC 388-828-9335(~~(3)~~) and add-on hours (~~((see))~~) under WAC 388-828-9345(~~(3)~~) when:

- (a) You are beginning a new job;
 - (b) There is a planned or unexpected change in your job or job duties;
 - (c) Your current employment is at risk and short-term supports are needed to assist you in maintaining your current job; or
 - (d) You are stuck on your pathway to employment and need individualized technical assistance.
- (2) Short-term employment (~~((supports))~~) support may be authorized for a maximum of (~~(three))~~ six months at a time and may be reauthorized when:
- (a) The circumstances identified in subsection (1) of this section (~~((WAC 388-828-9360(1)))~~) continue(~~(,))~~ as evidenced by(~~(,))~~ receipt of a current employment work plan or review describing the need; and
 - (b) Both your employment provider and county recommend continuing the use of short-term employment (~~((sup-ports))~~) support.

WSR 19-15-017
PERMANENT RULES
EASTERN WASHINGTON
STATE HISTORICAL SOCIETY

[Filed July 9, 2019, 10:22 a.m., effective August 9, 2019]

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

Purpose: To comply with EHB 1595 and RCW 42.56.120.

Citation of Rules Affected by this Order: Amending WAC 256-20-070.

Statutory Authority for Adoption: RCW 42.56.040, [42.56].120, 27.34.070.

Adopted under notice filed as WSR 19-06-025 on February 28, 2019.

Changes Other than Editing from Proposed to Adopted Version: All changes were editing changes.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: July 9, 2019.

Kate Rau
Executive Assistant

AMENDATORY SECTION (Amending WSR 17-07-057, filed 3/11/17, effective 4/11/17)

WAC 256-20-070 Costs of providing copies of public records. (~~((+))~~) The following copy fees and payment procedures apply to public records requests made after the effective date of this rule:

(1) Pursuant to RCW 42.56.120 (2)(b), the eastern Washington state historical society is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The eastern Washington state historical society does not have the resources to conduct a study to determine all its actual copying costs;

(b) It is difficult to calculate all costs directly incident to copying records; and

(c) To conduct such a study would interfere with other essential eastern Washington state historical society functions.

(2) Costs for ~~((inspection))~~ copies. There is no fee for inspecting public records(-

(2) ~~Costs for standard copies.~~ A requestor may obtain standard black and white photocopies, 8.5" x 11" for fifteen cents per page.

(3) ~~Costs of nonstandard copies.~~ Nonstandard copies include nonstandard black and white copies, color copies, engineering drawings, and photographs. An eastern Washington state historical society requestor will be charged the actual costs for nonstandard photocopies.

(4) ~~Use of outside vendor.~~ Eastern Washington state historical society is not required to copy records at its own facilities. Eastern Washington state historical society can send the project to a commercial copying center and bill the requestor for the amount charged by the vendor.

(5) ~~Costs for electronic records.~~ The cost of electronic copies of records shall be the cost of the disk or storage device. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(6) ~~Costs of mailing.~~ The eastern Washington state historical society may also charge actual costs of mailing, including the cost of the shipping container.

(7)). The eastern Washington state historical society will charge for copies of public records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The eastern Washington state historical society will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the eastern Washington state historical society may charge other copying fees authorized by statutes outside of chapter 42.56 RCW. The eastern Washington state historical society may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the eastern Washington state historical society are summarized in the fee schedule available on the eastern Washington state historical society's web site at www.northwestmuseum.org.

(3) Requestors are required to pay for copies in advance of receiving copies of records. Cost waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying costs when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred pages. If that email for any reason is not deliverable, records will be produced in accordance with this rule.

(b) Fee waivers are not applicable to records requested in installments.

(4) Payment. Payment may be made by cash, check, or money order to the eastern Washington state historical society. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the ~~((records))~~ copies, or the payment of the costs of copying an installment before providing that installment. The eastern Washington state historical society will not charge sales tax ~~((when it makes))~~ for copies of public records.

(5) The eastern Washington state historical society will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

WSR 19-15-025

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 18-02—Filed July 10, 2019, 8:22 a.m., effective August 10, 2019]

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

Purpose: In 2018, legislation passed amending chapter 70.95B RCW (chapter 213, Laws of 2018). It directed the department of ecology (ecology), with the advice of an advisory committee, to establish an initial fee schedule in rule.

Ecology is adopting changes to chapter 173-230 WAC, Certification of operators of wastewater treatment plants (rule). This rule establishes the classifications for wastewater treatment plants and the requirements for certification of wastewater treatment plant operators.

The changes to the rule include the following:

- Establishes a new fee schedule as directed by the legislature in 2018.
- Provides for an operator in training and respective education and experience qualifications for Groups II-IV.
- Acknowledges new technologies in wastewater treatment.
- Creates standalone sections where more information and clarity were needed.
- Clarifies rule language to codify existing program practices.

Citation of Rules Affected by this Order: New WAC 173-230-200 through 173-230-380; and repealing WAC 173-230-010 through 173-230-140.

Statutory Authority for Adoption: Chapter 70.95B RCW, Domestic waste treatment plants—Operators.

Adopted under notice filed as WSR 19-07-024 on March 12, 2019.

Changes Other than Editing from Proposed to Adopted Version: The only change made from the proposed rule was the addition of two allowable types of relevant experience, one inadvertently removed and another as clarification based on a question asked at a public hearing.

A final cost-benefit analysis is available by contacting Jocelyn W. Jones, P.O. Box 47600, Olympia, WA 98504, phone 360-407-6321, people with [a] speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, email jocelyn.jones@ecy.wa.gov, web site <https://fortress.wa.gov/ecy/publications/SummaryPages/1910023.html>.

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 1.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 18, Amended 0, Repealed 12.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 18, Amended 0, Repealed 13.

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: July 10, 2019.

Maia D. Bellon
Director

NEW SECTION

WAC 173-230-200 Definitions. "Activated sludge process" means a biological wastewater treatment process in which a mixture of wastewater and activated sludge is agitated and aerated. The activated sludge is subsequently separated from the treated wastewater by sedimentation or filtration and wasted or returned to the process as needed.

"Biennium" means a two-year period from July 1st of each odd year through June 30th of the next odd year.

"Biofiltration" means the process of passing a liquid through a biological filter that contains fixed media on surfaces which develop zooglyphic films that absorb and adsorb fine suspended, colloidal, and dissolved solids and release end products of biochemical action.

"Certificate" means the certificate of competency issued by the director stating that an individual has met the requirements for a specific classification in the wastewater treatment plant operator certification program.

"Certificate holder" means the individual to whom a certificate is issued.

"CEU" means continuing education unit that is a nationally recognized unit of measurement similar to a college credit. One CEU is awarded for every ten contact hours of

participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction. Forty-five CEUs is equivalent to one year of education.

"College credits" means credits earned toward a college degree or in course work that is relevant to the operation of a wastewater treatment plant. One year of college is equivalent to forty-five quarter credits or thirty semester credits.

"Department" means the Washington state department of ecology.

"Director" means the director of the department of ecology or the director's designee.

"Effective date of a revocation order" means the date a revocation period ends.

"Extended aeration" means a modification of the activated sludge process that uses long aeration periods and long mean cell residence times for aerobic digestion of the biological mass by endogenous respiration and promotes the growth of nitrifying organisms.

"Exam" means a test recognized by the department to determine the competency of operators for each certification level.

"Exam cycle" means a five-year period from the time a new exam is released.

"Full certification" means holding a Group I, II, III, or IV wastewater treatment plant operator certification issued by the department. Full certification does not include operator in training certifications.

"GED" means a general education development certificate issued by a recognized education institution. A GED is equivalent to a high school diploma.

"Group" and "class" for the purpose of operator certification and wastewater treatment plant classification are the same.

"Lagoon" means any large lined holding or detention pond, usually with earthen dikes, that is used to contain wastewater while sedimentation and biological stabilization occurs.

"Lead operator of a shift" means the individual onsite at a wastewater treatment plant whose primary responsibility is to operate and maintain the wastewater treatment plant on a regularly run shift. The lead operator of a shift is subordinate to the operator in responsible charge. An OIT may not be the lead operator of a shift.

"MBR (membrane bioreactor)" means an activated sludge process that combines a suspended growth biological reactor with solids removal via filtration in a single unit.

"Operating experience" means the routine performance of duties, onsite at a wastewater treatment plant, that affect plant performance or effluent quality.

"Operating shift" means a designated period of time in which a certified operator makes decisions or takes actions that may affect plant operations.

"Operator" means an individual who performs routine duties, onsite at a wastewater treatment plant, that affect plant performance or effluent quality.

"Operator in responsible charge" means the individual who is designated by the owner as the person routinely onsite and in direct charge of the overall operation and maintenance

of a wastewater treatment plant. An OIT may not be the operator in responsible charge.

"Operator in training (OIT)" means an individual who passed an exam but has less than the required amount of operating experience to meet the full certification requirements.

"Operator in training certificate" means a certificate issued by the department to an operator in training that is working towards full certification.

"Owner" means in the case of:

- A town or city, the city or town acting through its chief executive officer or the lessee if operated under a lease or contract;

- A county, the chairman of the county legislative authority or the chairman's designee;

- A sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee;

- A privately owned wastewater treatment plant, the legal owner.

"Primary wastewater treatment" means clarification to physically remove settleable and floatable materials in addition to the removal of raw biosolids and preliminary treatment; preliminary treatment consists of one or more of the following: Screening, grit removal and comminution, and grinding.

"Professional growth" means training that is directly related to improving competencies in areas that relate to operating and maintaining a wastewater treatment plant.

"Professional growth reporting period" means a designated period of time, not less than three years, in which a certified operator completes the professional growth requirement in WAC 173-230-300.

"Provisional certificate" means a one-time certificate issued without passing an exam if the plant classification increases solely due to a reclassification based on the criteria in Table 4.

"Reclaimed water" means water derived in any part from a wastewater with a domestic wastewater component that has been adequately and reliably treated to meet the requirements of chapter 173-219 WAC, so that it can be used for beneficial purposes. Reclaimed water is not considered a wastewater.

"Reclaimed water facility" means the treatment plant, equipment, storage, conveyance devices, and dedicated sites for reclaimed water generation.

"Reciprocity" means the mutual exchange of a valid out-of-state wastewater treatment plant operator's certificate achieved by passing a department approved exam for an equivalent level of certification without further examination.

"Revocation" means the department invalidates an operator's certificate.

"Routine" means duties that are performed on a regular basis and not sporadically.

"Sequencing batch reactor (SBR)" means a fill-and-draw activated sludge system where sewage is added to one of several tanks which are alternately filled, aerated, settled, and decanted. A typical system applies a predetermined sequence of operations based on the flow and other inputs using a programmable logic controller and is uniquely suited for wastewater treatment applications characterized by low or intermittent flow conditions.

"Standardized exam" means a national exam with standard questions for all states and not customized for individual states.

"Suspension" means to make an operator's certificate temporarily invalid.

"Tertiary" means advanced physical/chemical or biological treatment of wastewater beyond the conventional secondary stage to remove additional suspended and dissolved substances. These substances may include phosphorus and nitrogen, a high percentage of suspended solids, dissolved inorganic solids, toxic compounds, microorganisms, and complex organic compounds.

"Wastewater certification program coordinator" means an employee of the department who is appointed by the director and who administers the wastewater treatment plant operator certification program.

"Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used to collect and transport wastewater.

"Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and that, by its design, requires the presence of an operator for its operation. It does not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

"Wetland treatment" means natural treatment system wetlands intentionally constructed and managed for the primary purpose of wastewater treatment.

NEW SECTION

WAC 173-230-210 Purpose and scope. (1) **Purpose.** The purpose of this regulation is to protect public health and the environment, including waters of the state, by ensuring wastewater treatment plants are properly operated and maintained. By requiring certification of wastewater treatment plant operators, the department ensures they demonstrate competence to operate and maintain wastewater treatment plants or reclaimed water facilities.

(2) **Scope.** This rule establishes the requirements for:

- (a) Obtaining and maintaining a wastewater treatment plant operator certification.
- (b) Certification level requirements for an operator in responsible charge of a treatment plant.
- (c) Certification level requirements for a lead operator of a shift.
- (d) Wastewater treatment plant classifications.
- (e) Enforcement actions for violations of this chapter.

NEW SECTION

WAC 173-230-220 Applicability. (1) This rule applies to wastewater treatment plant owners, all certified wastewater treatment plant operators, and those seeking certification.

(2) The operator in responsible charge and the lead operator of a shift are required to hold valid certifications.

(3) All individuals operating wastewater treatment plants who are not required to be certified are encouraged to seek certification.

NEW SECTION

WAC 173-230-230 Application required. (1) Any person seeking certification must submit the following to the department:

- (a) Completed application for the certification level they are seeking on a form provided by the department;
- (b) Fees;
- (c) College transcripts, if applicable;
- (d) Professional growth certificates, if applicable; and
- (e) Supporting documents, if applicable.

(2) If an application to take an exam is approved, the examinee has one year from the date of approval to take and pass the exam.

(a) If the examinee does not take or pass the exam within that one-year period, the application expires.

(b) If an application expires, the examinee needs to submit an updated application.

(3) If the application is denied, the applicant will be notified of the reason for the denial.

NEW SECTION

WAC 173-230-240 Fees. (1) All persons certified or seeking certification under chapter 70.95B RCW and this chapter must pay an application fee and/or renewal fee to the department each year.

(2) All costs of activities associated with administering this program, as described in RCW 70.95B.095(1), are fee eligible.

(3) Each biennium, the department must conduct a workload analysis and develop a budget estimate based on the process below.

(a) The department must conduct a workload analysis projecting resource requirements for administering the program for the purposes of preparing a budget estimate.

(b) The department must prepare the workload analysis for the two-year period corresponding to each biennium.

(c) The workload analysis must identify the fee eligible administrative activities that it will perform during the biennium and must estimate the resources required to perform these activities.

(4) Ecology must prepare a budget estimate for administering the program for the two-year period corresponding to each biennium. Ecology must base the budget on the resource requirements identified in the workload analysis for the biennium and must take into account the program account balance at the start of the biennium.

(5) Table 1 below establishes the fee schedule for Fiscal Years 2020 and 2021.

Table 1
Fiscal Years 2020 and 2021 Fee Schedule

Category	Fiscal Year 2020 (July 1, 2019 - June 30, 2020)	Fiscal Year 2021 (July 1, 2020 - June 30, 2021)
Group I and Group I OIT Applications	\$50.00	\$50.00

Category	Fiscal Year 2020 (July 1, 2019 - June 30, 2020)	Fiscal Year 2021 (July 1, 2020 - June 30, 2021)
Groups II through IV Applications and Groups II through IV OIT Applications	\$59.00	\$67.00
Renewals	\$64.00	\$98.00

(6) After fiscal year 2021, the department must base the fee schedule on the budget and workload analysis described in this section.

(a) Every two years, the department will issue a draft fee schedule with the proposed application and renewal fees for the next biennium for public comment.

(b) The department will publish the draft fee schedule for the following biennium on or before March 31st of each odd year.

(c) The comment period on the draft fee schedule is forty-five days.

(d) The department will publish the final fee schedule for the following biennium on or before June 30th of each odd year.

(7) Fees specified in this section must be made payable to the department.

(a) The department will process applications only when accompanied by an application fee, based on the fee schedule published for that state fiscal year.

(b) The department will process renewals only when accompanied by a renewal fee, based on the fee schedule published for that state fiscal year, and when renewal requirements are met per WAC 173-230-300.

(c) Operators are only required to pay one renewal fee per year.

(d) Fees are not refundable; however, the department may issue refunds at its discretion.

(8) All fees paid pursuant to RCW 70.95B.095 and any other receipts realized in the administration of this program must be deposited into the wastewater treatment plant operator certification account.

NEW SECTION

WAC 173-230-250 Education and experience requirements for Groups I through IV certifications. (1) Applicants must meet the following education and experience requirements.

(2) Groups I through IV education, operating experience requirements, and allowable substitutions include the following:

(a) Operating experience must be gained by working under the direction or supervision of a fully certified operator.

(b) Up to half of the operating experience for Groups II through IV, listed below in Table 2, can be substituted with relevant experience.

(c) Relevant experience is work that does not meet the definition of operating experience, but can be used to substitute for operating experience, and includes, but is not limited to:

- (i) Wastewater collection system operator;
- (ii) Wastewater pump station operator;
- (iii) Water distribution system operator and/or manager;
- (iv) Water treatment plant operator;
- (v) Environmental or operations consultant;
- (vi) Wastewater treatment plant designer and/or builder;

or

(vii) Other relevant experience will be considered on a case-by-case basis with a written description of the duties performed on the job by the applicant.

(d) Education substituted for operating experience must be in excess of the required education and cannot be used for both the education requirement and substitutions.

Table 2
Operator Certification Requirements and Substitutions

Operator Certification Requirements and Substitutions					
Certification level	Required education	Substitutions allowed for education	Required operating experience	Education substitutions allowed for operating experience	Relevant experience substitutions allowed for operating experience
Group I	High school diploma or GED	One year of relevant experience for each year of education through twelfth grade	1 year	None	None
Group II	High school diploma or GED	One year of relevant experience for each year of education through twelfth grade	3 years	Up to 67.5 relevant credits/CEUs	Up to 1 year and 6 months of relevant experience

Operator Certification Requirements and Substitutions					
Certification level	Required education	Substitutions allowed for education	Required operating experience	Education substitutions allowed for operating experience	Relevant experience substitutions allowed for operating experience
Group III	High school diploma or GED and 2 years of college (90 credits or CEUs)	Up to 4 years of excess operating experience: <ul style="list-style-type: none"> • 1 year of excess operating experience for the first 45 credits/CEUs • 3 years of excess operating experience for the last 45 credits/CEUs 	4 years, with at least 2 years at a Class II or higher plant	Up to 90 relevant credits/CEUs	Up to 2 years of relevant experience
Group IV	High school diploma or GED and 4 years of college (180 credits or CEUs)	Up to 8 years of excess operating experience: <ul style="list-style-type: none"> • 1 year of excess operating experience for each 45 credits/CEUs for the first 90 credits/CEUs • 3 years of excess operating experience for each 45 credits for the second 90 credits/CEUs 	4 years, with at least 2 years at a Class III or higher plant	Up to 90 relevant credits/CEUs	Up to 2 years of relevant experience

NEW SECTION

WAC 173-230-260 Education and experience requirements for Groups I through IV OIT certifications. (1) Applicants who do not meet the requirements in Table 2 but do meet the requirements in Table 3 may apply to become an OIT I through IV, except as described in (a) and (b) of this subsection.

(a) Applicants who hold a full certification may only apply for an OIT certification one level above their full certification level.

(b) Applicants who do not hold a full certification are only eligible to apply for the Group I OIT.

Table 3
Operator in Training Certification Requirements and Substitutions

Operator in Training Certification Requirements and Substitutions					
Certification level	Minimum required education	Substitutions allowed for education	Minimum required operating experience	Education substitutions allowed for operating experience	Relevant experience substitutions allowed for operating experience
Group I Operator in Training	High school diploma or GED	One year of relevant experience for each year of education through twelfth grade	3 months	3.0 credits/CEUs	3 months of relevant experience
Group II Operator in Training	High school diploma or GED	One year of relevant experience for each year of education through twelfth grade	1 year and 6 months	Up to 67.5 relevant credits/CEUs	Up to 1 year and 6 months of relevant experience

Operator in Training Certification Requirements and Substitutions					
Certification level	Minimum required education	Substitutions allowed for education	Minimum required operating experience	Education substitutions allowed for operating experience	Relevant experience substitutions allowed for operating experience
Group III Operator in Training	High school diploma or GED and 2 years of college (90 credits or CEUs)	Up to 4 years of excess operating experience: • 1 year of excess operating experience for the first 45 credits/CEUs • 3 years of excess operating experience for the last 45 credits/CEUs	2 years	Up to 90 relevant credits/CEUs	Up to 2 years of relevant experience
Group IV Operator in Training	High school diploma or GED and 4 years of college (180 credits or CEUs)	Up to 8 years of excess operating experience: • 1 year of excess operating experience for each 45 credits/CEUs for the first 90 credits/CEUs • 3 years of excess operating experience for each 45 credits for the second 90 credits/CEUs	2 years	Up to 90 relevant credits/CEUs	Up to 2 years of relevant experience

(2) The department will issue OIT certificates to applicants who pass the exam as described in WAC 173-230-270.

(3) An existing certified operator continues to hold their full certification as well as the OIT certification until they upgrade from an OIT certification to a full certification, or until their OIT certificate expires.

(a) Groups II through IV OIT certificates will expire after two exam cycles, up to ten years.

(b) To upgrade from an OIT certification to a full certification, the OIT operator must apply as described in WAC 173-230-230.

(c) To upgrade from an OIT certification to a full certification, a Group I through IV OIT must gain the necessary operating experience required for full certification working under the direction or supervision of a fully certified operator.

(d) When an application for an upgrade from OIT to full certification is approved, the operator will no longer hold the lower-level certification or be certified as an OIT. They will be certified only at the higher-level certification.

(4) OIT professional growth and renewal requirements:

(a) Operators who hold both a full certification and an OIT certification must only meet the professional growth and renewal requirements for their full certification and are only required to pay one renewal fee as described in WAC 173-230-240.

(b) Operators who only hold an OIT certification must meet professional growth and renewal requirements as described in WAC 173-230-300 and 173-230-310.

NEW SECTION

WAC 173-230-270 Exam requirements. (1) The department will use exams to determine the competency of operators for each certification level.

(2) Certificates will be issued to examinees that receive a passing score approved by Washington state.

(3) If the department uses exams prepared by another organization, the examinee will pay any associated exam costs.

(4) The department or designated testing organization will score all exams and notify examinees of the results.

(5) Exams will not be released to the examinee.

(6) An examinee who does not take or pass the exam within one year of approval must apply as described in WAC 173-230-230. The department may grant extensions.

NEW SECTION

WAC 173-230-280 Reciprocity. (1) The department may issue a certificate without an exam to an applicant who holds an equivalent certificate from a certifying authority that has reciprocity with Washington state.

(2) Persons requesting reciprocity must submit a completed application as described in WAC 173-230-230, including a copy of their current certificate and, if applicable, their validation card.

(3) The department will consider an application for reciprocity if:

(a) The applicant meets the education and experience requirements as described in WAC 173-230-250 and/or 173-230-260.

(b) The applicant received a Washington state approved passing score on an Association of Boards of Certification (ABC) standardized exam within the current exam cycle or previous exam cycle.

(c) The certificate is verified by the department as being valid and in good standing from the certifying authority in which the applicant is certified.

NEW SECTION

WAC 173-230-290 Certificate. (1) The certificate term is January 1st to December 31st each year.

(a) Certificates issued prior to October 1st are valid through December 31st of the same calendar year.

(b) Certificates issued on October 1st or later are valid through December 31st of the following calendar year.

(c) The certificate term does not change when an existing certified operator upgrades to a higher certification level. The certificate term ends December 31st each year regardless of when the upgraded certificate was issued.

(2) It is the operator's responsibility to keep the department updated when their address or employer changes.

NEW SECTION

WAC 173-230-300 Professional growth. (1) A professional growth cycle is a three-year period beginning on January 1st and ending on December 31st.

(a) Operators who become certified during a professional growth cycle will have the remainder of the current professional growth period and all of the next professional growth period to meet their professional growth requirement.

(b) The professional growth cycle does not change when an existing certified operator upgrades to a higher certification level.

(2) Certificate holders must demonstrate continued professional growth to maintain their certification and be eligible for certification renewal.

(a) The following are ways to demonstrate professional growth:

(i) Accumulate a minimum of three CEUs or college credits in approved wastewater courses or training;

(ii) Advance by exam to a higher certification level in Washington's wastewater treatment plant operator certification program.

(b) Advancement from OIT to full certification does not meet the professional growth requirement.

(c) Advancement by reciprocity does not meet the professional growth requirement.

(3) Professional growth credit can only be received one time for the exact same course during a professional growth period.

(4) A trainer will earn CEUs for administering training one time per professional growth period.

(a) Trainers will earn the same number of CEUs as attendees if they administer the entire training session.

(b) Trainers will earn CEUs for their portion of the training if they do not administer the entire training session and do not attend the entire session.

(5) Excess CEUs cannot be carried over from one professional growth cycle to the next professional growth cycle.

(6) Each certified operator must submit documentation to the department to demonstrate compliance with this section by the end of the professional growth cycle.

(7) The department will notify certified operators who have not fulfilled the professional growth requirement.

(8) If the professional growth requirement is not met, the operator may not renew their certificate. Failure to renew an operator certification for any reason will be administered per WAC 173-230-310.

NEW SECTION

WAC 173-230-310 Renewal requirements. (1) To be eligible for certificate renewal a certified operator must:

(a) Provide documentation of their continued professional growth as described in WAC 173-230-300.

(b) Pay a renewal fee as described in WAC 173-230-240.

(2) The department will notify certified operators of their eligibility and/or fee for renewal.

(3) Renewal fees mailed to the department must be post-marked by December 31st.

(4) If the renewal fee is not paid, the department will send a notice of suspension to the certified operator that their certificate is suspended for up to sixty calendar days.

(a) Renewal fees not paid by January 21st, may incur a late fee.

(b) Upon processing the renewal payment, the certificate is no longer suspended and becomes valid.

(5) If the renewal fee is not paid during the suspension period, the department will send a notice of revocation to the certified operator's last known employer and the certified operator at their last known address.

(a) The notice of revocation will be sent by certified mail to the certified operator.

(b) If the certificate is not renewed, the certificate will be revoked ten business days after the revocation notice is sent.

NEW SECTION

WAC 173-230-320 Temporary certificate. (1) The department may issue a temporary certificate, for up to one year, to fill an operator in responsible charge position or lead operator of a shift position when the designated certified operator unexpectedly vacates the position.

(2) An owner may request a temporary certificate for an individual who meets, or is within six months of meeting, the certification requirements in Table 2 for the level of temporary certification being requested. A temporary certificate request must include:

(a) A cover letter explaining why the temporary certificate is needed, the facility name, and the name of the operator to be given the temporary certification.

(b) An application for the operator named in the cover letter.

(c) An application fee.

(3) A temporary certificate:

(a) May not exceed a one-year period.

(b) Is not renewable.

(c) Cannot be transferred to another individual.

(d) Expires either on the date specified, when the designated temporary operator passes the appropriate exam, or within one year of issuance, whichever comes first.

NEW SECTION

WAC 173-230-330 Classification of wastewater treatment plants. (1) The director shall classify all wastewater treatment plants according to the criteria in Table 4.

(2) If Table 4 indicates multiple classifications, the department will classify the wastewater treatment plant at the higher classification.

(3) The operator in responsible charge of the wastewater treatment plant must be certified at a level equal to or higher than the plant classification.

(4) When the plant is operated on more than one daily shift, the lead operator of each shift must be certified no lower than one level below the plant classification.

Table 4
Treatment Plant Classification Criteria

Treatment Plant Classification Criteria		
Treatment Type	Design Flow MGD	Classification
Primary	≤ 1	I
	> 1 ≤ 10	II
	> 10 ≤ 20	III
	> 20	IV
Lagoon (Non-aerated)	All	I
Lagoon (Aerated)	≤ 1	I
	> 1	II
Biofiltration	≤ 1	II
	> 1 ≤ 10	III
	> 10	IV
Extended aeration	≤ 5	II
	> 5	III
Activated sludge	≤ 1	II
	> 1 ≤ 10	III
	> 10	IV
SBR	≤ 1	II
	> 1 ≤ 10	III
	> 10	IV
Wetland treatment	≤ 1	I
	> 1 ≤ 5	II
	> 5	III
Tertiary	≤ 5	III
	> 5	IV

Treatment Plant Classification Criteria		
Treatment Type	Design Flow MGD	Classification
MBR	≤ 1	II
	> 1 ≤ 10	III
	> 10	IV

(5) Plants may be classified differently than indicated in Table 4 if:

(a) They have characteristics that make operation more or less complex or difficult than other similar plants with the same flow range.

(b) The conditions of flow or the use of the receiving waters require an unusually high degree of plant operational control.

(c) They use an approved method of wastewater treatment that is not included in this section.

NEW SECTION

WAC 173-230-340 Provisional certificate. (1) If a wastewater treatment plant's classification increases solely due to a reclassification based on the criteria in Table 4, the department may issue a one-time provisional certificate to the certified operator in responsible charge and the lead operator of each shift.

(a) The provisional certificate issued to the operator in responsible charge, will be for the same level as the plant classification.

(b) The provisional certificate issued to the lead operator of a shift, will be for one level lower than the plant classification.

(2) The provisional certificate will not be issued if the classification of a plant increases due to a:

- (a) Plant upgrade.
- (b) Change to the treatment processes.
- (c) Change to flow.

(3) The provisional certificate will be issued only for the operation of a specific plant and may not be transferred.

(4) When a certified operator holding a provisional certificate leaves employment with that plant, their certification level will return to their former certification level.

(5) The holder of a provisional certificate must continue to meet all certification requirements.

(6) When a certified operator holding a provisional certificate upgrades their certification level, they will no longer hold a provisional certificate.

NEW SECTION

WAC 173-230-350 Violations. (1) Violation of this chapter is a misdemeanor.

(2) Each day of operation in violation constitutes a separate offense.

(3) Upon conviction, violators are subject to fines not exceeding one hundred dollars for each offense.

(4) Injunctions may be obtained for continuing violations.

NEW SECTION

WAC 173-230-360 Suspension of a certificate. (1) A certificate will be suspended immediately when the director is notified by the department of social and health services that a person is not in compliance with a support order or a residential or visitation order.

(a) The department will notify a certified operator when their certification is suspended.

(b) The certificate will be reissued when the director is notified by the department of social and health services that the person is in compliance with the order.

(2) For reinstatement the operator must meet certification requirements in WAC 173-230-310 during the suspension period.

NEW SECTION

WAC 173-230-370 Revocation of a certificate. (1) Certificates may be revoked for a period of one or more years, when the department finds:

(a) Fraud or deceit in obtaining the certificate.

(b) Gross negligence in the operation of a wastewater treatment plant.

(c) Violation of the requirements of this chapter, the statute it implements, or any lawful rule, regulation, or order of the department. This includes, but is not limited to, violations of a permit and false statements.

(2) No revocation will be made under this section unless the operator has been notified that revocation is proposed, been advised of the reason, and been given an opportunity to appear before the director and be heard on the matter.

(3) If an operator's certificate is revoked:

(a) The operator will not be eligible to apply for a new certification as described in WAC 173-230-230 until the revocation period has ended.

(b) The operator must take an exam per WAC 173-230-270 for a new certification.

(c) An operator holding a certificate issued before or during a revocation period is not eligible for reciprocity. For a new certification through reciprocity, the operator must meet (a) and (b) of this subsection after their revocation period has ended.

NEW SECTION

WAC 173-230-380 Appeals. Decisions of the director under this chapter to issue, suspend, or revoke a certificate may be appealed to the pollution control hearings board as required by chapters 43.21B RCW and 371-08 WAC, within thirty days from the date of receipt of notice.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-230-010 What is the purpose of this regulation?

WAC 173-230-020 Definitions.

WAC 173-230-040 To whom does this rule apply?

WAC 173-230-061 Levels of certificates and qualifications.

WAC 173-230-065 How do I apply?

WAC 173-230-070 Examination.

WAC 173-230-080 Certificate term and renewal conditions.

WAC 173-230-090 Fees.

WAC 173-230-100 Suspension and revocation of a certificate.

WAC 173-230-110 Reciprocity.

WAC 173-230-120 Appeals.

WAC 173-230-130 Violations.

WAC 173-230-140 Classification of wastewater treatment plants.

WSR 19-15-028**PERMANENT RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 19-148—Filed July 10, 2019, 10:50 p.m., effective August 10, 2019]

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

Purpose: The department amended WAC 220-415-090. The amendment provides more recreational hunting opportunity in eastern Washington by increasing the bag limit to two bears per license year. The season dates have changed to open August 1 statewide.

Citation of Rules Affected by this Order: Amending WAC 220-415-090.

Statutory Authority for Adoption: RCW 77.04.090, 77.06.130, 77.15.568, 77.08.010, 77.65.510, 88.65.515, and 77.65.520.

Adopted under notice filed as WSR 19-10-025 on April 23, 2019.

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 the Request of a Non-governmental 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: June 28, 2019.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

WAC 220-415-090 ((2018)) 2019-2020 Fall black bear hunting seasons and regulations. It is unlawful to fail to comply with the provisions below. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280.

Black Bear Management Unit	Season	Hunt Area
Coastal	((Aug. 1 – Nov. 15, 2018) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	((Aug. 1 – Nov. 15, 2018) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 407, 454, 624, 627, 633, 652, 666, 667
North Cascades	((Aug. 1 – Nov. 15, 2018) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 418(-421), 426-450, 460
South Cascades	((Aug. 15 – Nov. 15, 2018 Aug. 15) <u>Aug. 1</u> - Nov. 15, 2019 Aug. (15) <u>1</u> - Nov. 15, 2020	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	((Aug. 15 – Nov. 15, 2018 Aug. 15) <u>Aug. 1</u> - Nov. 15, 2019 Aug. (15) <u>1</u> - Nov. 15, 2020	GMUs 203, 209-243
East Cascades	((Aug. 1 – Nov. 15, 2018) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	((Sept. 1 – Nov. 15, 2018 Sept.) <u>Aug. 1</u> - Nov. 15, 2019 (Sept.) <u>Aug. 1</u> - Nov. 15, 2020	GMUs 101-121, 204

Black Bear Management Unit	Season	Hunt Area
Northeastern B	((Aug. 15 – Nov. 15, 2018 Aug. 15) <u>Aug. 1</u> - Nov. 15, 2019 Aug. (15) <u>1</u> - Nov. 15, 2020	GMUs 124-130
Blue Mountains	((Sept. 1 – Nov. 15, 2018 Sept.) <u>Aug. 1</u> - Nov. 15, 2019 (Sept.) <u>Aug. 1</u> - Nov. 15, 2020	GMUs 145-154, 162-186
Columbia Basin	((Aug. 1 – Nov. 15, 2018) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	((Sept. 1 – Nov. 15, 2018 Sept.) <u>Aug. 1</u> - Nov. 15, 2019 (Sept.) <u>Aug. 1</u> - Nov. 15, 2020	GMU 699

Bag Limit: Two (2) black bear per annual hunting season(~~only one of which may be taken in Eastern Washington~~).

Area Restriction: Special deer permit required to hunt black bear in GMU 485. (~~GMUs 410 and 422 are closed for black bear hunting.~~) Hunters that choose to hunt in GMUs located in grizzly bear recovery areas, as identified by the department, must successfully complete the annual WDFW online bear identification test or equivalent test from another state and carry proof of successful completion.

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Other Requirements: Hunters that choose to hunt in GMUs located in grizzly bear recovery areas as identified by the department must successfully complete the annual WDFW online bear identification test with a passing score (80% or higher) or carry proof that they have passed an equivalent test from another state. The WDFW test may be taken repeatedly until a passing score is achieved. All hunters must carry proof

of passing a bear identification test while hunting in the GMUs identified by the department.

Submitting Biological Samples and Bear Teeth: Successful bear hunters must comply with harvest reporting and submission of biological samples including the black bear premolar tooth located behind the canine tooth of the upper jaw. Failure to comply with the submission of biological samples is a misdemeanor pursuant to RCW 77.15.280.

WSR 19-15-029

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 10, 2019, 1:11 p.m., effective August 10, 2019]

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

Purpose: The department received approval from the Centers for Medicare and Medicaid to add two new services to community options program entry systems (COPES).

The department is adding these services to the COPES WAC: (1) Community choice guiding, to assist an individual [to] establish or stabilize a community living arrangement; and (2) Community supports: Goods and services which will provide necessary goods and services for individuals who choose to move from a residential living arrangement to an in-home setting. Also, the home health aide benefit was removed from the COPES waiver and is being removed from WAC.

Citation of Rules Affected by this Order: Amending WAC 388-106-0300 and 388-106-0305.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 19-11-137 on May 22, 2019.

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

Number of Sections Adopted at the Request of a Non-governmental 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 2, Repealed 0.

Date Adopted: July 10, 2019.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-11-049, filed 5/15/15, effective 7/1/15)

WAC 388-106-0300 What services may I receive under community options program entry system (COPES) when I live in my own home? When you live in your own home, you may be eligible to receive ~~((only))~~ the following services under COPES:

(1) Adult day care if you meet the eligibility requirements under WAC 388-106-0805~~((:))~~;

(2) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare, and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes; and

(e) Are not adaptations or improvements, which are of general utility or add to the total square footage~~((:))~~;

(3) Home delivered meals~~((, providing nutritional))~~ which provide one nutritionally balanced ~~((meals, limited to one))~~ meal per day~~((:))~~ if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver~~((:))~~;

(4) ~~((Home health aide service tasks))~~ Community choice guiding are services to help you establish or stabilize your living arrangement in your own home~~((:))~~ if ~~((the service tasks))~~:

(a) ~~((Include assistance with ambulation, exercise, self-administered medications and hands-on personal care))~~ You have frequent institutional contacts;

(b) ~~((Are beyond the amount, duration or scope of medicaid reimbursed home health services as described in WAC 182-551-2120 and are in addition to those available services))~~ You have frequent turn-over of caregivers; or

(c) You are ~~((health related. Note: Incidental services such as meal preparation may be performed in conjunction with a health related task as long as it is not the sole purpose of the aide's visit))~~ in imminent jeopardy of eviction or loss of your current community setting; ~~((and~~

~~((d) Do not replace medicaid home health services.))~~

(5) Skilled nursing, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration, and scope of medicaid-reimbursed home health services as provided under WAC 182-551-2100~~((:))~~;

(6) Specialized ~~((durable and nondurable))~~ medical equipment and supplies under WAC 182-543-1000, if the items ~~((are))~~:

(a) ~~((Medically necessary under WAC 182-500-0700;~~

~~((b)))~~ Are necessary for:

(i) Life support;

(ii) To increase your ability to perform activities of daily living; or

~~(iii) To perceive, control, or communicate with the environment in which you live; or~~

~~((e)) (b) Are directly ((medically or)) remedially beneficial to you; and~~

~~((d) In addition to and) (c) Do not replace any medical equipment ((and/or)) or supplies otherwise provided under either medicaid ((and/or)) or medicare((-));~~

~~(7) Training needs identified in the CARE ((or in a professional evaluation,)) assessment which meet a therapeutic goal such as:~~

~~(a) Adjusting to a serious impairment;~~

~~(b) Managing personal care needs; or~~

~~(c) Developing necessary skills to deal with care providers((-));~~

~~(8) Transportation services, when the service:~~

~~(a) Provides access to community services and resources to meet ((your)) a therapeutic goal;~~

~~(b) Is not diverting in nature; and~~

~~(c) ((Is in addition to and)) Does not replace the medicaid-brokered transportation or transportation services available in the community((-));~~

~~(9) Nursing services from a registered nurse based on your individual need as determined by your CARE assessment, when you are not already receiving this type of service from another resource((-A registered nurse may visit you and perform)), which may include any of the following activities((-The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.));~~

~~(a) Nursing assessment/reassessment;~~

~~(b) Instruction to you and your providers;~~

~~(c) Care coordination and referral to other health care providers;~~

~~(d) Skilled treatment, ((only)) in the event of an emergency((-A skilled treatment is care that would require)), which requires authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement((-In nonemergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.));~~

~~(e) File review; ((and/or)) or~~

~~(f) Evaluation of health-related care needs affecting service plan and delivery((-);~~

~~(10) Adult day health services as described in WAC 388-71-0706 when you are:~~

~~(a) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714 and:~~

~~(i) There is a reasonable expectation that these services will improve, restore, or maintain your health status, or in the case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering;~~

~~(ii) You are at risk for deteriorating health, deteriorating functional ability, or institutionalization; and~~

~~(ii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment((-);~~

~~(b) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met((-); however~~

~~(c) You are not eligible for adult day health if you:~~

~~(i) Can independently perform or obtain the services provided at an adult day health center; or~~

~~(ii) Have referred care needs that:~~

~~(A) Exceed the scope of authorized services that the adult day health center is able to provide;~~

~~(B) Do not need to be provided or supervised by a licensed nurse or therapist;~~

~~(C) Can be met in a less structured care setting;~~

~~(D) In the case of skilled care needs, are being met by paid or unpaid caregivers;~~

~~(E) Live in a nursing home or other institutional facility;~~

~~or~~

~~(F) Are not capable of participating safely in a group care setting((-);~~

~~(11) Wellness education, as identified in your person centered service plan to address an assessed need or condition; and~~

~~(12) Community support: Goods and services are nonrecurring set-up items and services to assist with expenses if you choose to move from a residential setting to an in-home setting and may include:~~

~~(a) Security deposits that are required to lease an apartment or home;~~

~~(b) Activities to assess need, arrange for, and obtain needed resources, including essential household furnishings;~~

~~(c) Set-up fees or deposits for utility or services access, including telephone, electricity, heating, water, and garbage;~~

~~(d) Services necessary for your health and safety such as pest eradication, and one-time cleaning prior to occupancy;~~

~~(e) Moving expenses; and~~

~~(f) Necessary home accessibility adaptations.~~

AMENDATORY SECTION (Amending WSR 15-11-049, filed 5/15/15, effective 7/1/15)

WAC 388-106-0305 What services may I receive under COPEs if I live in a residential facility? If you live in one of the following residential facilities: A licensed assisted living facility contracted with the department to provide assisted living, enhanced adult residential care, enhanced adult residential care-specialized dementia care, or an adult family home, you may be eligible to receive only the following services under COPEs:

~~(1) Specialized ((durable and nondurable)) medical equipment and supplies under WAC 182-543-1000, when the items ((are)):~~

~~(a) ((Medically necessary under WAC 182-500-0005; and~~

~~(b)) Are necessary for: ((For))~~

~~(i) Life support;~~

~~(ii) To increase your ability to perform activities of daily living; or~~

~~(iii) To perceive, control, or communicate with the environment in which you live; ((and)) or~~
~~((e)) (b) Are directly ((medically or)) remedially beneficial to you; ((and))~~

~~((d) In addition to and) (c) Do not replace any medical equipment ((and/or)) or supplies otherwise provided under either medicaid ((and/or)) or medicare; and~~

~~((e) In addition to and) (d) Do not replace the services required by the department's contract with a residential facility((-));~~

(2) Training needs identified in the CARE ((or in a professional evaluation)) assessment that are in addition to and do not replace the services required by the department's contract with the residential facility and that meet a therapeutic goal such as:

- (a) Adjusting to a serious impairment;
- (b) Managing personal care needs; or
- (c) Developing necessary skills to deal with care providers((-));

(3) Transportation services, when the service:

- (a) Provides access to community services and resources to meet a therapeutic goal;
- (b) Is not diverting in nature;
- (c) ~~((Is in addition to and))~~ Does not replace the medicaid-brokered transportation or transportation services available in the community; and
- (d) Does not replace the services required by DSHS contract in residential facilities((-);

(4) Skilled nursing, when the service is:

- (a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse;
- (b) Beyond the amount, duration or scope of medicaid-reimbursed home health services as provided under WAC 182-551-2100; and
- (c) In addition to and does not replace the services required by the department's contract with the residential facility (e.g. intermittent nursing services as described in WAC 388-78A-2310)(-);

(5) Nursing services from a registered nurse based on your individual need as determined by your CARE assessment, when you are not already receiving this type of service from another resource~~((A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.)), which may include any of the following activities:~~

- (a) Nursing assessment/reassessment;
- (b) Instruction to you and your providers;
- (c) Care coordination and referral to other health care providers;
- (d) Skilled treatment~~((only))~~ in the event of an emergency~~((A skilled treatment is care that would require)), which requires authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement((-In nonemergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.))~~);

~~(e) File review; ((and/or)) or~~

~~(f) Evaluation of health-related care needs affecting service plan and delivery.~~

~~(6) Adult day health services as described in WAC 388-71-0706 when you are:~~

~~(a) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714, and:~~

~~(i) There is a reasonable expectation that these services will improve, restore or maintain your health status, or in the case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering;~~

~~(ii) You are at risk for deteriorating health, deteriorating functional ability, or institutionalization; and~~

~~(iii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment((-);~~

~~(b) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met((-); however~~

~~(c) You are not eligible for adult day health if you:~~

~~(i) Can independently perform or obtain the services provided at an adult day health center;~~

~~(ii) Have referred care needs that:~~

~~(A) Exceed the scope of authorized services that the adult day health center is able to provide;~~

~~(B) Do not need to be provided or supervised by a licensed nurse or therapist;~~

~~(C) Can be met in a less structured care setting;~~

~~(D) In the case of skilled care needs, are being met by paid or unpaid caregivers;~~

~~(E) Live in a nursing home or other institutional facility; or~~

~~(F) Are not capable of participating safely in a group care setting((-);~~

~~(7) Wellness education, as identified in your person centered service plan to address an assessed need or condition;~~

~~(8) Community choice guiding are services to help you establish or stabilize your living arrangement in your own home or a residential setting if:~~

~~(a) You have frequent institutional contacts;~~

~~(b) You have frequent turn-over of caregivers; or~~

~~(c) You are in imminent jeopardy of eviction or loss of your current community setting; and~~

~~(9) Community support: Goods and services are nonrecurring set-up items and services to assist with expenses if you choose to move from a residential setting to an in-home setting and may include:~~

~~(a) Security deposits that are required to lease an apartment or home;~~

~~(b) Activities to assess need, arrange for, and obtain needed resources, including essential household furnishings;~~

~~(c) Set-up fees or deposits for utility or services access, including telephone, electricity, heating, water, and garbage;~~

~~(d) Services necessary for your health and safety such as pest eradication, and one-time cleaning prior to occupancy;~~

~~(e) Moving expenses; and~~

~~(f) Necessary home accessibility adaptations.~~

WSR 19-15-038
PERMANENT RULES
OLYMPIC REGION
CLEAN AIR AGENCY

[Filed July 11, 2019, 1:43 p.m., effective August 17, 2019]

Effective Date of Rule: August 17, 2019.

Purpose: This action streamlines the permitting process for qualifying gasoline dispensing facilities by implementing a notification system in lieu of a notice of construction. It specifies requirements for proper operation, maintenance, testing, and recordkeeping for all gasoline dispensing facilities.

Citation of Rules Affected by this Order: Amending ORCAA Regulations Rules 6.1, 6.1.10, 8.12.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 19-11-066 on May 15, 2019.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: July 10, 2019.

Francea L. McNair
Executive Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 19-16 issue of the Register.

WSR 19-15-050
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 19-139—Filed July 12, 2019, 1:57 p.m., effective August 12, 2019]

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

Purpose: Recreational salmon fishing rules for Puget Sound, coast and Columbia River Freshwater and Puget Sound and coast saltwater based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. The adopted rules package amends the 2018-19 recreational salmon rules, and by doing so supplants prior year fisheries and adopts fishing seasons for 2019-20 based upon current management year fishery forecasts, conservation objectives, and allocation determinations.

Citation of Rules Affected by this Order: Amending WAC 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, 220-312-060 Freshwater exceptions to statewide rules—Columbia River, 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits, and 220-313-070 Coastal salmon—Saltwater seasons and daily limits.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047.

Adopted under notice filed as WSR 19-11-130 on May 22, 2019, and continuance WSR 19-14-096 on July 1, 2019.

Changes Other than Editing from Proposed to Adopted Version: Only minor nonsubstantive changes were made to the rules between CR-102 and CR-103, as noted in the concise explanatory statement, Section II.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 7, 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: July 12, 2019.

Kelly Susewind
Director

AMENDATORY SECTION (Amending WSR 19-03-003, filed 1/2/19, effective 2/2/19)

WAC 220-312-020 Freshwater exceptions to statewide rules—Coast. (1) **Aberdeen Lake (Grays Harbor County):** Open the fourth Saturday in April through October 31.

(2) **Bear Creek (Clallam County) (Bogachiel River tributary):**

(a) It is unlawful to use anything other than one barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow trout.

(3) **Bear Creek (Clallam County) (Sol Duc River tributary):**

(a) It is unlawful to use anything other than one barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(4) Bear River (Pacific County):

(a) Open the Saturday before Memorial Day through March 31.

(b) From August 16 through November 30: Night closure.

(c) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately 2 river miles):

(i) From August 16 through November 30:

(ii) Barbless hooks required.

(iii) Anti-snagging rule.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open September 1 through January 31.

(B) Daily limit 6 fish; only ((4 may be)) 2 adults ((of which only one may be a wild adult coho)) may be retained.

(C) Release wild Chinook.

(d) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(5) Beaver Creek (Clallam County) (Sol Duc River tributary):

(a) From the mouth upstream to Beaver Falls:

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(6) **Beaver Lake (Clallam County):** Selective gear rules.

(7) Big River (Clallam County), outside of Olympic National Park:

(a) Open the Saturday before Memorial Day through October 15, and January 1 through the last day of February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(8) **Big River tributaries (Clallam County), outside of Olympic National Park:** Open the Saturday before Memorial Day through October 15.

(9) **Black River (Grays Harbor/Thurston counties):** From the mouth to the bridge on 128th Ave. S.W.:

(a) Anti-snagging rule.

(b) Night closure.

(c) Barbless hooks required.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(e) Salmon: Open October 1 through ~~((November 30))~~ December 31.

(i) Daily limit 6, of which 2 may be adults.

(ii) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(10) **Bogachiel Hatchery Pond, South (Clallam County):** Open the fourth Saturday in April through October 31.

(11) Bogachiel River (Clallam County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) November 1 through last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) From July 1 through August 31:

(I) Daily limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) From September 1 through November 30: Daily limit 3; no more than ~~((one))~~ 1 adult may be retained.

(d) From Highway 101 Bridge to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(12) Calawah River (Clallam County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to the Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) Open September 1 through November 30: ~~((H))~~ Daily limit 3; only ~~((one))~~ 1 adult may be retained.

~~((H)) Release wild adult coho.~~

(d) From the Highway 101 Bridge to the forks:

(i) Open the Saturday before Memorial Day through April 30.

- (ii) It is unlawful to use bait.
- (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release wild rainbow trout.
 - (B) Cutthroat trout: Minimum length 14 inches.
- (13) **Calawah River, North Fork (Clallam County):**
 - (a) It is unlawful to use anything other than one barbless hook.
 - (b) It is unlawful to use bait.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release wild rainbow trout.
 - (ii) Cutthroat trout: Minimum length 14 inches.
 - (14) **Calawah River, South Fork (Clallam County):**
 - (a) From the mouth to the Olympic National Park boundary:
 - (b) Open the Saturday before Memorial Day through the last day in February.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) It is unlawful to use anything other than one barbless hook.
 - (e) It is unlawful to use bait.
 - (f) Game fish: Statewide minimum length/daily limit, except:
 - (i) Release wild rainbow trout.
 - (ii) Cutthroat trout: Minimum length 14 inches.
 - (15) **Canyon River (Grays River County):** Closed waters.
 - (16) **Cases Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
 - (17) **Cedar Creek (Jefferson County), outside Olympic National Park:**
 - (a) Open the Saturday before Memorial Day through the last day in February.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (18) **Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:**
 - (a) From the mouth (Highway 101 Bridge in Aberdeen) to Highway 107 Bridge including all channels, sloughs, and interconnected waterways:
 - (i) From August 1 through November 30: Single-point barbless hooks are required.
 - (ii) Anglers may fish with two poles, provided they possess a valid two-pole endorsement.
 - (iii) Open the Saturday before Memorial Day through April 15:
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (v) Salmon:
 - (A) From August 1 through September 15:
 - (I) Daily limit 6.
 - (II) Release adult salmon.
 - (B) From ~~((October 1))~~ September 16 through ~~((November 30))~~ December 31:
 - (I) Daily limit 6; only ((one)) 2 adult may be retained.
 - (II) Release ~~((adult))~~ Chinook.

- (I) Daily limit 6; only ((one)) 2 adult may be retained.
- (II) Release ~~((adult))~~ Chinook.
- ~~((C) From May 1 through June 30: Limit one Chinook.))~~
- (b) From the Highway 107 Bridge upstream to the South Elma Bridge (Wakefield Road).
 - (i) From August 1 through November 30: Single-point barbless hooks are required.
 - (ii) Anglers may fish with two poles from the mouth to the South Elma Bridge (Wakefield Road), provided they possess a valid two-pole endorsement.
 - (iii) Open the Saturday before Memorial Day through April 15.
 - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (v) Salmon:
 - (A) From August 1 through September 15:
 - (I) Daily limit 6.
 - (II) Release adult salmon.
 - (B) From ~~((October 1))~~ September 16 through ~~((November 30))~~ December 31:
 - (I) Daily limit 6; only 2 adults may be retained.
 - (II) Release ~~((adult))~~ Chinook ~~((and wild adult coho.))~~
 - (c) From South Elma Bridge (Wakefield Road) to the confluence with Black River:
 - (i) All species: Single-point barbless hooks are required August 1 through November 30.
 - (ii) Open the Saturday before Memorial Day through April 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon: ~~((A))~~ From ~~((October 1))~~ September 16 through ~~((November 30))~~ December 31:
 - ~~((H))~~ (A) Daily limit 6; only 2 adults may be retained.
 - ~~((H))~~ (B) Release ~~((adult))~~ Chinook ~~((and wild adult coho.))~~
 - (d) From the confluence of Black River to the Highway 6 Bridge near the town of Adna:
 - (i) All species August 16 through November 30: Single-point barbless hooks are required.
 - (ii) Open the Saturday before Memorial Day through April 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 - (iv) Salmon: ~~((A))~~ From October 1 through ~~((November 30))~~ December 31:
 - ~~((H))~~ (A) Daily limit 6; only 2 adults may be retained.
 - ~~((H))~~ (B) Release ~~((adult))~~ Chinook ~~((and wild adult coho.))~~
 - (e) From Highway 6 Bridge near the town of Adna to the high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek (south of Pe Ell):
 - (i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From October 1 through ~~((November 30))~~ December 31:

(B) Daily limit 6; only 2 adults may be retained.

(C) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(f) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:

(i) Open the Saturday before Memorial Day through April 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(19) **Chehalis River, South Fork (Lewis County):** From the mouth to County Highway Bridge near Boistfort School:

(a) Open the Saturday before Memorial Day through April 15.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(20) **Chimacum Creek (Jefferson County):**

(a) From the mouth to Ness's Corner Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From Ness's Corner Road upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(21) **Clallam River (Clallam County):**

(a) Open the Saturday before Memorial Day through October 31:

(i) Selective gear rules.

(ii) Release all fish.

(b) Open from November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(22) **Clearwater River (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Snahapish River:

(i) Open the Saturday before Memorial Day through September 30 and December 1 through April 15.

(ii) Bait is allowed September 1 through February 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open September 1 through ~~((September))~~ November 30: ~~((A))~~ Daily limit 3; only ~~((one))~~ 1 adult may be retained~~((;~~

~~((B) Release wild coho))~~.

(d) From the Snahapish River upstream:

(i) Open the Saturday before Memorial Day through September 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(23) **Cloquallum Creek (Grays Harbor County):**

From the mouth to the outlet at Stump Lake:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(24) **Copalis River (Grays Harbor County):**

(a) From the mouth to Carlisle Bridge:

(i) From the Saturday before Memorial Day through last day in February.

(ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: From ~~((October))~~ September 1 through ~~((November 30))~~ December 31.

(A) Daily limit 6; ~~((only one))~~ 2 adult salmon may be retained.

(B) Release ~~((adult))~~ Chinook.

(b) From Carlisle Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(25) **Crim Creek (Lewis County) (Chehalis River tributary):** Closed waters.

(26) **Deep Creek (Clallam County) (tributary to the straits):**

(a) Open December 1 through January 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(27) **Dickey River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From Olympic National Park boundary upstream to the confluence of the East and West forks:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open July 1 through November 30:

(A) July 1 through August 31:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) September 1 through November 30: ~~((H))~~ Daily limit 3; only ~~((one))~~ 1 adult may be retained.

~~((H) Release wild adult coho.)~~

(d) From the confluence of the East and West forks upstream (for both forks):

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(28) **Duck Lake (Grays Harbor County):**

(a) Game fish: Statewide minimum length/daily limit, except: Crappie: No limit and no minimum length.

(b) Grass carp: No limit for anglers and bow and arrow fishing.

(29) **Dungeness River (Clallam County):** From the mouth to the forks at Dungeness Forks Campground:

(a) Open October 16 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open October 16 through November 30.

(ii) Daily limit 4 coho only.

(iii) Release wild coho.

(30) **East Twin River (Clallam County):**

(a) Selective gear rules.

(b) Release all fish.

(31) **Elk Creek (Lewis County) (Chehalis River tributary):** Open the Saturday before Memorial Day through September 30 and January 1 through March 31.

(32) **Elk Lake (Clallam County):**

(a) Open the Saturday before Memorial Day through October 15.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Release kokanee.

(33) **Elk River (Grays Harbor County):**

(a) From the mouth (Highway 105 Bridge) to the confluence of the middle branch:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) From August 16 through November 30: Single-point barbless hooks are required.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~((November 30))~~ December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(b) From confluence of the middle branch upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(34) **Elwha River and all tributaries (Clallam County):** Closed waters.

(35) **Failor Lake (Grays Harbor County):** Open the fourth Saturday in April through September 15.

(36) **Fork Creek (Pacific County) (Willapa River tributary):**

(a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:

(i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assistive device every time for mobility as defined in WAC 220-413-150 and possess a designated harvester companion card.

(ii) Night closure.

(iii) From October 1 through November 30:

(A) Single-point barbless hooks required.

(B) Stationary gear restriction.

(iv) Open the Saturday before Memorial Day through July 15 and October 1 through March 31.

(v) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vi) Salmon open: From October 1 through January 31:

(A) Daily limit 6; only ~~((3))~~ 2 adults may be retained ~~((; and only one may be a wild adult coho))~~.

(B) Release wild Chinook.

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(37) **Goodman Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(38) **Gray Wolf River (Clallam County):**

(a) From the confluence with the Dungeness to the bridge at river mile 1.0: Closed waters.

(b) From the bridge at river mile 1.0, upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(39) Hoh River (Jefferson County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:

(i) It is unlawful to use bait from ~~(July)~~ June 1 through September 15 and February 16 through April 15.

(ii) Open ~~(July)~~ June 1 through August 31 and September 16 through April 15:

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) From November 1 through February 15: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open June 1 through June 30: Daily limit 1 hatchery Chinook.

(B) Open September 16 through November 30: Daily limit 6; only 2 adults may be retained of which only ~~(one)~~ 1 may be a Chinook.

(d) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch:

(i) Open June 1 through April 15.

(ii) It is unlawful to use bait the Saturday before Memorial Day through October 15 and December 1 through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open October 16 through November 30: Daily limit 6; only 2 adults may be retained, of which only ~~(one)~~ 1 may be a Chinook.

(e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

(i) Open June 1 through April 15.

(ii) It is unlawful to use bait.

(iii) It is unlawful to fish from a floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(40) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Open July 1 through August 31 and September 16 through April 15.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(41) Hoko River (Clallam County):

(a) From the mouth to the upper Hoko Bridge:

(i) From the hatchery ladder downstream 100 feet: Closed waters.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) From September 1 through October 31: Open to fly fishing only.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):

(i) Open the Saturday before Memorial Day through March 31 to fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(42) Hoquiam River, including West Fork (Grays Harbor County):

(a) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):

(i) August 16 through November 30: Single-point barbless hooks required.

(ii) Open the Saturday before Memorial Day through the last day of February:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~(November 30)~~ December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release ~~(adult)~~ Chinook ~~(and wild adult coho)~~.

(b) From Dekay Road Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(43) Hoquiam River, East Fork (Grays Harbor County):

(a) From the mouth to the confluence of Berryman Creek:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day of February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~(November 30)~~ December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release ~~(adult)~~ Chinook ~~(and wild adult coho)~~.

(b) From the confluence of Berryman Creek upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Selective gear rules.

(44) Humptulips River (Grays Harbor County):

(a) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From September 1 through September 30:

(I) Daily limit 6; only 2 adults may be retained (~~of which only one may be a wild Chinook~~).

(II) Release wild Chinook and wild coho.

(B) From October 1 through November 30:

(I) Daily limit 6; only ((2)) 1 adult((s)) may be retained.

(II) Release wild (~~adult~~) Chinook and wild coho.

(C) From December 1 through December 31:

(I) Daily limit 6; only 1 adult may be retained.

(II) Release Chinook and wild coho.

(b) From the Highway 101 Bridge to the confluence of the East and West forks:

(i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iii) From March 1 through March 31: Selective gear rule.

(iv) Game fish:

(A) Open the Saturday before Memorial Day through ~~(March 31~~

~~(iv) Game fish~~) the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) From September 1 through September 30:

(I) Daily limit 6; only 2 adults may be retained (~~of which only one may be a wild Chinook~~).

(II) Release wild Chinook and wild coho.

(B) From October 1 through November 30:

(I) Daily limit 6; only ((2)) 1 adult((s)) may be retained.

(II) Release wild (~~adult~~) Chinook and wild coho.

(C) From December 1 through December 31:

(I) Daily limit 6; only 1 adult may be retained.

(II) Release Chinook and wild coho.

(45) Humptulips River, East Fork (Grays Harbor County): From August 16 through October 31:

(a) Anti-snagging rule.

(b) Night closure.

(46) Humptulips River, West Fork (Grays Harbor County): From the mouth to Donkey Creek:

(a) From August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) ~~((Open the Saturday before Memorial Day through March 31.))~~ From March 1 through March 31: Selective gear rule.

(c) Game fish:

(i) Open the Saturday before Memorial Day through the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

(47) Joe Creek (Grays Harbor County): From the mouth to Ocean Beach Road Bridge:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through December 31.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open ~~((October))~~ September 1 through ((November 30)) December 31:

(i) Daily limit 6; ((only one)) 2 adult salmon may be retained.

(ii) Release ~~((adult))~~ Chinook.

(48) Johns River (Grays Harbor County): From the mouth (Highway 105 Bridge) to Ballon Creek:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open October 1 through ~~((November 30))~~ December 31.

(i) Daily limit 6, of which 2 may be adults.

(ii) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(49) Kalaloch Creek (Jefferson County), outside Olympic National Park:

(a) Open the Saturday before Memorial Day through the last day in February:

(b) Selective gear rules.

(c) Game fish: State wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(50) **Lena Lake, Lower (Jefferson County):** The inlet stream from the mouth upstream to the footbridge (about 100 feet): Closed waters.

(51) **Lincoln Pond (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(52) **Little Hoko River (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(53) **Loomis Lake (Pacific County):** Open the fourth Saturday in April through October 31.

(54) Lyre River (Clallam County):

(a) From the mouth to falls near river mile 3:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the falls to the Olympic National Park boundary:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(55) Matheny Creek (Jefferson County) (Queets River tributary), outside the Olympic National Park:

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to use bait.

(c) It is unlawful to use anything other than one barbless hook.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(56) McDonald Creek (Clallam County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(57) Moclips River (Grays Harbor County):

(a) From the mouth to the Quinault Indian Reservation boundary.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(e) Salmon: Open ~~((October))~~ September 1 through ((November 30)) December 31.(i) Daily limit 6, of which ~~((one))~~ 2 may be an adult salmon.(ii) Release ~~((adult))~~ Chinook.(58) **Morse Creek (Clallam County):** From the mouth to Port Angeles Dam:

(a) Open from December 1 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(59) **Mosquito Creek (Jefferson County):** From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(60) Naselle River (Pacific/Wahkiakum counties):

(a) From the Highway 101 Bridge to the South Fork:

(i) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(ii) Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only ((4)) 2 adults may be retained((; of which only one may be a wild adult coho)).

(B) Release wild Chinook.

(b) From the confluence of the South Fork upstream to the Highway 4 Bridge:

(i) From February 1 through April 15: Selective gear rules.

(ii) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: ~~((A))~~ Open August 1 through ~~((September 30))~~ January 31.~~((H))~~ (A) Daily limit 6; only 2 adults may be retained((; of which only one may be a wild adult coho)).~~((H))~~ (B) Release wild Chinook.~~((B) Open October 1 through January 31.~~~~(I) Limit 6; only 4 adults may be retained, of which only one may be a wild adult coho.~~~~(H) Release wild Chinook.)~~(c) From the Highway 4 Bridge to 300 feet below the upstream entrance of the Naselle Hatchery attraction channel:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From February 1 through April 15: Selective gear rules.

(iii) From August 16 through October 15: Bait or lure must be suspended below a float.

(iv) From August 16 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restrictions.

(v) Open the Saturday before Memorial Day through July 31 and August 16 through April 15.

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon: ~~((A))~~ Open August 16 through ~~((September 30))~~ January 31.

~~((H)) (A) Daily limit 6; only 2 adults may be retained, of which only one may be a wild adult coho.~~

~~((H)) (B) Release wild Chinook.~~

~~((B) Open October 1 through January 31.~~

~~(I) Limit 6; only 4 adults may be retained, of which only one may be a wild adult coho.~~

~~(H) Release wild Chinook.~~

~~(viii)) (d) From 300 feet below the upstream entrance of the Naselle Hatchery attraction channel (downstream 300 feet) to the upstream entrance of the Naselle Hatchery attraction channel: Closed waters.~~

~~((H)) (e) From the upstream entrance of the Naselle Hatchery attraction channel to the (Crown Mainline (Salme) Bridge:~~

~~(i) From the falls in Sec. 6, T10N, R8W (Wahkiakum Co.) downstream 400 feet: Closed waters.~~

~~(ii) Downstream of the full spanning concrete diversion structure at the Naselle Hatchery: Closed waters August 1 through October 15.~~

~~(iii)) full spanning concrete diversion structure at the Naselle Hatchery:~~

~~(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(ii) August 1 through October 15: Closed waters.~~

~~(iii) From October 16 through November 15:~~

~~(A) Night closure.~~

~~(B) Anti-snagging rule.~~

~~(C) Barbless hooks are required.~~

~~(D) Stationary gear rules.~~

~~(iv) From February 1 through April 15: Selective gear rules.~~

~~(v) Open the Saturday before Memorial Day through April 15.~~

~~(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(vii) Salmon: Open October 16 through January 31.~~

~~(A) Daily limit 6; only 2 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~(f) From the full spanning concrete diversion structure at the Naselle Hatchery to 400 feet downstream of the falls in Sec. 6 T10N R8W:~~

~~(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(ii) From August 1 through November 15:~~

~~(A) Night closure.~~

~~(B) Anti-snagging rule.~~

~~(C) Barbless hooks are required.~~

~~(D) Stationary gear rules.~~

~~(iii) Open the Saturday before Memorial Day through April 15.~~

~~(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(v) Salmon: Open October 16 through January 31.~~

~~(A) Daily limit 6; only 2 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~(g) From 400 feet downstream of the falls in Sec. 6, T10N, R8W to the falls in (Wahkiakum County): Closed waters.~~

(h) From the falls in Sec. 6, T10N, R8W to the Crown Mainline (Salme) Bridge:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

((iv)) (ii) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear rules.

((v)) (iii) Open the Saturday before Memorial Day through April 15.

((vi)) (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

((vii)) (v) Salmon: Open October 16 through January 31.

(A) Daily limit 6; only (4) 2 adults may be retained, of which one may be a wild adult coho.

(B) Release wild Chinook.

((e)) (i) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:

(i) From February 1 through April 15; selective gear rules.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

((H)) (j) Upstream from the mouth of the North Fork.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(61) Naselle River, South (Pacific County):

(a) From the mouth to Bean Creek: Open the Saturday before Memorial Day through the last day in February.

(b) From the Saturday before Memorial Day through August 15: Selective gear rules.

(c) From August 16 through November 30: Anti-snagging rule and night closure.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(62) Nemah River, Middle (Pacific County):

(a) From the mouth upstream to the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road:

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iv) Salmon:

(A) Open September 1 through January 31.

(B) Daily limit 6; no more than ((4)) 2 adults may be retained((, of which one may be a wild adult coho)).

(C) Release wild Chinook.

(b) From the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road upstream:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30: ~~((A) Anti-snagging rule.~~

~~(B))~~ Night closure.

(63) Nemah River, North (Pacific County):

(a) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) Stationary gear restriction.

(C) Single-point barbless hooks are required.

(iv) Salmon: Open August 1 through January 31.

(A) Daily limit 6; only ((4)) 2 adults may be retained((, of which one may be a wild adult coho)).

(B) Release wild Chinook.

(b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:

(i) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(iv) From December 1 through March 31: Selective gear rules.

(c) From the Hancock property line upstream to the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge):

(i) Open only for salmon for anglers that possess a senior's license from August 1 through September 15:

(A) Salmon: Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(ii) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(v) From December 1 through March 31: Selective gear rules.

~~((A) Limit 6; only 4 adults may be retained, of which only one may be a wild coho.~~

~~(B) Release wild Chinook.)~~

(d) From the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge) upstream to the Nemah Hatchery Dam: Closed waters.

(e) From the Nemah Hatchery Dam upstream to N-700 Road (46° 28.58N, 123° 48.54W):

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(iv) From December 1 through March 31: Selective gear rules.

(v) Salmon: Open October 1 through January 31:

(A) Daily limit 6; only ((4)) 2 adults may be retained((, of which one may be a wild adult coho)).

(B) Release wild Chinook.

(f) From the N-700 Road (46° 28.58N, 123° 48.54W) to Cruiser Creek:

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(iv) From December 1 through March 31: Selective gear rules.

(64) Nemah River, South (Pacific County):

(a) From September 1 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through March 31:

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open September 1 through January 31.

(i) Daily limit 6; only ((4)) 2 adults may be retained((, of which one may be a wild adult coho)).

(ii) Release wild Chinook.

(65) Newaukum River, including South Fork (Lewis County):

(a) From the mouth to Leonard Road near Onalaska:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iv) Salmon: Open October 16 through ~~((November 30))~~ December 31:

- (A) Daily limit 6; only 2 adults may be retained.
- (B) Release (~~(adult)~~) Chinook (~~(and wild adult coho)~~).
- (b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:
- (i) Open the Saturday before Memorial Day through March 31:
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iii) From August 16 through November 30:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (66) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:**
- (a) Open the Saturday before Memorial Day through March 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (67) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:**
- (a) Open the Saturday before Memorial Day through March 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (68) Niawiakum River (Pacific County):** From Highway 101 Bridge to the South Bend/Palix Road Bridge:
- (a) From August 16 through November 30:
- (i) Night closure.
- (ii) Single-point barbless hooks are required.
- (b) Open the Saturday before Memorial Day through November 30.
- (69) North River (Grays Harbor/Pacific counties):**
- (a) From the Highway 105 Bridge to Fall River:
- (i) From August 16 through November 30:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (C) Anti-snagging rule.
- (ii) Open the Saturday before Memorial Day through the last day in February.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon: Open October 1 through January 31.
- (A) Daily limit 6; only ~~((4)) 2~~ adults may be retained (~~(; of which only one may be a wild adult coho)~~).
- (B) Release wild Chinook.
- (b) From Fall River upstream to Raimie Creek:
- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (70) Ozette Lake tributaries and their tributaries except Big River (Clallam County):** Outside of Olympic National Park. Open the Saturday before Memorial Day through October 15.

- (71) Palix River, including all forks (Pacific County):**
- (a) From the Highway 101 Bridge to the mouth of the Middle Fork:
- (i) From August 16 through November 30:
- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (ii) Open the Saturday before Memorial Day through March 31.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:
- (i) From August 16 through October 15:
- (A) Anti-snagging rule.
- (B) Night closure.
- (ii) From the Saturday before Memorial Day through August 15, and from December 16 through March 31: Selective gear rules.
- (iii) Open the Saturday before Memorial Day through October 15, and from December 16 through March 31.
- (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (72) Peabody Creek (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (73) Pleasant Lake (Clallam County):**
- (a) Game fish: Statewide minimum length/daily limit, except:
- (b) Kokanee: Daily limit 5; minimum length 8 inches, maximum length 18 inches.
- (74) Pysht River (Clallam County):**
- (a) Open the Saturday before Memorial Day through January 31.
- (b) Selective gear rules.
- (c) From the Saturday before Memorial Day through October 31.
- (i) Game fish: Statewide minimum length/daily limit, except:
- (ii) Release cutthroat trout and wild rainbow trout.
- (d) From November 1 through January 31:
- (i) Game fish: Statewide minimum length/daily limit, except:
- (ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (75) Quigg Lake (Grays Harbor County):**
- (a) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (b) Salmon:
- (i) Open October 1 through January 31.
- (ii) Daily limit 6 hatchery coho salmon; only 4 may be adult hatchery coho.
- (76) Quillayute River (Clallam County), outside of Olympic National Park:**
- (a) Open year-round, except closed Mondays and Tuesdays in September and October 1. Closed Mondays in October and October 29.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(ii) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) From February 1 through August 31:

(A) Daily limit 6; only 2 adults may be retained, of which only one may be a sockeye.

(B) Release sockeye, wild adult Chinook and wild adult coho.

(ii) From September 1 through ~~((November 30))~~ September 15:

(A) Daily limit 6; only ((2)) 3 adults may be retained, of which only ((one)) 1 may be a wild Chinook ((and only one may be a sockeye)).

(B) Release sockeye and wild adult coho.

(iii) From September 16 through November 30:

(A) Daily limit 6; only 3 adults may be retained, of which only 1 may be a wild salmon.

(B) Release sockeye.

(77) **Quinault River (Grays Harbor County):** From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) Open the Saturday before Memorial Day through April 15.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait the Saturday before Memorial Day through September 30 and February 16 through April 15.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(f) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(g) Salmon:

(i) Open July 1 through September 30: Daily limit 6 jack salmon only.

(ii) Open October 1 through November 30:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

(78) **Rocky Brook (Jefferson County) (Dosewallips River tributary):** From the mouth upstream: Closed waters.

(79) **Salmon Creek (Pacific County) (tributary of Naselle River):**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(80) Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait the Saturday before Memorial Day through August 31.

(d) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(iii) From Saturday before Memorial Day through September 30: It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iv) From December 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon: Open September 1 through ~~((September))~~ November 30:

(i) Daily limit 6; only 2 may be adults and only ((one)) 1 of the adults may be a Chinook.

(ii) Release wild coho.

(81) Salt Creek (Clallam County): From the mouth to the bridge on Highway 112:

(a) Selective gear rules.

(b) From the Saturday before Memorial Day through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(82) Satsop River and East Fork (Grays Harbor County):

(a) From the mouth to the bridge at Schafer State Park:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through ~~((November 30))~~ December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho)).~~

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) From August 16 through October 31:

- (A) Night closure.
- (B) Single-point barbless hooks are required.
- (c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure.

(iii) From August 16 through November 30: Single-point barbless hooks are required.

(iv) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open October 1 through ~~((November 30))~~
December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(83) Satsop River, Middle Fork (Turnow Branch) (Grays Harbor County):

(a) From August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(84) Satsop River, West Fork (Grays Harbor County):

(a) From August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(85) Sekiu River (Clallam County): From mouth to forks:

(a) Open the Saturday before Memorial Day through January 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(86) Siebert Creek (Clallam County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(87) Sitkum River (Clallam County) (Calawah River tributary):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(88) Skookumchuck River (Thurston County): From the mouth to 100 feet below the outlet of the TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

(a) From August 16 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through April 30:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon: Open October 16 through ~~((November 30))~~
December 31:

(i) Daily limit 6; only 2 adults may be retained.

(ii) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(89) Smith Creek (near North River) (Pacific County):

(a) From the mouth to the Highway 101 Bridge:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31:

(A) Daily limit 6; only ~~((3))~~ 2 adults may be retained ~~((of which one may be a wild adult coho))~~.

(B) Release wild Chinook.

(b) From the Highway 101 Bridge upstream:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through the last day in February.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(90) Snahapish River (Jefferson County) (Clearwater River tributary):

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(91) Snow Creek and all tributaries (Jefferson County): Closed waters.

(92) Sol Duc River (Clallam County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to the concrete pump station at the Sol Duc Hatchery:

(i) It is unlawful to use bait July 16 through August 31 and February 16 through April 30.

(ii) Game fish: Open year-round: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) From February 1 through August 31:

(I) Daily limit 6; only 2 adults may be retained, of which only one may be a sockeye.

(II) Release sockeye, wild adult Chinook and wild adult coho.

(B) From September 1 through ~~(November 30)~~ September 15:

(I) Daily limit 6; only 3 adults may be retained, of which only one may be a wild Chinook (and only one may be a sockeye).

(II) Release sockeye and wild adult coho.

(C) From September 15 through November 30:

(I) Daily limit 6; only 3 adults may be retained, of which only 1 may be wild salmon.

(II) Release sockeye.

(d) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(e) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:

(i) It is unlawful to use bait.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(93) Sol Duc River tributaries unless otherwise listed (Clallam County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(94) Solleks River (Jefferson County) (Clearwater River tributary):

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(95) Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation: Open the Saturday before Memorial Day through the last day in February.

(96) South Bend Mill Pond (Pacific County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(97) Stevens Creek (Grays Harbor County): From the mouth to the Highway 101 Bridge:

(a) From the WDFW hatchery outlet downstream to the cable crossing: Closed waters.

(b) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(98) Sutherland Lake (Clallam County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches and maximum length 18 inches.

(99) Thrash Creek (Pacific/Lewis County): Closed waters.

(100) Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(e) From mouth to D2400 Road: Open the Saturday before Memorial Day through April 30.

(f) From D2400 Road upstream: Open the Saturday before Memorial Day through October 31.

(101) Valley Creek (Clallam County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(102) Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines): Pond One/Bowers Lake is open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(103) Van Winkle Creek (Grays Harbor County):

(a) From August 16 through November 30:

(i) Night closure.

(ii) Anti-snagging rule.

(b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through ~~(November 30)~~ December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release ((~~adult~~)) Chinook ((~~and wild adult coho~~)).

(104) West Twin River (Clallam County):

(a) Selective gear rules.

(b) Release all fish.

(105) Willapa River (Pacific County):

(a) From the mouth (city of South Bend boat launch) to the ((~~Highway 6 Bridge approximately 2 miles below the mouth of Trap~~)) WDFW access site at the mouth of Ward/Wilson creeks:

(i) From August 1 through November 30:

(A) ((~~It is unlawful to fish from a floating device from the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles).~~

~~(B))~~ Night closure.

~~((C))~~ (B) Single-point barbless hooks are required.

~~((D))~~ Stationary gear restriction applies, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creeks.

~~(ii) From the City of South Bend boat launch upstream to the second bridge on Camp One Road:~~ (ii) August 1 through January 31: Anglers may fish with two poles, provided they possess a valid two-pole endorsement.

(iii) Open December 1 through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(b) From the WDFW access site at the mouth of Ward/Wilson creeks to the second bridge on Camp One Road:

(i) From August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) August 1 through January 31: Anglers may fish with two poles ((~~August 1 through January 31~~)), provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only ((~~4~~)) 2 adults may be retained((~~of which one may be a wild adult coho~~)).

(B) Release wild Chinook.

~~((B))~~ (c) From the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles):

(i) From August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(D) It is unlawful to fish from a floating device.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(d) From the mouth of Mill Creek to the Highway 6 bridge (approximately 2 miles below the mouth of Trap Creek):

(i) From August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(e) From Highway 6 Bridge (approximately 2 miles below the mouth of Trap Creek) to Fork Creek:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open August 16 through ((~~September 15~~)) January 31:

(A) Daily limit 6; only 2 adults may be retained((~~of which one may be a wild adult coho~~)).

(B) Release wild Chinook.

~~((v))~~ Salmon: Open September 16 through January 31:

(A) Limit 6; only 4 adults may be retained, of which one may be a wild adult coho.

~~(B) Release wild Chinook.~~

~~((e))~~ (f) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:

(i) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through January 31:

(A) Daily limit 6; only ((~~4~~)) 2 adults may be retained((~~of which only one may be a wild adult coho~~)).

(B) Release wild Chinook.

~~((f))~~ (g) From the Highway 6 Bridge near the town of Lebam upstream:

(i) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(106) Willapa River, South Fork (Pacific County):

(a) From the mouth to the bridge on Pehl Road:

(i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.

(ii) From the Saturday before Memorial Day through July 31: Selective gear rules.

(iii) From August 1 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only (3) 2 adults may be retained(; of which one may be a wild adult coho).

(B) Release wild Chinook.

(c) From Pehl Road upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(107) Wishkah River (Grays Harbor County):

(a) From August 16 through November 30: Single-point barbless hooks are required.

(b) From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through ~~((November 30))~~ December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(iv) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

(108) Wynoochee River (Grays Harbor County):

(a) From the mouth to the WDFW White Bridge Access Site:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through ~~((November 30))~~ December 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release ~~((adult))~~ Chinook ~~((and wild adult coho))~~.

(b) From the WDFW White Bridge Access Site to the 7400 line bridge:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) From September 16 through November 30: It is unlawful to use bait.

(iii) Open the Saturday before Memorial Day through March 31:

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the 7400 line bridge to 400 feet below Wynoochee Dam ~~((, including the confluence of the reservoir upstream to Wynoochee Falls))~~:

(i) From 400 feet downstream of Wynoochee Dam to the dam and from the barrier dam near Grisdale to the dam: Closed waters.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Selective gear rules.

(d) From the confluence of the Wynoochee Reservoir upstream to Wynoochee Falls:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(109) Wynoochee Reservoir (Grays Harbor County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

AMENDATORY SECTION (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)

WAC 220-312-030 Freshwater exceptions to state-wide rules—Southwest. (1) Abernathy Creek and tributaries (Cowlitz County):

(a) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed waters.

(b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(c) Selective gear rules, except: Use of barbed hooks is allowed.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) Salmon:

(i) Open November 1 through December 31.

- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (2) **Beaver Creek (Wahkiakum County):** Closed waters.
- (3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**
 - (a) From posted sign above rearing pond outlet to Spencer Road: Closed waters.
 - (b) Anti-snagging rule.
 - (c) Night closure.
 - (d) ~~((Barbless hooks are required for salmon and steelhead.~~
 - (~~e~~)) Open Saturday before Memorial Day through April 15.
 - ((~~f~~)) (e) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 5; minimum length 8 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - ((~~g~~)) (f) Salmon:
 - (i) Open August 1 through December 31.
 - (ii) Limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
 - (4) **Blue Lake (Cowlitz County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Selective gear rules.
 - (c) Release all fish.
 - (5) **Blue Lake Creek (Lewis County):** Selective gear rules.
 - (6) **Butter Creek (Lewis County):** Selective gear rules.
 - (7) **Canyon Creek (Clark County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5.
 - (8) **Carlisle Lake (Lewis County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Landlocked salmon rules.
 - (9) **Cedar Creek and tributaries (tributary of N.F. Lewis) (Clark County):**
 - (a) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (d) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (e) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.

- (10) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (11) **Cispus River (Lewis County):** From the mouth to the falls, not including the North Fork:
 - (a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.
 - (b) ~~((Barbless hooks are required for salmon and steelhead.~~
 - (~~e~~)) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
 - ((~~f~~)) (c) Salmon:
 - (i) Limit 6; up to 2 may be adults.
 - (ii) Only hatchery Chinook and hatchery coho may be retained.
- (12) **Cispus River, North Fork (Lewis County):** Selective gear rules.
- (13) **Coal Creek (Cowlitz County):**
 - (a) From the mouth to 400 feet below the falls:
 - (i) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - (A) Trout: Daily limit 2; minimum length 14 inches.
 - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (iv) Salmon:
 - (A) Open November 1 through December 31.
 - (B) Limit 6; up to 2 may be adults.
 - (C) Only hatchery Chinook and hatchery coho may be retained.
 - (b) From 400 feet below the falls to the falls: Closed waters.
 - (14) **Coldwater Lake (Cowlitz County):**
 - (a) The Coldwater Lake inlet and outlet streams: Closed waters.
 - (b) Selective gear rules.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
 - (15) **Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):**
 - (a) Selective gear rules.
 - (b) Open the Saturday before Memorial Day through August 31.
 - (16) **Coweman River and tributaries (Cowlitz County):**
 - (a) ~~((Barbless hooks are required for salmon and steelhead.~~
 - (~~b~~)) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - ((~~c~~)) (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((d))~~ (c) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(17) Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):

(a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.

(b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arm.

(c) ~~(Barbless hooks are required for salmon and steelhead.~~

~~(d))~~ Game fish: Statewide minimum length/daily limit, except: Trout:

(i) Release wild rainbow and wild cutthroat trout.

(ii) Daily limit 10; minimum length 8 inches.

~~((e))~~ (d) Salmon:

(i) Daily limit 6; minimum length 12 inches.

(ii) Up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(18) Cowlitz River (Lewis ~~(County))~~/Cowlitz counties):

(a) From the boundary markers at the mouth to ~~(Mayfield Dam:~~

~~(i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.~~

~~(ii) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.~~

~~((iii))~~ Lexington Bridge:

(i) July 1 through October 31: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead:

(I) Open July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(II) Open August 1 through August 31: Catch and release.

(III) Open September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(IV) Open November 1 through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(b) From the Lexington Bridge to the mouth of Mill Creek:

(i) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open: Closed waters.

~~((iv) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities and who have a designated harvester companion card: Closed waters.~~

~~(v) Barbless hooks are required for salmon, steelhead, and cutthroat trout August 1 through May 31.~~

~~((vi))~~ (ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(c) From the mouth of Mill Creek to ~~(the Cowlitz Salmon Hatchery barrier dam:~~

~~(A)) 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam:~~

(i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.

(ii) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities and who have a designated harvester companion card: Closed waters.

(iii) It is unlawful to fish from a floating device.

~~((B))~~ (iv) April 1 through November 30:

~~((H))~~ (A) Anti-snagging rule.

~~((H))~~ (B) Night closure.

~~((C))~~ (v) May 1 through June 15: It is unlawful to fish from the south side of the river.

~~((vii))~~ Open year-round.

(viii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout:

(I) Release wild rainbow and wild cutthroat trout.

(II) The Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ix) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 3 may be adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b)) (vi) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(vii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(d) From 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam to Mayfield Dam.

(i) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(e) From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):

(i) ~~((Barbless hooks are required for salmon and steel head.~~

(ii)) Closed to all angling within posted "Closed Waters" signs around the adult fish release site.

((iii)) (ii) September 1 through October 31: Anti-snagging rule and night closure.

((iv)) (iii) Open year-round.

((v)) (iv) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

((vi)) (v) Salmon:

(A) Open year-round.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

((e)) (f) From Forest Road 1270 (old Jody's Bridge) upstream and tributaries.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(19) **Deep River (Wahkiakum County):**

(a) Open year-round.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(20) **Delameter Creek (Cowlitz County):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(21) **Drano Lake (Skamania County):** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) ~~((Barbless hooks are required for salmon and steel head January 1 through March 15 and July 1 through September 30.~~

(b)) Closed on Wednesdays beginning the second Wednesday in April through June 30.

((e)) (b) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

~~((c))~~ (c) March 16 through ~~((June 30))~~ October 31:
Night closure.

~~((d))~~ (d) August 1 through December 31: Anti-snagging rule.

~~((e))~~ (e) May 1 through June 30 and October 1 through December 31:

(i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

~~((f))~~ (f) April 16 through June 30: The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing.

~~((g))~~ (g) Open year-round.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Bass: No limit and no size restriction.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restriction.

(D) Release trout.

(E) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.

(ii) Salmon and steelhead: Open March 16 through December 31:

(A) March 16 through ~~((July 31))~~ June 30: Daily limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.

(B) July 1 through July 31: Daily limit 2 hatchery Chinook or 1 hatchery Chinook and 1 hatchery steelhead. Release all other salmon.

(C) August 1 through ~~((December 31))~~ September 30: Daily limit 6; no more than ~~((3 adult salmonids, of which no more than one hatchery steelhead may be retained))~~ 1 adult salmon. Release all steelhead.

(D) October 1 through December 31: Daily limit 6; of which only one may be an adult salmon or hatchery steelhead.

(22) Elochoman River (Wahkiakum County):

~~((a))~~ (a) ~~((From 200 feet above the department of fish and wildlife temporary weir downstream to Foster (Risk) Road Bridge while the weir is installed in the river: Closed waters.~~

~~((b))~~ (b) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge: Closed waters.

~~((c))~~ (c) From the mouth to ~~((West Fork))~~ Foster (Risk) Road Bridge:

~~((i))~~ (i) ~~((Open the Saturday before Memorial Day through March 15.~~

~~((ii))~~ (ii) August 1 through October 31:

(A) Anti-snagging rule~~((s))~~.

(B) Night closure~~((s and))~~.

(C) Stationary gear restriction.

~~((iii))~~ (iii) Barbless hooks are required for salmon and steelhead August 1 through the Friday before Memorial Day.

~~((iv))~~ (iv) (ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((v))~~ (v) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook ~~((and hatchery coho))~~ may be retained.

~~((d))~~ (d) ~~((From the mouth to the Elochoman Hatchery Bridge:))~~ (v) Salmon and steelhead: ~~((i))~~ Open April 16 through the Friday before Memorial Day~~((s~~

~~((i))~~ (i) ~~((Minimum length 12 inches:))~~ Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(b) From Foster (Risk) Road Bridge upstream to 200 feet above the WDFW temporary weir:

(i) From Foster (Risk) Road Bridge to 200 feet above the WDFW temporary weir while the weir is installed in the river: Closed waters.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(vi) Salmon and steelhead: Open April 16 through the Friday before Memorial Day: Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(c) From 200 feet above the WDFW temporary weir to the Elochoman Hatchery Bridge:

(i) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge: Release all salmon.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) Open the Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(vi) Salmon and steelhead:

(A) Open April 16 through the Friday before Memorial Day.

(B) Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.

(d) Elochoman Hatchery Bridge to West Fork:

(i) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon: Open the Saturday before Memorial Day through March 15.

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook may be retained.

(e) From West Fork upstream:

(i) Game fish: Statewide minimum length/daily limit, except: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Salmon:

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook (~~and hatchery coho~~) may be retained.

(23) Franz Lake (Skamania County): Closed waters.

(24) Germany Creek (Cowlitz County) and all tributaries:

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(25) Grays River (Wahkiakum County): From the mouth to South Fork:

(a) (~~Barbless hooks are required for salmon and steelhead.~~

(b) Open the Saturday before Memorial Day through March 15, except closed from Highway 4 Bridge to mouth of South Fork from October 16 through November 30.

(c) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.

(d)) From mouth to Barr Road Bridge:

(i) August 1 through November 15:

(A) Anti-snagging rule((-)),

(B) Night closure ((and)),

(C) Stationary gear restriction((-)

(i) From the mouth to the Highway 4 Bridge August 1 through November 15)).

(ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Open Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open Saturday before Memorial Day through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(b) From Barr Road Bridge to Highway 4 Bridge:

(i) August 1 through November 15:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Open Saturday before Memorial Day through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open Saturday before Memorial Day through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(c) From the Highway 4 Bridge to the mouth of South Fork (~~August 1 through October 15.~~

(e) Selective gear rules January 1 through March 15.

(f) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(g) Salmon:

(i) From the mouth to the Highway 4 Bridge: Open the Saturday before Memorial Day through December 31.

(A) Limit 6; up to 2 may be adults.

(B) Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(ii) From the Highway 4 Bridge to the South Fork: Open the Saturday before Memorial Day through October 15 and December 1 through December 31.

(A) Limit 6; up to 2 may be adults.

(B) Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

~~(h))~~);

(i) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.

(ii) August 1 through October 15:

(A) Anti-snagging rule.

(B) Night closure.

(C) Stationary gear restriction.

(iii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Open Saturday before Memorial Day through October 15 and December 1 through March 15.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) Open Saturday before Memorial Day through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(B) Open August 1 through October 15:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(C) Open December 1 through December 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook may be retained.

(III) All Chinook must be adipose and/or ventral fin clipped to be retained.

(d) From South Fork upstream:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through December 31.

(B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.

(C) Only hatchery Chinook (~~and hatchery coho~~) may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.

(26) Grays River tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(27) Grays River, East Fork (Wahkiakum County):

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(28) Grays River, East Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(29) Grays River, South Fork (Wahkiakum County):

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

(30) Grays River, South Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(31) Grays River, West Fork (Wahkiakum County):

(a) ~~((Barbless hooks are required for salmon and steel head.~~

~~(b))~~ Open the Saturday before Memorial Day through December 31.

~~((c))~~ ~~(b)~~ August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction.

~~((d))~~ ~~(c)~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((e))~~ ~~(d)~~ Salmon: Open the Saturday before Memorial Day through December 31.

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook (~~or hatchery coho~~) may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

(32) Grays River, West Fork tributaries (unless otherwise listed) (Wahkiakum County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(33) Green River (Cowlitz County):

(a) From the mouth to Miner's Creek:

(i) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river: Closed waters.

(ii) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30: Closed waters.

(iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack.

(iv) ~~(Barbless hooks required for salmon and steelhead August 1 through November 30.~~

~~(v)) Selective gear rules, except: Use of barbed hooks is allowed from the Saturday before Memorial Day through July 31 and December 1 through March 15.~~

~~((vi)) (v) Open the Saturday before Memorial Day through March 15. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~((vii)) (vi) Salmon:~~

~~(A) Open August 1 through November 30.~~

~~(B) Daily limit 6; up to ((2)) 4 may be adults.~~

~~(C) Only hatchery coho may be retained.~~

~~(b) From Miner's Creek upstream:~~

~~(i) Selective gear rules, except: Use of barbed hooks is allowed.~~

~~(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(34) Green River tributaries (Cowlitz County):~~

~~(a) Selective gear rules.~~

~~(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.~~

~~(35) Grizzly Lake (Skamania County): Closed waters.~~

~~(36) Hamilton Creek (Skamania County):~~

~~(a) Tributaries downstream from the Highway 14 Bridge: Closed waters.~~

~~(b) Selective gear rules, except: Use of barbed hooks is allowed.~~

~~(c) Game fish: Statewide minimum length/daily limit, except:~~

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) Salmon:~~

~~(i) Open August 1 through October 31.~~

~~(ii) Limit 6; up to 2 may be adults.~~

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~(37) Horsethief Lake (Klickitat County): Open the fourth Saturday in April through October 31.~~

~~(38) Indian Heaven Wilderness Lakes (Skamania County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 8 inches.~~

~~(39) Johnson Creek (Lewis County) (Cowlitz River tributary): Selective gear rules.~~

~~(40) Kalama River (Cowlitz County):~~

~~(a) From ~~((boundary markers at the mouth upstream to 1,000 feet below the fishway at the upper salmon hatchery:~~~~

~~(i) From Modrow Bridge downstream to the markers 1,500 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.~~

~~(ii) From the railroad bridge below I-5 to the intake at the lower salmon hatchery: From April 1 through October 31:~~

~~(A) Night closure.~~

~~(B) Anti-snagging rule.~~

~~(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.~~

~~(iv) Barbless hooks are required for salmon and steelhead.~~

~~(v) Open September 1 through October 31 for fly fishing only from the natural gas pipeline crossing to the posted deadline at the intake to the lower salmon hatchery.~~

~~(vi) Open year-round.~~

~~(vii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(viii) Salmon:~~

~~(A) Open January 1 through July 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(B) Open August 1 through December 31:~~

~~(I) Daily limit 6; up to 3 may be adults, of which only 2 may be coho.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(b)) the mouth to the railroad bridge below Interstate 5:~~

~~(i) July 1 through October 31: Night closure.~~

~~(ii) Game fish: Open year-round.~~

~~(A) Statewide minimum length/daily limit, except:~~

~~(B) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iii) Steelhead:~~

~~(A) July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.~~

~~(B) August 1 through August 31: Release all steelhead.~~

~~(C) September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.~~

~~(D) November 1 through June 30: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iv) Salmon:~~

~~(A) Open January 1 through July 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(B) Open August 1 through December 31:~~

~~(I) Daily limit 6; up to 3 may be adults.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(b) From the railroad bridge below Interstate 5 to Modrow Bridge:~~

~~(i) From Modrow Bridge downstream to the markers approximately 1,000 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.~~

~~(ii) April 1 through October 31:~~

~~(A) Night closure.~~

~~(B) Anti-snagging rule.~~

~~(iii) Game fish: Open year-round.~~

~~(A) Statewide minimum length/daily limit, except:~~

~~(B) Trout: Daily limit 2; minimum length 14 inches.~~

~~(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iv) Salmon:~~

~~(A) Open January 1 through July 31:~~

~~(I) Daily limit 6; up to 2 may be adults.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(B) Open August 1 through December 31:~~

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(c) From the Modrow Bridge to the natural gas pipeline crossing:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(d) From the natural gas pipeline crossing to the deadline at the intake to the lower salmon hatchery:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Open September 1 through October 31 for fly fishing only, except: Use of barbed hooks is allowed.

(iv) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(e) From intake of the lower salmon hatchery to 1,000 feet below fishway at the upper salmon hatchery:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(f) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery: Closed waters.

((~~+~~)) (g) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek:

(i) Open year-round.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

((~~+~~)) (h) From Summers Creek upstream to the intersection of 6000 and 6420 roads: ((~~i~~) Barbed hooks are required for salmon and steelhead.

((~~+~~)) Open year-round:

((~~A~~)) (i) Fly fishing only, except: Use of barbed hooks is allowed.

((~~B~~)) (ii) Game fish: Statewide minimum length/daily limit, except:

((~~H~~)) (A) Trout: Daily limit 2; minimum length 14 inches.

((~~H~~)) (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

((~~+~~)) (i) From the intersection of 6000 and 6420 roads to the 6600 road bridge immediately downstream of Jacks Creek:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Open the Saturday before Memorial Day through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

((~~F~~)) (j) From the 6600 road bridge immediately downstream of Jacks Creek to Kalama Falls and tributaries: Closed waters.

(41) Klickitat River (Klickitat County):

(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:

(i) April 1 through the Friday before Memorial Day:

(A) Anti-snagging rule.

(B) Night closure.

(ii) July 1 through July 31: Night closure.

(iii) August 1 through January 31:

(A) Anti-snagging rule.

(B) Night closure.

(iv) Game fish:

(A) Open Saturday before Memorial Day through January 31.

(B) Statewide minimum length/daily limit, except:

(C) Trout: Daily limit 2; minimum length 14 inches.

(v) Steelhead:

(A) Open Saturday before Memorial Day through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(B) Open July 1 through July 31: Daily limit 1 hatchery steelhead, minimum length 20 inches.

(C) August 1 through August 31: Catch and release.

(D) Open September 1 through October 31: Daily limit 1 hatchery steelhead, minimum length 20 inches.

(E) Open November 1 through January 31: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(vi) Salmon:

(A) Open Saturday before Memorial Day through July 31: Daily limit 6; no more than 2 adults may be retained. Release wild Chinook.

(B) Open August 1 through January 31: Daily limit 6; no more than 3 adults may be retained.

(vii) Salmon and steelhead: Open April 1 to the Friday before Memorial Day (~~open only~~) for salmon and steelhead on Mondays, Wednesdays, and Saturdays only:

(A) ~~((Anti snagging rule and night closure.~~

~~(B))) Daily limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.~~

~~((C)) (B) Release wild Chinook.~~

~~((D) Barbless hooks required for salmon and steelhead.~~

~~(ii) Open Saturday before Memorial Day through July 31.~~

~~(A) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Trout: Daily limit 2; minimum length 14 inches.~~

~~(H) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(B) Salmon: Daily limit 6; no more than 2 adults may be retained. Release wild Chinook.~~

~~(C) Barbless hooks required for salmon and steelhead.~~

~~(iii) Open August 1 through January 31.~~

~~(A) Anti snagging rule and night closure.~~

~~(B) Game fish: Statewide minimum length/daily limit, except:~~

~~(I) Trout: Daily limit 2; minimum length 14 inches.~~

~~(H) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(C) Salmon: Daily limit 6; no more than 3 adults may be retained.))~~

(b) From Fisher Hill Bridge to the boundary markers above Klickitat Salmon Hatchery, the following waters are closed: From Fishery Hill Bridge to 400 feet above #5 fishway, tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) ~~((Barbless hooks are required for salmon and steelhead.~~

~~(ii))) Open the Saturday before Memorial Day through November 30:~~

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((iii)) (ii) Whitefish:~~

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

~~((iv)) (ii) Salmon:~~

(A) Saturday before Memorial Day through July 31:

(I) Limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) August 1 through November 30: Limit 6 fish; no more than 3 may be adults, of which only 2 may be coho.

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

(i) Game fish open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

~~((iv) Barbless hooks are required for salmon and steelhead.))~~

(42) **Lacamas Creek (Clark County):**

(a) From the mouth to the footbridge at the lower falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(b) From the footbridge at the lower falls upstream: It is permissible to fish up to the base of Lacamas Lake Dam.

(43) **Lacamas Creek, tributary of Cowlitz River (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(44) **Lewis River (Clark County):**

(a) ~~((Mouth to the mouth of Colvin Creek:~~

~~(i) Open year round.~~

~~(ii))) From the mouth to the mouth of the East Fork Lewis River:~~

(i) July 1 through October 31: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Open year-round.

(B) Statewide minimum length/daily limit, except:

Trout: Daily limit 2; minimum length 14 inches.

(iii) Steelhead:

(A) July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(B) August 1 through August 31: Release all steelhead.

(C) September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(D) November 1 through June 30: Daily limit 3 steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through September 30:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through December 31:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only Chinook and hatchery coho may be retained.

(b) From the mouth of the East Fork Lewis River to Johnson Creek.

(i) Game fish:

(A) Open year-round.

(B) Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through September 30:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through December 31:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only Chinook and hatchery coho may be retained.

(c) From Johnson Creek (~~upstream~~) to Colvin Creek:

(i) May 1 through May 31: Closed waters.

~~((iii)) (ii) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.~~

~~((iv) Barbless hooks are required for salmon and steelhead.~~

~~((v)) (iii) June 1 through November 30 and April 1 through April 30: Anti-snagging rule and night closure ((from Johnson Creek to Colvin Creek June 1 through November 30 and April 1 through April 30.~~

~~(vi) It is unlawful to fish from a floating device from October 1 through November 30 from the mouth of Johnson Creek upstream to the mouth of Colvin Creek).~~

~~((vii)) (iv) Game fish:~~

~~(A) Open June 1 through April 30.~~

~~(B) Statewide minimum length/daily limit, except:~~

~~((A)) (I) Trout: Daily limit 2; minimum length 14 inches.~~

~~((B)) (II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((viii)) (v) Salmon:~~

~~(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.~~

~~(B) Open August 1 through September 30:~~

~~(I) Daily limit 6; up to ((2)) 4 may be adults, of which 2 may be Chinook.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~(C) Open October 1 through December 31:~~

~~(I) Limit 6; up to ((2)) 4 may be adults, of which only ((one)) 2 may be ((a)) Chinook.~~

~~(II) Only Chinook and hatchery coho may be retained.~~

~~((b)) (d) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:~~

~~(i) ((Barbless hooks are required for salmon and steelhead.~~

~~((ii)) Open June 1 through October 31 and December 16 through April 30.~~

~~((iii)) (ii) Anti-snagging rule and night closure April 1 through April 30 and June 1 through October 31.~~

~~((iv)) (iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((v)) (iv) Salmon:~~

~~(A) ((Open August 1 through October 31 and December 16 through April 30.~~

~~((B)) January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult.~~

~~((C)) (B) August 1 through September 30:~~

~~(I) Daily limit 6; up to ((2)) 4 may be adults; of which 2 may be Chinook.~~

~~(II) Only hatchery Chinook and hatchery coho may be retained.~~

~~((D)) (C) October 1 through October 31 and December 16 through December 31:~~

~~(I) Daily limit 6; up to ((2)) 4 may be adults, of which ((one)) 2 may be ((a)) Chinook.~~

~~(II) Only Chinook and hatchery coho may be retained.~~

~~((e)) (e) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed waters.~~

~~((f)) (f) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.~~

~~((g)) (g) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse: Closed waters.~~

~~((h)) (h) Lewis River Power Canal:~~

~~(i) Open the fourth Saturday in April through October 31.~~

~~(ii) It is unlawful to fish from a floating device.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

- (iv) Trout: Daily limit 5; no minimum length.
- ~~((g))~~ (i) From Eagle Cliff Bridge to and including Muddy River, including tributaries:
 - (i) Selective gear rules.
 - (ii) Open the Saturday before Memorial Day through July 15.
 - (iii) Game fish: Statewide minimum length/daily limit, except:
 - ~~((iv))~~ (A) Trout: ~~((A))~~ Daily limit 10; minimum length 8 inches.
 - (B) Release wild trout.
 - ~~((h))~~ (j) From above Muddy River to the lower falls and tributaries:
 - (i) Selective gear rules.
 - (ii) Release all fish.
- (45) **Lewis River, East Fork (Clark/Skamania counties):**
 - (a) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls: Closed waters.
 - (b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.
 - (c) From 400 feet below Horseshoe Falls upstream, including tributaries above Horseshoe Falls: Closed waters.
 - (d) From the mouth to 400 feet below Horseshoe Falls:
 - (i) Open the Saturday before Memorial Day through July 15 and September 16 through March 15.
 - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iv) Salmon:
 - (A) Open September 16 through December 31.
 - (B) Limit 6; up to 2 may be adults.
 - (C) Only hatchery Chinook and hatchery coho may be retained.
 - (e) Tributaries from the mouth to 400 feet below Horseshoe Falls:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (46) **Little Klickitat River (Klickitat County):** Within Goldendale city limits:
 - (a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
 - (b) Open the Saturday before Memorial Day through October 31 to all anglers.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.
- (47) **Little Washougal River (Clark County):**
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (c) Salmon:
 - (i) Open August 1 through October 31.

- (ii) Limit 6; up to 2 may be adults.
- (ii) Only hatchery Chinook and hatchery coho may be retained.
- (48) **Little White Salmon River (Skamania County):**
 - (a) From the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery: Closed waters.
 - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.
- (49) **Love Lake (Clark County):** Closed waters.
- (50) **Mayfield Lake (Reservoir) (Lewis County):**
 - (a) Open from the Mayfield Dam to Onion Rock Bridge.
 - (b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed waters.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 10; minimum length 8 inches.
 - (ii) Release wild rainbow trout and wild cutthroat trout.
 - (d) Salmon:
 - (i) Open September 1 through December 31:
 - (ii) Daily limit 6; minimum length 12 inches.
 - (iii) No more than 2 may be adults.
 - (iv) Only hatchery Chinook and hatchery coho may be retained.
- (51) **Merrill Lake (Cowlitz County):**
 - (a) Fly fishing only.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Release all fish.
- (52) **Merwin Lake (Reservoir) (Clark/Cowlitz counties):** Landlocked salmon rules.
- (53) **Mill Creek (Cowlitz County):**
 - (a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
 - (b) Selective gear rules, except: Use of barbed hooks is allowed.
 - (c) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.
 - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 - (d) Salmon:
 - (i) Open November 1 through December 31.
 - (ii) Limit 6; up to 2 may be adults.
 - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (54) **Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.
 - (a) Selective gear rules, except: Use of barbed hooks is allowed.
 - (b) Open the Saturday before Memorial Day through October 31 and December 1 through December 31.
 - (c) Anti-snagging rule from December 1 through December 31.
 - (d) Night closure from December 1 through December 31.
 - (e) Game fish: Statewide minimum length/daily limit, except:
 - (i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon:

(i) Open August 1 through October 31 and December 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(55) **Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

(56) **Olequa Creek (Lewis/Cowlitz counties):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(57) **Ostrander Creek (Cowlitz County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(58) **Outlet Creek (Silver Lake) (Cowlitz County):**

(a) From the Saturday before Memorial Day through November 30.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through November 30.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(59) **Rainey Creek (Lewis County):**

(a) From mouth to Highway 12.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 5; minimum length 8 inches.

(ii) Release wild rainbow and cutthroat trout.

(60) **Riffe Lake (Reservoir) (Lewis County):**

(a) Open from Mossyrock Dam to Cowlitz Falls Dam:

(b) From Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam: Closed waters.

(c) It is permissible to fish up to the base of Swofford Pond Dam.

(d) Landlocked salmon rules.

(61) **Rock Creek (Klickitat County):**

(a) From Army Corps of Engineers Park upstream to the source: Closed waters.

(b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions, and gear restrictions are the same as those in the adjacent portion of the Columbia River.

(62) **Rock Creek (Skamania County):** From the mouth to the falls at approximately river mile one:

(a) ~~((Barbless hooks are required for salmon and steelhead:~~

~~(b)))~~ Open the Saturday before Memorial Day through March 15.

~~((c)))~~ (b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((d)))~~ (c) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(63) **Rowland Lake, North (Klickitat County):** Open the fourth Saturday in April through March 31.

(64) **Salmon Creek (Clark County):** From the mouth to 182nd Avenue Bridge:

(a) ~~((Barbless hooks are required for salmon and steelhead:~~

~~(b)))~~ Open the Saturday before Memorial Day through March 15.

~~((c)))~~ (b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((d)))~~ (c) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(65) **Salmon Creek (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook or hatchery coho may be retained.

(66) **Silver Lake (Cowlitz County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Grass carp: No daily limit; no minimum length.

(67) **Silver Creek (tributary to Cowlitz River) (Lewis County):** From the mouth to USFS Road 4778. Selective gear rules.

(68) **Skamokawa Creek (Wahkiakum County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(69) **Skate Creek (tributary to Cowlitz River) (Lewis County):** Selective gear rules.

(70) **Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through March 31.

(71) **Spirit Lake (Skamania County):** Closed waters.

(72) **Spring Creek (Klickitat County):** From Hill Road upstream to the Goldendale Hatchery: Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; minimum length 8 inches.

(73) **Stillwater Creek (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(74) **Swift Reservoir (Skamania County):**

(a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Trout:

(A) Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(C) Release all steelhead.

(iii) Salmon:

(A) Open the Saturday before Memorial Day through November 30.

(B) ~~((Landlocked salmon rules.~~

~~(C))~~ Salmon count toward trout daily limit.

(C) Minimum length 8 inches.

(D) Maximum length 15 inches.

(E) No catch record card required.

(b) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Trout:

(A) Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(C) Release all steelhead.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through July 15.

(B) Landlocked salmon rules.

(C) Maximum length 15 inches.

(75) **Tilton River (Lewis County):** From the mouth to the West Fork:

(a) Within posted "Closed Waters": Signs around the adult fish release site: Closed waters.

(b) ~~((Barbless hooks are required for salmon and steelhead.~~

~~(c))~~ Anti-snagging rule from September 1 through October 31.

~~((d))~~ (c) Night closure from September 1 through October 31.

~~((e))~~ (d) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout. Open year-round.

~~((f))~~ (e) Salmon:

(i) Open year-round.

(ii) Limit 6; up to 2 may be adults.

(iii) Only ~~((hatchery Chinook and))~~ hatchery coho may be retained.

(76) **Tilton River, East, North, South and West Forks (Lewis County):** Selective gear rules.

(77) **Toutle River (Cowlitz County):** From the mouth to the forks:

(a) ~~((Barbless hooks required for salmon and steelhead.~~

~~(b))~~ Open the Saturday before Memorial Day through March 15.

~~((c))~~ (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((d))~~ (c) Salmon open August 1 through November 30:

(i) Daily limit 6; up to ((2)) 4 may be adults((, of which one may be a hatchery Chinook)).

(ii) Only ~~((hatchery Chinook and))~~ hatchery coho may be retained.

(78) **Toutle River tributaries (unless otherwise listed) (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild trout.

(79) **Toutle River, North Fork (Cowlitz County):**

(a) From the mouth to the posted deadline below the fish collection facility:

(i) Open the Saturday before Memorial Day through March 15.

(ii) September 1 through October 15: Anti-snagging rule and night closure on the North Fork from the confluence with the South Fork to the mouth of Green River.

(iii) ~~((Barbless hooks are required for salmon and steelhead.~~

~~((iv)))~~ Selective gear rules, except: Use of barbed hooks is allowed the Saturday before Memorial Day through July 31 and December 1 through March 15.

~~((v)))~~ (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((vi)))~~ (v) Salmon open August 1 through Nov 30:

(A) Daily limit 6; up to 2 may be adults, of which one may be a Chinook.

(B) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted deadline downstream of the fish collection facility upstream and tributaries: Closed waters.

(80) Toutle River, North Fork tributaries from the mouth to the posted deadline below the fish collection facility (unless otherwise listed) (Cowlitz County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(81) Toutle River, South Fork (Cowlitz County):

(a) From the mouth to 4700 Road Bridge:

(i) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Open the Saturday before Memorial Day through November 30: ~~((A) Barbless hooks are required for salmon and steelhead from August 1 through November 30.~~

~~((B)))~~ Game fish: Statewide minimum length/daily limit, except:

~~((H)))~~ (A) Trout: Daily limit 2; minimum length 14 inches.

~~((H)))~~ (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Open December 1 through March 15:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Salmon:

(I) Open August 1 through November 30.

(II) Limit 6; up to 2 may be adults.

(III) Only hatchery Chinook and hatchery coho may be retained.

(b) From 4700 Road Bridge upstream:

(i) ~~((Barbless hooks are required for salmon and steelhead from August 1 through November 30.~~

~~((ii)))~~ Open the Saturday before Memorial Day through March 15.

~~((iii)))~~ (ii) From December 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

~~((iv)))~~ (iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~((v)))~~ (iv) Salmon:

(A) Open August 1 through November 30.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(82) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(83) Walupt Lake (Lewis County): All inlet streams: Closed waters.

(84) Washougal River (Clark County):

(a) From the mouth to the ~~((Mount Norway Bridge))~~ boat ramp at the WDFW county line access site:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) Night closure.

(iii) ~~((Anti-snagging rule from))~~ July 1 through October 31: Anti-snagging rule.

(iv) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except: ~~((H)))~~ Release all trout.

~~((H) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.)~~

(v) Open the Saturday before Memorial Day through March 15.

(A) ~~((Barbless hooks are required for salmon and steelhead.~~

~~((B)))~~ Game fish: Statewide minimum length/daily limit, except:

~~((H)))~~ (B) Trout: Daily limit 2; minimum length 14 inches.

~~((H) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.)~~

(vi) Steelhead:

(A) April 16 through July 31: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through October 15: Catch and release.

(C) October 16 through March 15: Daily limit 3 hatchery steelhead; minimum length 20 inches.

- (vii) Salmon:
 (A) Open (~~(August 1)~~) October 16 through December 31.
 (B) Limit 6; up to (~~(2)~~) 3 may be adults.
 (C) Only (~~(hatchery Chinook and)~~) hatchery coho may be retained.
 (b) From the (~~(Mount Norway Bridge)~~) boat ramp at the WDFW county line access site to the bridge at Salmon Falls:
 (i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.
 (ii) August 1 through October 31:
 (A) Anti-snagging rule (~~(from August 1 through October 31)~~).
 ((~~iii~~)) (B) Night closure (~~(from August 1 through October 31)~~).
 (iii) Game fish:
 (A) Open from the Saturday before Memorial Day through March 15.
 (B) Game fish: Statewide minimum length/daily limit, except:
 (C) Trout: Daily limit 2; minimum length 14 inches.
 (D) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 (iv) Salmon:
 (A) Open August 1 through December 31.
 (B) Limit 6; up to 2 may be adults.
 (C) Only (~~(hatchery Chinook and)~~) hatchery coho may be retained.
 (c) From the bridge at Salmon Falls upstream and tributaries: Closed waters.
 (85) **Washougal River, West (North) Fork (Clark/Skamania counties):**
 (a) From the mouth to the water intake at the department hatchery: Closed waters.
 (b) From the intake at the department hatchery upstream:
 (i) (~~(Barbless hooks are required for salmon and steelhead.~~
 ((~~iii~~))) Open the Saturday before Memorial Day through March 15.
 ((~~iii~~)) (ii) Game fish: Statewide minimum length/daily limit, except:
 (A) Trout: Daily limit 2; minimum length 14 inches.
 (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
 ((~~iv~~)) (iii) Salmon:
 (A) Open August 1 through December 31.
 (B) Limit 6; up to 2 may be adults.
 (C) Only hatchery Chinook and hatchery coho may be retained.
 (86) **White Salmon River (Klickitat/Skamania counties):**
 (a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse:
 (i) (~~(It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.~~
 ((~~iii~~))) Open year-round.
 ((~~iii~~)) (ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat.

- (ii) July 1 through October 31: Night closure for salmon and steelhead.
 (iv) August 1 through December 31: Anti-snagging rule.
 (v) Salmon and steelhead:
 (A) April 1 through (~~(July 31)~~) June 30:
 (I) Daily limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.
 (II) Release wild Chinook.
 (B) July 1 through July 31:
 (I) Daily limit 2; no more than 2 salmon or 1 salmon and 1 hatchery steelhead.
 (II) Release wild Chinook.
 (C) August 1 through (~~(March 31)~~) August 31:
 (I) Daily limit 6; no more than 2 adult salmon (~~(or 2 hatchery steelhead, or one of each, may be retained)~~). Release all steelhead.
 (II) (~~(Salmon)~~) Only hatchery Chinook and hatchery coho may be retained.
 (D) September 1 through October 31:
 (I) Daily limit 6; no more than 2 adult salmon, or 1 adult salmon and 1 hatchery steelhead.
 (II) Only hatchery Chinook and hatchery coho may be retained.
 (E) November 1 through March 31:
 (I) Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.
 (II) Only hatchery Chinook and hatchery coho may be retained.
 (b) From the county road bridge below the former location of the powerhouse upstream to Big Brother Falls (river mile 16):
 (i) From Big Brother Falls downstream 400 feet: Closed waters.
 (ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
 (iii) Selective gear rules, except: Use of barbed hooks is allowed.
 (iv) Salmon and steelhead:
 (A) Saturday before Memorial Day through July 31:
 (I) Daily limit 2 fish, no more than 2 salmon, or 2 steelhead, or one of each may be retained.
 (II) Only hatchery salmon and hatchery steelhead may be retained.
 (B) August 1 through October 31:
 (I) Daily limit 6; no more than 2 adult salmon, or 2 steelhead, or one of each may be retained.
 (II) Only hatchery salmon and hatchery steelhead may be retained.
 (87) **Wind River (Skamania County):**
 (a) From the mouth to the Highway 14 Bridge:
 (i) Open year-round.
 (ii) (~~(Barbless hooks are required for salmon and steelhead except from March 16 through June 30.~~
 ((~~iii~~))) March 16 through June 30: Night closure.
 ((~~iv~~)) (iii) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

~~((iv))~~ (iv) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(v) July 1 through October 31: Night closure for salmon and steelhead fishing.

(vi) August 1 through October 31: Anti-snagging rule applies.

(vii) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(viii) Salmon and steelhead:

~~(A) Open March 16 through October 31:~~

~~(B))~~ March 16 through June 30: Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained. ~~((C))~~ Release wild Chinook and wild coho.

(B) July 1 through July 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(C) August 1 through August 31: Daily limit 6, no more than 2 adult salmon. Release all steelhead, wild Chinook and wild coho.

(D) September 1 through October 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(b) From the Highway 14 Bridge to 400 feet below Shipherd Falls:

(i) Open year-round.

~~(ii) Barbed hooks are required for salmon and steelhead from July 1 through March 15:~~

~~((iii))~~ March 16 through June 30: Night closure.

(iii) July 1 through October 31: Night closure for salmon and steelhead fishing.

(iv) Anti-snagging rule from May 1 through June 30 and August 1 through October 31.

(v) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(vi) Salmon and steelhead:

(A) Open March 16 through ~~((October 31:~~

~~(B))~~ June 30: Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained. ~~((C))~~ Release wild Chinook and wild coho.

(B) July 1 through July 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(C) August 1 through August 31: Daily limit 6, no more than 2 adult salmon. Release all steelhead, wild Chinook and wild coho.

(D) September 1 through October 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.

(d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffey Dam:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead:

(A) Open May 1 through June 30.

(B) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(e) From 400 feet below the Coffey Dam to 100 feet above the Coffey Dam: Closed waters.

(f) From 100 feet above the Coffey Dam to 800 yards downstream from Carson National Fish Hatchery:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead open May 1 through June 30: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge:

(i) Open September 16 through November 30.

(ii) Release all fish.

(iii) Selective gear rules, except: Use of barbed hooks is allowed.

(h) From Moore Bridge upstream: Closed waters.

(88) **Wind River tributaries (Skamania County):** Closed waters.

(89) **Yale Reservoir (Cowlitz County):** Landlocked salmon rules.

(90) **Yellowjacket Creek (tributary to Cispus River) (Lewis County):** Selective gear rules.

AMENDATORY SECTION (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)

WAC 220-312-040 Freshwater exceptions to statewide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) **County-wide freshwater exceptions to statewide rules:**

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

(i) Open the fourth Saturday in April through October 31.

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

(3) **Aldrich Lake (Mason County):** Open the fourth Saturday in April through October 31.

(4) **Alexander Lake (Kitsap County):** Closed waters.

- (5) **American Lake (Pierce County):**
 (a) Chumming is permissible.
 (b) Combined daily limit of trout and kokanee is 5, any length.
- (6) **Anderson Creek (Kitsap County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (7) **Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (8) **Bainbridge Island - All streams (Kitsap County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (9) **Baker Lake (Whatcom County):**
 (a) Closed waters within a 200 foot radius around the pump discharge at the south end of the lake.
 (b) Chumming is permissible.
 (c) Open the fourth Saturday in April through October 31.
 (d) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches and maximum length 18 inches.
 (e) Salmon: Open July ((7)) 6 through September ((7)) 16.
 (i) Sockeye: Daily limit 3; minimum length 18 inches.
 (ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.
- (10) **Baker River (Skagit/Whatcom County):** From the mouth to the Lower Baker Dam: Closed waters.
- (11) **Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (12) **Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**
 (a) Open July 1 through October 31.
 (b) Selective gear rules.
 (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (13) **Big Beef Creek (Kitsap County):**
 (a) From Seabeck Highway Bridge to Lake Symington:
 (i) Open the Saturday before Memorial Day through August 31.
 (ii) Selective gear rules.
 (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 (iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.
 (b) From Lake Symington upstream:
 (i) Selective gear rules.
 (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (14) **Big Lake (Skagit County):** Landlocked salmon rules.
- (15) **Big Mission Creek (Mason County):**
 (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (16) **Big Quilcene River (Jefferson County):**
 (a) From the mouth to Rodgers Street: Open the Saturday before Memorial Day through August 15.
 (i) Selective gear rules.
 (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 (b) From Rodgers Street to the Highway 101 Bridge:
 (i) From the Saturday before Memorial Day through August 15: Selective gear rules.
 (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iv) From August 16 through October 31:
 (A) Night closure.
 (B) Anti-snagging rules.
 (v) Salmon:
 (A) Open August 16 through October 31.
 (B) Daily limit 4 coho only; minimum length 12 inches.
 (c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.
 (d) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:
 (i) Selective gear rules.
 (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (17) **Big Soos Creek (King County):** From the mouth to the hatchery rack:
 (a) Open the Saturday before Memorial Day through August 31.
 (b) Game fish: Statewide minimum length/daily limit, except: ((+)) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 (((ii) Release all steelhead.))
- (18) **Black Lake (Thurston County):** Game fish: Statewide minimum length/daily limit, except:
 (a) Crappie: Daily limit 10; minimum length 9 inches.
 (b) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (19) **Blackjack Creek (Kitsap County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (20) **Boise Creek (King County) (White River tributary):** From the mouth to the Highway 410 crossing: Closed waters.
- (21) **Bosworth Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (22) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):** From the mouth to Boulder Falls:
 (a) Open ~~((the Saturday before Memorial Day through July))~~ September 16 through October 31.
 (b) Selective gear rules.
 (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(23) **Bradley Lake (Pierce County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(24) **Buck Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(25) **Burley Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(26) **Cady Lake (Mason County):**

(a) Fly fishing only.

(b) Release all fish.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(27) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(28) **Calligan Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(29) **Campbell Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(30) **Campbell Lake (Skagit County):** Grass carp: No daily limit for anglers and bow and arrow fishing allowed.

(31) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River):**

(a) From the mouth to the forks (North Fork and South Fork).

(i) Open (~~the Saturday before Memorial Day~~) September 16 through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the forks (North Fork and South Fork) upstream: Closed waters.

(32) **Capitol Lake (Thurston County):** Closed waters.

(33) **Carbon River (Pierce County):**

(a) From the mouth to Voight Creek:

(i) From September 1 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open September 1 through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open December 1 through January 15:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open September 1 through November 30.

(B) Daily limit 6 fish of which no more than 2 may be adults, minimum length 12 inches.

(C) Release (~~wild coho~~) wild Chinook and chum.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from December 1 through January 15.

(ii) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(34) **Carney Lake (Pierce County):**

(a) Open the fourth Saturday in April through October 31.

(b) Salmon: Landlocked salmon rules.

(35) **Cascade Creek (San Juan County):**

(a) From the mouth to Mountain Lake.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(36) **Cascade Lake (San Juan County):** Open the fourth Saturday in April through October 31.

(37) **Cascade River (Skagit County):**

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 and September 16 through January 31:

(A) June 1 through July 15: Anti-snagging rules and night closure.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(ii) Salmon:

(A) Open June 1 through July 15.

(B) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults; minimum length 12 inches.

(C) Release all other salmon.

(iii) Open September 16 through November 30.

(A) Daily limit 4 coho may be retained; minimum length 12 inches. Release all other salmon.

(B) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the Rockport-Cascade Road Bridge upstream:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(38) **Cavanaugh Lake (Skagit County):** Chumming is permissible.

(39) **Cedar River (King County):**

(a) From the mouth to Landsburg Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) From Landsburg Bridge upstream to the falls: Closed waters.

(40) **Chain Lake (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(41) Chambers Creek (Pierce County):

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam:

(i) Selective gear rules, except bait is permissible September 1 through October 15.

(ii) Open the Saturday before Memorial Day through November 15 for game fish and salmon.

(iii) Night closure.

(iv) ~~((Anti-snagging rules.~~

~~(v))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((v))~~ (v) Salmon:

(A) Limit 6 fish of which no more than 4 may be adult salmon; minimum length 12 inches.

(B) Release wild coho.

(b) From Boise-Cascade Dam to Steilacoom Lake:

(i) Selective gear rules.

(ii) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(42) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(43) Channel Creek (Whatcom County) (Baker River tributary): Open the Saturday before Memorial Day through August 31.

(44) Chaplain Creek (Snohomish County) (Sultan River tributary): Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.

(45) Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River): From the mouth to Cherry Creek Falls: Selective gear rules.

(46) Chico Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(47) Church Creek (Mason County): From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.

(48) Clear Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(49) Clear Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(50) Clear Lake (Thurston County): Open the fourth Saturday in April through October 31.

(51) Clearwater River (Pierce County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(52) Clover Creek (Pierce County): From the mouth upstream to Steilacoom Lake: Closed waters.

(53) Cottage Lake (King County): Open the fourth Saturday in April through October 31.

(54) Coulter Creek (Kitsap/Mason counties):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(55) County Line Ponds (Skagit County): Closed waters.

(56) Crabapple Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(57) Cranberry Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(58) Crescent Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(59) Crescent Lake (Pierce County): Open the fourth Saturday in April through October 31.

(60) Crocker Lake (Jefferson County): Closed to trout fishing.

(61) Cushman Lake (Mason County): Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches and maximum length 18 inches.

(62) Dakota Creek (Whatcom County): From the mouth to Giles Road Bridge.

(a) Open the Saturday before Memorial Day through December 31.

(b) Selective gear rules.

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Daily limit 2 salmon; minimum length 12 inches.

(iii) Release wild Chinook ~~((and wild coho)).~~

(63) De Coursey Pond (Pierce County): Open the fourth Saturday in April through October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(64) Deer Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(65) Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries: Closed waters.

(66) Deer Lake (Island County): Open the fourth Saturday in April through October 31.

(67) Deer Lake (Mason County): Open the fourth Saturday in April through October 31.

(68) Deschutes River (Thurston County): From Old Highway 99 Bridge upstream:

(a) Selective gear rules.

(b) Game fish:

(i) Open year-round.

(ii) Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

- (c) Salmon:
 - (i) Open (~~July 1 through October 15~~) year-round.
 - (ii) Limit 6; no more than 2 adult salmon may be retained.
 - (iii) Release coho.
- (69) **Devereaux Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (70) **Dewatto River (Mason County):**
 - (a) From the mouth to Dewatto-Holly Road Bridge:
 - (i) Open the Saturday before Memorial Day through August 15 and October 1 through October 31.
 - (ii) Selective gear rules.
 - (iii) October 1 through October 31: Night closure.
 - (iv) Game fish: Statewide minimum length/daily limit, except:
 - (A) Release cutthroat trout and wild rainbow trout.
 - (B) No steelhead retention.
 - (b) From Dewatto-Holly Road Bridge upstream:
 - (i) Selective gear rules.
 - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (71) **Dogfish Creek (Kitsap County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (72) **Don Lake (also known as "Clara Lake") (Mason County):** Open the fourth Saturday in April through October 31.
- (73) **Dosewallips River (Jefferson County):**
 - (a) From the mouth to Highway 101 Bridge:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iv) Salmon:
 - (A) Open November 1 through December 15.
 - (B) Limit 2 chum only.
 - (b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (74) **Duckabush River (Jefferson County):**
 - (a) From the mouth to Mason County PUD #1 overhead distribution line:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 - (iv) Salmon:
 - (A) Open November 1 through December 15.
 - (B) Daily limit 2 chum only.
 - (b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:
 - (i) Open the Saturday before Memorial Day through August 31.
 - (ii) Selective gear rules.
 - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (75) **Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (76) **Eglon Creek (Kitsap County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (77) **Elson Creek (Thurston County):** Closed waters.
- (78) **Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.
- (79) **Fazon Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.
- (80) **Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodsport Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.
- (81) **Finney Creek (Skagit County):** From the mouth up to the USFS 17 road bridge: Closed waters.
- (82) **Fisher Creek Slough (Skagit County):** From the mouth to the I-5 Bridge: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (83) **Fortson Mill Pond #2 (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.
- (84) **Fulton Creek (Mason County):** From the mouth to falls at river mile 0.8:
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (85) **Geneva Lake (King County):** Open the fourth Saturday in April through October 31.
- (86) **Gibbs Lake (Jefferson County):**
 - (a) Selective gear rules.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (87) **Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.
- (88) **Goldsborough Creek and tributaries (Mason County):**
 - (a) Selective gear rules.
 - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (89) **Goodwin Lake (Snohomish County):** Chumming is permissible.
- (90) **Goss Lake (Island County):** Open the fourth Saturday in April through October 31.
- (91) **Gorst Creek (Kitsap County):**
 - (a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(92) **Granite Lakes (near Marblemount) (Skagit County):** Game fish: Statewide minimum length/daily limit, except: Release Grayling.

(93) **Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.

(94) **Green (Duwamish) River (King County):**

(a) From an east-west line extending through the southernmost tip of Harbor Island to Tukwila International Boulevard/Old Highway 99:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: ~~((A))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((B) Release steelhead.)~~

(iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon minimum length 12 inches.

(III) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. ~~((H))~~ Release Chinook.

~~((H) Salmon minimum length 12 inches.~~

~~((H))~~ (D) Game fish: Statewide minimum length/daily limit, except: ~~((aa))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((bb) Release steelhead.)~~

(b) From Tukwila International Boulevard/Old Highway 99 to the South 212th Street Bridge:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: ~~((A))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((B) Release steelhead.)~~

(iii) In years ending in odd numbers: Open for salmon and game fish August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Only 1 Chinook may be retained.

~~((iv) August 20 through August 31: Release Chinook.~~

~~(v) September 1 through December 31: Only one Chinook may be retained.~~

~~(A) Salmon minimum length 12 inches.~~

~~((B))~~ (D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((vi))~~ (iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon, up to 3 adults may be retained, of which one may be a Chinook.

~~((f) Salmon: Minimum length 12 inches.~~

~~((H))~~ (D) Game fish: Statewide minimum length/daily limit, except: ~~((aa))~~ Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((bb) Release steelhead.)~~

(c) From the South 212th Street Bridge to the ~~((Auburn-Black Diamond Road))~~ Highway 18 Eastbound Bridge:

(i) ~~((From 150 feet below the mouth of Big Soos Creek))~~ Open for game fish the Saturday before Memorial Day through August 15.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers, open for game fish and salmon September 16 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon October 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From Highway 18 Eastbound Bridge to the Auburn-Black Diamond Road Bridge: Closed waters.

~~((ii) Open for game fish the Saturday before Memorial Day through August 15.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except:~~

~~(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(B) Release steelhead.~~

~~(iv) In years ending in odd numbers, open for game fish and salmon September 16 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.~~

~~(f) Release Chinook.~~

~~(H) Salmon: Minimum length 12 inches.~~

~~(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(v) In years ending in even numbers, open for game fish and salmon October 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 adults may be retained.~~

~~(f) Release Chinook.~~

~~(H) Salmon: Minimum length 12 inches.~~

~~(D) Game fish: Statewide minimum length/daily limit, except:~~

~~(f) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(H) Release steelhead.~~

~~(d)) (e) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek (at Flaming Geyser State Park):~~

~~(i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.~~

~~(ii) Open for game fish the Saturday before Memorial Day through September 15.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: ((A)) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((B) Release steelhead.)~~

~~(iv) Open for game fish and salmon November 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. ((H)) Release Chinook.~~

~~((H) Salmon: Minimum length 12 inches.)~~

~~(D) Game fish: Statewide minimum length/daily limit, except: ((H)) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((H) Release steelhead.)~~

~~(e)) (f) From the mouth of Cristy Creek (at Flaming Geyser State Park) to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):~~

~~(i) ((Closed waters)) Within 150 feet of the Palmer Pond outlet rack: Closed waters.~~

~~(ii) Open for game fish the Saturday before Memorial Day through December 31.~~

~~(iii) Game fish: Statewide minimum length/daily limit, except: ((A)) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~((B) Release steelhead.)~~

~~(iv) Open for game fish and salmon November 1 through December 31:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. ((H)) Release Chinook.~~

~~((H) Salmon: Minimum length 12 inches.)~~

(95) **Greenwater River (King County):** From the mouth to Greenwater Lakes:

(a) Open December 1 through last day in February for whitefish only.

(b) Whitefish gear rules.

(96) **Grovers Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(97) **Hamma Hamma River (Mason County):** From the mouth to 400 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(98) **Hancock Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(99) **Harvey Creek (Snohomish County):** Closed waters.

(100) **Haven Lake (Mason County):** Open the fourth Saturday in April through October 31.

(101) **Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.

(102) **Heins Lake (Kitsap County):** Closed waters.

(103) **Hicks Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(104) **Horseshoe Lake (Jefferson County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(105) **Horseshoe Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(106) **Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(107) **Howell Lake (Mason County):** Open the fourth Saturday in April through October 31.

(108) **Hozomeen Lake (Whatcom County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(109) **Illahee Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(110) **Issaquah Creek (King County):** Open the Saturday before Memorial Day through August 31.

(111) **Jackson Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(112) **Jennings Park Pond (Snohomish County):** Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

(113) **Jimmy-come-lately Creek (Clallam County):** From the mouth to the confluence with East Fork. Open the Saturday before Memorial Day through August 31.

- (114) **Johns Creek (Mason County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (115) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary):** From the mouth through the hatchery to the hatchery boundary fence: Closed waters.
- (116) **Kennedy Creek (Mason County):**
 (a) From the mouth to Highway 101 Bridge:
 (i) Open the Saturday before Memorial Day through the last day in February.
 (ii) October 1 through December 31:
 (A) Anti-snagging rules.
 (B) Night closure.
 (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 (iv) Salmon:
 (A) Open October 1 through November 30.
 (B) Daily limit 6; no more than 2 adults may be retained.
 (C) Release wild coho.
 (b) From Highway 101 Bridge upstream:
 (i) Open the Saturday before Memorial Day through October 31.
 (ii) Selective gear rules.
 (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 (iv) October 1 through October 31: ~~((A) Anti-snagging rules.~~
~~(B))~~ Night closure.
- (117) **Ki Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (118) **Kings Lake Bog (King County):** Closed waters.
- (119) **Kitsap Creek (Kitsap County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (120) **Koeneman Lake (Fern Lake) (Kitsap County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Release all fish.
- (121) **Langlois Lake (King County):** Open the fourth Saturday in April through October 31.
- (122) **LeBar Creek (Mason County):** From the mouth to the falls at river mile 1: Closed waters.
- (123) **Lilliwaup River (Mason County):** From the mouth to 200 feet below the falls:
 (a) Open the Saturday before Memorial Day through August 31.
 (b) Selective gear rules.
 (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (124) **Limerick Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (125) **Little Quilcene River (Jefferson County):** From the mouth to the Little Quilcene River Bridge on Penny Creek Road:
 (a) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.
 (b) Selective gear rules.
 (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (126) **Little Scandia Creek (Kitsap County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (127) **Lone Lake (Island County):**
 (a) Selective gear rules.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Game fish: Statewide minimum length/daily limit, except:
 (i) Trout: Daily limit 1; minimum length 18 inches.
 (ii) Grass carp: No limit for anglers and bow and arrow fishing.
- (128) **Long's Pond (Thurston County):** Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card only.
- (129) **Maggie Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (130) **Malaney Creek (Mason County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (131) **Margaret Lake (King County):** Open the fourth Saturday in April through October 31.
- (132) **Martha Lake (Alderwood Manor) (Snohomish County):** Open the fourth Saturday in April through October 31.
- (133) **Martha Lake (Warm Beach) (Snohomish County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (134) **Mashel River (Pierce County):** Closed waters.
- (135) **McAllister Creek (Thurston County):**
 (a) Open the Saturday before Memorial Day through November 30.
 (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
 (c) Salmon:
 (i) Open July 1 through November 30.
 (ii) Daily limit 6; of which no more than 2 may be adults.
 (iii) Release ~~((eoh))~~ chum, wild coho, and wild Chinook.
- (136) **McLane Creek (Thurston County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
 (c) Night closure.
- (137) **McMurray Lake (Skagit County):** Open the fourth Saturday in April through October 31. Landlocked salmon rules.
- (138) **Melbourne Lake (Mason County):** Open the fourth Saturday in April through October 31.

(139) Mill Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(140) Mill Pond (Auburn) (King County): Open for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.**(141) Minter Creek (Pierce/Kitsap counties):** From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:(a) Open for salmon (~~(October)~~) September 16 through December 15.

(b) Night closure.

(c) Anti-snagging rule.

(d) Daily limit 6; (~~no more than 2~~) up to 4 adult salmon may be retained of which only 2 may be coho or Chinook. Release (~~(Chinook and)~~) wild coho.**(142) Mission Lake (Kitsap County):** Open the fourth Saturday in April through October 31.**(143) Monte Cristo Lake (Snohomish County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) Release all fish except hatchery steelhead.

(144) Mud Lake (Mason County): Open the fourth Saturday in April through October 31.**(145) Munn Lake (Thurston County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

(146) Nisqually River (Pierce County):

(a) From the mouth to Military Tank Crossing Bridge:

(i) Anti-snagging rules.

(ii) Night closure.

(iii) Barbless hooks are required.

(iv) Open July 1 through (~~(September 30)~~) November 15.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon: Open July 1 through (~~(October 1)~~) November 15: Closed Sundays.

(A) Daily limit 6; no more than 2 adults may be retained.

(B) Release (~~(coho)~~) chum(~~(s)~~) and wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(147) Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(148) Nooksack River (Whatcom County):

(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: (~~((A))~~) Open September 1 through December 31:~~((H))~~ (A) Daily limit 2, plus 2 additional hatchery coho.~~((H))~~ (B) Release pink salmon September 1 through December 31.

(C) Release wild Chinook September 1 through September 30.

~~((B) In odd-numbered years, open July 16 through August 31:~~~~(I) Daily limit 4 pink salmon.~~~~(II) It is unlawful to use bait.~~~~(III) It is unlawful to use anything other than single-point barbless hooks measuring 1/2 inch or less from point to shank.)~~

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open October 1 through December 31:

(B) Daily limit 2, plus anglers may retain 2 additional hatchery coho.

(C) Release pink salmon.**(149) Nooksack River, North Fork (Whatcom County):**

(a) From the mouth to the Highway 9 bridge: Closed waters.

(b) From the Highway 9 bridge to Maple Creek:

(i) Open the Saturday before Memorial Day through February 15.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 1 through November 30.

(B) Daily limit 2 salmon, plus anglers may retain 2 additional hatchery coho.

(C) Release pink salmon.

(c) From Maple Creek to Nooksack Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(150) Nooksack River, Middle Fork (Whatcom County): From the mouth to the city of Bellingham diversion dam:

(a) November 1 through January 31: It is unlawful to use motors.

(b) Open the Saturday before Memorial Day through January 31.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(151) Nooksack River, South Fork (Skagit/Whatcom counties):

(a) From the mouth to Skookum Creek:

(i) Open October 1 through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Only one single-point hook allowed.

(iv) From October 1 through November 30: Night closure.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(vi) Salmon open October 1 through December 31:

(A) Daily limit 2; plus anglers may retain 4 additional hatchery coho.

(B) Release chum and pink salmon.

(C) Release wild Chinook October 1 through October 15.

(b) From Skookum Creek upstream to Wanlick Creek: Closed waters.

(c) Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(152) North Lake (King County): Open the fourth Saturday in April through October 31.

(153) Northern State Hospital Pond (Skagit County): Open for juvenile anglers only.

(154) Olalla Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(155) Old Fishing Hole Pond (Kent, King County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card.

(156) Osborne Lake (Mason County): Open the fourth Saturday in April through October 31.

(157) Padden Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(158) Panther Lake (Kitsap/Mason counties): Open the fourth Saturday in April through October 31.

(159) Pass Lake (Skagit County):

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except: Release all ((fish)) trout.

(160) Perry Creek (Thurston County): From the mouth to the falls:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(161) Phillips Lake (Mason County): Open the fourth Saturday in April through October 31.

(162) Pilchuck Creek (Snohomish County):

(a) From the mouth to the ((Pilehuck Falls)) Highway 9 Bridge:

((a)) (i) Open ((the Saturday before Memorial Day)) September 16 through January 31.

((b) From the Saturday before Memorial Day through November 30;)) (ii) Selective gear rules.

((c)) (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through November 30; selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(163) Pilchuck River (Snohomish County):

(a) From the mouth to 500 feet downstream from the Snohomish City diversion dam:

(i) Open from December 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 500 feet downstream from the Snohomish City diversion dam upstream: Closed waters.

(164) Pine Lake (King County): Open the fourth Saturday in April through October 31.

(165) Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

(166) Pipers Creek (King County) and tributaries: Closed waters.

(167) Portage Creek (Snohomish County): Closed waters.

(168) Prices Lake (Mason County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

(169) Puyallup River (Pierce County):

(a) From the 11th Street Bridge to ((Carbon River)) East Main Bridge:

(i) ((Open for game fish August 15 through December 31.

~~(ii) Closed waters within 400 feet of the mouth of Clarks Creek.~~

~~((iii))~~ From August 15 through August 31 all waters closed Sundays.

~~((iv))~~ (ii) From September 1 through October 31 all waters closed Sundays, Mondays, and Tuesdays.

~~((v))~~ (iii) August 15 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

~~((vi))~~ (iv) Open for game fish August 15 through December 31.

(v) Game fish: statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((vii))~~ (vi) Salmon:

(A) Open August 15 through December 31.

(B) Daily limit 6. No more than 2 adults may be retained.

(C) Release ~~((wild coho))~~ chum and wild Chinook.

(b) From East Main Bridge to Carbon River:

(i) From August 15 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(ii) Game fish:

(A) Open August 15 through December 31.

(B) Statewide minimum length/daily limit except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) Open August 15 through December 31.

(B) Daily limit 6. No more than 2 adults may be retained.

(C) Release chum and wild Chinook.

(c) From Carbon River upstream:

(i) Open the Saturday before Memorial Day through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(170) **Raging River (King County):** From the mouth to the Highway 18 Bridge:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(171) **Rapjohn Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(172) **Rattlesnake Lake (King County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(173) **Ravensdale Lake (King County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(174) **Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(175) **Robbins Lake (Mason County):** Open the fourth Saturday in April through October 31.

(176) **Rocky Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.

(177) **Roesiger Lake (Snohomish County):** Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(178) **Ross Lake (Reservoir) (Whatcom County):**

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.

(ii) Eastern brook trout: Daily limit 5; no minimum size.

(179) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):**

(a) From mouth to one mile upstream: Closed waters.

(b) From one mile above the mouths to the headwaters: Open July 1 through October 31.

(180) **Ruby Creek (Whatcom County):** Closed waters.

(181) **Ruby Creek tributaries (Whatcom County):** Open July 1 through October 31.

(182) **Salmon Creek and all forks (Jefferson/Clallam counties):** Closed waters.

(183) **Salmonberry Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(184) **Samish Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: Daily limit 2; minimum length 14 inches.

(185) **Samish River (Skagit County):**

(a) From the mouth to the I-5 Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) It is unlawful to use anything other than one single-point hook.

(iv) From December 1 through December 31: Selective gear rules.

(v) Salmon:

(A) Open August 1 through ~~((October 31))~~ September 22.

(B) Daily limit 2; anglers may only retain fish hooked inside the mouth.

(C) Release pink and wild coho.

(b) From the I-5 Bridge to the Old Highway 99 Bridge:

(i) Closed waters from the Old Highway 99 Bridge to the WDFW salmon rack.

(ii) Open the Saturday before Memorial Day through August 30.

(iii) Selective gear rules.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (c) From the WDFW hatchery rack to Hickson Bridge:
- (i) Open the Saturday before Memorial Day through November 30.
- (ii) Selective gear rules.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (186) **Sammamish Lake (King County):**
- (a) Closed waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.
- (b) Game fish: Statewide minimum length/daily limit, except: Release all kokanee.
- (c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.
- (d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, minimum length 12 inches.
- (e) Open for salmon from October 1 through November 30.
- (i) Salmon: Daily limit 4 coho only.
- (ii) Release Chinook and sockeye.
- (187) **Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:
- (a) Open from January 1 through August 31.
- (b) Selective gear rules.
- (c) ~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~
- ~~(d))~~ Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (188) **Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.
- (189) **Sauk River (Skagit/Snohomish counties):**
- (a) Selective gear rules.
- (b) Release all fish except hatchery steelhead.
- (c) From the mouth to Darrington Bridge:
- (i) Open June 1 through January 31.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) From Darrington Bridge to the mouth of the White Chuck River: Open June 1 through January 31.
- (e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek: Open June 1 through October 31.
- (f) In the South Fork upstream from Elliot Creek: Open June 1 through August 31.
- (190) **Sawyer Lake (King County):** Chumming is permissible.
- (191) **Schneider Creek (Thurston County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (192) **Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (193) **Shady Lake (King County):** Open the fourth Saturday in April through October 31.
- (194) **Shannon, Lake (Skagit County):**
- (a) Open the fourth Saturday in April through October 31.

- (b) Chumming is permissible.
- (c) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches.
- (195) **Shelton Creek (Mason County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (196) **Sherwood Creek (Mason County):**
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (197) **Sherwood Creek Mill Pond (Mason County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (198) **Shoe Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (199) **Silent Lake (Jefferson County):** Open the fourth Saturday in April through October 31.
- (200) **Silver Lake (Pierce County):** Open the fourth Saturday in April through October 31.
- (201) **Silver Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- (202) **Sixteen Lake (Skagit County):** Open the fourth Saturday in April through October 31.
- (203) **Skagit River (Skagit/Whatcom counties):**
- (a) ~~((From the mouth to Highway 530 Bridge at Rockport: Game fish: Statewide minimum length/daily limit, except:~~
- ~~(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~
- ~~(ii) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.~~
- ~~(b))~~ From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):
- (i) Open March 1 through January 31.
- (ii) March 1 through August 31:
- (A) Selective gear rule except anglers fishing for sturgeon must use bait.
- (B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.
- (iii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.
- (v) Salmon:
- (A) Open September 1 through December 31.
- (B) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.
- ~~((e))~~ (b) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:
- (i) Open June 1 through January 31.
- (A) Night closure: June 1 through July 15.
- (B) From June 1 through June 15 and July 16 through August 31.
- (I) Selective gear rules except for sturgeon.
- (II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fish-

ing for sturgeon may use single-point barbless hooks of any size.

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(iv) Salmon:

(A) Open June 16 through July 15.

(B) Daily limit 3 sockeye only.

(I) Open September 1 through December 31.

(II) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

((#)) (c) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) From June 1 through August 31:

(A) Selective gear rules.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(C) Night closure.

(iii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

((#)) (d) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through August 31: Closed waters between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through August 31:

(A) Night closure.

(B) Selective gear rules.

(C) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

((#)) (e) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through January 31:

(A) June 1 through July 15; anti-snagging rules.

(B) June 1 through July 15; night closure.

(C) July 16 through August 31: Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(ii) Salmon:

(A) Open June 1 through July 15.

(B) Daily limit 4 hatchery Chinook only.

(C) Only 2 adult hatchery Chinook may be retained as part of the limit.

(D) Open September 1 through December 31.

(E) Daily limit ((2)) 3 adult salmon, release Chinook, pink, and chum.

((#)) (f) From Cascade River Road to the Gorge Pow-erhouse:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish except hatchery steelhead.

(204) **Skokomish River (Mason County):**

(a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.

(b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.

(c) From the Bonneville Transmission lines west of Highway 101 to the forks:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(205) **Skokomish River, North Fork (Mason County):**

(a) From the mouth to the lower dam:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) Above Lake Cushman, from the mouth to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Release all fish.

(206) **Skokomish River, South Fork (Mason County):**

(a) From the mouth to the mouth of LeBar Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) From LeBar Creek to Rule Creek: Closed waters.

(207) **Skookum Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(208) **Skykomish River (Snohomish County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Salmon:

(A) Open (~~(June 1)~~) the Saturday before Memorial Day through July 31: Daily limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in odd numbers:

(I) Open (~~(August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.)~~) September 1 through September 30:

(II) (~~(Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.~~

~~(HH))~~ Daily limit (~~(3 salmon; release Chinook and chum)~~) 1 coho salmon only.

(C) For years ending in even numbers: Open September 16 through November 15: Daily limit 2, release Chinook and chum.

(c) From the mouth of the Wallace River to the forks:

(i) Open the Saturday before Memorial Day through February 15.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From the Saturday before Memorial Day through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

(iv) Salmon: For years ending in odd numbers:

(A) Open September 1 through (~~(December 31)~~) September 30.

(B) Daily limit (~~(3)~~) 1 coho salmon(~~(; release Chinook and chum)~~) only.

(v) Salmon: For years ending in even numbers:

(A) Open September 16 to November 15.

(B) Daily limit 2 salmon; release Chinook and chum.

(209) **Skykomish River, North Fork (Snohomish County):**

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(b) From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.

(210) **Skykomish River, South Fork (King/Snohomish counties):**

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.

(c) From Sunset Falls to the source:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) (~~(From the Saturday before Memorial Day through November 30.)~~) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) All tributaries and their tributaries above Sunset Falls:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Selective gear rules.

(211) **Snohomish River (Snohomish County):**

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Sturgeon catch and release is permissible year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rules; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure.

(iii) Open the Saturday before Memorial Day through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, for years ending in odd numbers:

(A) Open (~~(August)~~) September 1 through (~~(December 31)~~) September 30.

(B) Daily limit (~~(3 salmon; release Chinook and chum)~~) 1 coho salmon only.

(vi) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers and all channels:

(i) Open the Saturday before Memorial Day through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(iv) Salmon, for years ending in odd numbers:

(A) Open (~~(August 16)~~) September 1 through (~~(December 31)~~) September 30.

(B) (~~(Limit 3; release Chinook and chum.)~~) Daily limit 1 coho salmon only.

(v) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(212) Snoqualmie River (King County):

(a) From the mouth to Snoqualmie Falls:

(i) From the Saturday before Memorial Day through November 30: Selective gear rules.

(ii) From September 1 through November 30: Night closure.

(iii) From the mouth to the boat ramp at the Plum access: Open the Saturday before Memorial Day through January 31.

(iv) From the boat ramp at the Plum access to the falls: Open the Saturday before Memorial Day through February 15.

(v) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon, for years ending in odd numbers:

(A) Open September 1 through ~~((December 31))~~ September 30.(B) Daily limit ~~((3 salmon; release Chinook and chum))~~ 1 coho salmon only.

(viii) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(b) From Snoqualmie Falls upstream, including the North Fork, South Fork, all tributaries except Middle Fork and tributaries to the Middle Fork:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31.

(iv) Open November 1 through the Friday before Memorial Day: Release all fish.

(c) Middle Fork from the mouth to the source, including all tributaries:

(i) Open year-round.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish.

(213) South Prairie Creek (Pierce County): From the mouth to the city of Buckley diversion dam: Closed waters.**(214) Spada Lake (Reservoir) (Snohomish County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; maximum length 12 inches.

(215) Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.**(216) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):** Open year-round.**(217) Squalicum Lake (Whatcom County):**

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(218) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):(a) Open ~~((the Saturday before Memorial Day through July))~~ September 16 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(219) Steel Lake (King County): Open the fourth Saturday in April through October 31.**(220) Stetattle Creek (Whatcom County):** From the mouth to Bucket Creek: Closed waters.**(221) Stevens, Lake (Snohomish County):** Chumming is permissible.**(222) Steves Lake (Stevens Lake) (Mason County):** Open the fourth Saturday in April through October 31.**(223) Stickney Lake (Snohomish County):** Open the fourth Saturday in April through October 31.**(224) Stillaguamish River (Snohomish County):**

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure.

(iii) From August 1 through November 30: Anti-snagging rules, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.

(ii) Open ~~((August 1))~~ September 16 through November 30.

(A) Selective gear rules.

(B) Night closure.

(C) Release all fish except hatchery steelhead.

(iii) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:(A) Open September 16 through November 15.(B) Daily limit 2 coho salmon only.**(225) Stillaguamish River, North Fork (Snohomish County):**

(a) From the North Fork mouth to the mouth of French Creek:

(i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(ii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iii) Open the ~~((Saturday before Memorial Day through June 30 and October))~~ September 16 through November 30:

(A) Fly fishing only.

(B) From (~~October~~) September 16 through November 30; night closure.

(C) Release all fish except hatchery steelhead.

(iv) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) From (~~October~~) September 16 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open (~~the Saturday before Memorial Day through June 30 and October~~) September 16 through November 30:

(A) Fly fishing only.

(B) Release all fish except hatchery steelhead.

(iii) Open from December 1 through February 15. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:

(i) Open (~~from Saturday before Memorial Day through July 31 and October~~) September 16 through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(226) Stillaguamish River, South Fork (Snohomish County):

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open (~~the Saturday before Memorial Day~~) September 16 through January 31.

(ii) From (~~August 1~~) September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.

(c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open Saturday before Memorial Day through November 30.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(227) Storm Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(228) Suiattle River (Skagit/Snohomish County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of trout limit.

(229) Sultan River (Snohomish County): From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(230) Sultan River; North Fork (Snohomish County): Closed waters.

(231) Sultan River; South Fork (Snohomish County): Closed waters.

(232) Summit Lake (Thurston County): Open the fourth Saturday in April through October 31.

(233) Susan Lake (Thurston County):

(a) Selective gear rules.

(b) Release all fish.

(234) Swan's Mill Pond (Stossel Creek) (King County): Open the Saturday before Memorial Day through October 31.

(235) Symington Lake (Kitsap County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(236) Tahuya River (Mason County):

(a) From the mouth to the Belfair Tahuya Road Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the Belfair Tahuya Road Bridge upstream: Selective gear rules.

(237) Tanwax Lake (Pierce County): Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(238) Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within 400 feet of the screen at Dingle Basin: Open year-round.

(239) Tarboo Creek (Jefferson County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(240) Tarboo Lake (Jefferson County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(241) Teal Lake (Jefferson County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(242) **Tenas Lake (Mason County):** Open the fourth Saturday in April through October 31.

(243) **Tennant Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

(244) **Terrell, Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(245) **Thornton Creek (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(246) **Thornton Lake, lower (Whatcom County):** Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

(247) **Tiger Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.

(248) **Toad Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(249) **Tokol Creek (King County) (Snoqualmie River tributary):**

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted boundary marker located downstream of the diversion dam:

(i) Open January 15 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the posted boundary marker downstream of the diversion dam to Tokol Road S.E.: Closed waters.

(250) **Tolt River (King County):**

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) ~~((On the North Fork,))~~ From the USGS trolley cable just below the confluence of the North Fork and South Forks to the forks: Closed waters.

(251) **Tolt River, North Fork (King County):**

(a) From the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.

~~((e) On the North Fork))~~ (b) From the falls approximately 1/3 mile above the Northeast North Fork Road Bridge (Pipeline Bridge) upstream, including all tributaries:

(i) Selective gear rules.

(ii) Release all fish.

~~((d) On the South Fork,))~~ (252) **Tolt River, South Fork (King County):** From the mouth upstream to the dam: Closed waters.

~~((251))~~ (253) **U Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((252))~~ (254) **Uncle John Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((253))~~ (255) **Union River (Mason County):**

(a) From the mouth to the lower bridge on Old Belfair Highway:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the lower bridge on Old Belfair Highway upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((254))~~ (256) **Vogler Lake (Skagit County):**

(a) Fly fishing only.

(b) Release all fish.

~~((255))~~ (257) **Wagners Lake (Snohomish County):**

Open the fourth Saturday in April through October 31.

~~((256))~~ (258) **Walker Lake (King County):** Open the fourth Saturday in April through October 31.

~~((257))~~ (259) **Wallace River (Snohomish County):**

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the Saturday before Memorial Day through February 15.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, in years ending in odd numbers:

(A) Open September 16 through ~~((November))~~ September 30.

(B) Daily limit ~~((3 salmon; release Chinook and chum))~~ 1 coho salmon only.

(vi) Salmon, in years ending in even numbers:

(A) Open September 16 through November 15.

(B) Daily limit 2 salmon; release Chinook and chum.

(b) From 363rd Avenue S.E./Reece Road to 200 feet ~~((upstream))~~ downstream of the water intake of the salmon hatchery:

(i) Open September 16 through February 15.

(ii) From September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, in years ending in odd numbers:

(A) Open September 16 through ~~(November)~~ September 30.

(B) ~~(Limit 3 salmon plus 1 additional pink, release Chinook and chum.)~~ Daily limit 1 coho salmon only.

(vi) Salmon, in years ending in even numbers:

(A) Open September 16 through November 15.

(B) Daily limit 2 salmon, release Chinook and chum.

(c) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters when the hatchery weir is in operation.

(d) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

(i) Open November 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((258))~~ **(260) Wapato Lake (Pierce County):** Open to juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

~~((259))~~ **(261) Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream and Mercer slough (King County):**

(a) Open year-round.

(b) Chumming is permissible.

(c) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(d) December 1 through the last day in February:

(i) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(ii) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(e) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:

(i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) Trout: Minimum length 12 inches.

(iii) Release steelhead and rainbow trout over 20 inches in length.

(f) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Daily limit 4 coho only.

~~((260))~~ **(262) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):**

(a) East of the Fremont Bridge: Chumming is permissible.

(b) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

(c) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(ii) December 1 through the last day in February:

(A) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.

(B) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(iii) March 1 through June 30:

(A) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Trout: Minimum length 12 inches.

(C) Release steelhead and rainbow trout over 20 inches in length.

~~((261))~~ **(263) Whatcom Creek (Whatcom County):**

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the Saturday before Memorial Day through December 31.

(ii) August 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

~~(A)~~ Open August 1 through December 31.

~~((A))~~ (B) Daily limit ((6; anglers may retain up to 2 adult salmon.

~~(B) Release wild coho)) 2.~~

(C) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the markers below the footbridge below Dupont Street in Bellingham to the footbridge below Dupont Street: Closed waters.

(c) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

(i) From August 1 through October 31:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: No minimum length.

~~((262))~~ (264) **Whatcom, Lake (Whatcom County):**

(a) The waters between the Electric Avenue Bridge and the outlet dam: Closed waters.

(b) Open the fourth Saturday in April through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release all cutthroat trout.

~~((263))~~ (265) **Whatcom, Lake, tributaries (Whatcom County):** Closed waters.

~~((264))~~ (266) **White (Stuck) River (Pierce County):**

(a) From October 1 through October 31:

(i) Night closure.

(ii) Selective gear rules.

(b) Release all fish.

(c) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(d) Whitefish: Open December 1 through the last day in February: Whitefish gear rules.

~~((265))~~ (267) **White Chuck River (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((266))~~ (268) **Wildcat Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((267))~~ (269) **Wildcat Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

~~((268))~~ (270) **Wilderness Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules.

~~((269))~~ (271) **Wilkeson Creek (Pierce County) (South Prairie Creek tributary):** From the mouth to the confluence with Gale Creek: Closed waters.

~~((270))~~ (272) **Woodard Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((271))~~ (273) **Wood Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((272))~~ (274) **Woodland Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((273))~~ (275) **Wooten Lake (Mason County):** Open the fourth Saturday in April through October 31.

AMENDATORY SECTION (Amending WSR 19-03-003, filed 1/2/19, effective 2/2/19)

WAC 220-312-050 Freshwater exceptions to statewide rules—Eastside. (1) Countywide freshwater exceptions to statewide rules:

(a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Frenchman Hills Wasteway and Drains, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round, statewide lake rules apply to all species.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

(2) Aeneas Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(3) Ahtanum Creek (Yakima County): Selective gear rules.

(4) Ahtanum Creek, North Fork (Yakima County):

(a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.

(b) Selective gear rules.

(5) Ahtanum Creek, Middle Fork (Yakima County):

(a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.

(b) Selective gear rules.

(6) Alta Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(7) Amber Lake (Spokane County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Open March 1 through November 30.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(8) American River (Yakima County):

(a) Selective gear rules.

(b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8: Closed waters from July 16 through September 15.

(9) Amon Wasteway (Benton County): Selective gear rules.

(10) Andrews Creek (tributary to Chewuch River) (Okanogan County): From the mouth to the falls approximately 0.5 miles upstream: Closed waters.

(11) Asotin Creek, mainstem and forks (Asotin County):

- (a) Closed waters:
 - (i) South Fork from mouth upstream.
 - (ii) North Fork from USFS border upstream.
- (b) Game fish: Statewide minimum length/daily limit, except: It is unlawful to fish for steelhead.

(c) Selective gear rules.

(12) Aspen Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(13) Badger Lake (Spokane County): Open the fourth Saturday in April through September 30.

(14) Banks Lake (Grant County):

- (a) Chumming is permissible.
- (b) Game fish: Statewide minimum length/daily limit, except:

- (i) Crappie: Daily limit 10; minimum length 9 inches.
- (ii) Yellow perch: Daily limit 25.

(15) Bayley Lake (Stevens County):

- (a) Inlet stream: Closed waters.
- (b) Open the fourth Saturday in April through October 31.
- (c) Fly fishing only.
- (d) It is unlawful to fish from a floating device equipped with a motor.

(e) Release all fish.

(16) Bear Creek (tributary to South Fork Tieton River) (Yakima County): From the mouth to the falls (approximately 0.75 mile): Closed waters.

(17) Bear Lake (Spokane County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(18) Beaver Creek (tributary to Methow River) (Okanogan County): Closed waters.

(19) Beaver Lake (Big) (Okanogan County): Open the fourth Saturday in April through October 31.

(20) Beaver Lake, (Little): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(21) Beda Lake (Grant County):

- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(22) Beehive (Lake) Reservoir (Chelan County):

- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(23) Beth Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(24) Big Four Lake (Columbia County):

- (a) Fly fishing only.
- (b) It is unlawful to fish from any floating device.
- (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(25) Big Meadow Lake (Pend Oreille County):

- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(26) Big Twin Lake (Okanogan County):

- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(27) Blackbird Island Pond (Chelan County): Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(28) Black Canyon Creek (tributary to Methow River) (Okanogan County): Closed waters.

(29) Black Lake (Chelan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(30) Black Lake (Okanogan County): Selective gear rules.

(31) Black Lake (Stevens County): Open the fourth Saturday in April through October 31.

(32) Blue Lake (Columbia County): It is unlawful to fish from any floating device.

(33) Blue Lake (Grant County): Open the fourth Saturday in April through September 30.

(34) Blue Lake (near Sinlahekin) (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(35) Blue Lake (near Wannacut Lake) (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

(36) Bobcat Creek and Ponds (Adams County): Open the fourth Saturday in April through September 30.

(37) Bonaparte Creek (Okanogan County): From the mouth to the falls approximately river mile 1.0: Closed waters.

(38) Bonaparte Lake (Okanogan County):

(a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(39) **Boulder Creek and tributaries (Okanogan County):** From the mouth to the barrier falls at river mile 1.0: Closed waters.

(40) **Box Canyon Creek and tributaries (Kittitas County):** From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.

(41) **Browns Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(42) **Bumping Lake (Reservoir) (Yakima County):** Chumming is permissible.

(43) **Buckskin Creek and tributaries (Yakima County):** From the mouth to the west boundary of Suntides Golf Course: Closed waters.

(44) **Bumping River (Yakima County):**

(a) It is permissible to fish up to the base of Bumping Dam.

(b) From the mouth to Bumping Reservoir; selective gear rules.

(45) **Burke Lake (Grant County):** Open March 1 through September 30.

(46) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries:**

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

(47) **Buzzard Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(48) **Caldwell Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(49) **Caliche Lakes, Upper (Grant County):** Open March 1 through September 30.

(50) **Calispell Creek (Calispell River) (Pend Oreille County):** From the mouth to Calispell Lake: Open year-round.

(51) **Campbell Lake (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(52) **Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(53) **Cascade Lake (Grant County):** Open March 1 through September 30.

(54) **Cattail Lake (Grant County):** Open the fourth Saturday in April through September 30.

(55) **Cedar Creek (tributary to Early Winters Creek) (Okanogan County):**

(a) From the mouth to Cedar Falls:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From Cedar Falls upstream including tributaries: Selective gear rules.

(56) **Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(57) **Chain Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.

(58) **Chapman Lake (Spokane County):**

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(59) **Chelan Hatchery Creek (Chelan County):** Closed waters.

(60) **Chelan Lake (Chelan County):**

(a) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.

(b) Salmon: Daily limit 1; minimum length 15 inches.

(c) No catch record card required.

(61) **Chelan Lake tributaries (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.

(62) **Chelan River (Chelan County):** From the railroad bridge to the Chelan PUD safety barrier below the power house:

(a) July 1 through October 31: Anti-snagging rule and night closure.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(c) ~~(Salmon:~~

~~(i) Open July 1 through October 31.~~

~~(ii) Barbless hooks required.~~

~~(iii) Minimum length 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.~~

~~(iv) Release coho, sockeye, and wild adult Chinook.~~

~~(d))~~ From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.

(63) **Chewuch River (Okanogan County):**

(a) From the mouth to Eight Mile Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(64) Chiwaukum Creek (Chelan County):

(a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.

(b) From Fool Hen Creek upstream and tributaries: Selective gear rules.

(65) Chiwawa River (Chelan County):

(a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.

(b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.

(66) Chopaka Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(67) Chumstick Creek (Chelan County): Closed waters.

(68) Clear Lake (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(69) Clear Lake (Spokane County): Open the fourth Saturday in April through October 31.

(70) Cle Elum Lake (Reservoir) (Kittitas County): Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.

(71) Cle Elum River (Kittitas County):

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) Whitefish:

(A) Open December 1 through last day in February for whitefish only.

(B) Whitefish gear rules.

(b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.

(72) Cliff Lake (Grant County): Open March 1 through September 30.

(73) Coffee Pot Lake (Lincoln County):

(a) Open March 1 through September 30.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Crappie: Daily limit 10; minimum length 9 inches.

(74) Columbia Basin Hatchery Creek (Grant County):

(a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.

(b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(75) Columbia Park Pond (Benton County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(76) Conconully Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(77) Conconully Reservoir (Okanogan County): Open the fourth Saturday in April through October 31.

(78) Conger Pond (Pend Oreille County): Open the fourth Saturday in April through October 31.

(79) Conner Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(80) Cooper River (Kittitas County): From the mouth to Cooper Lake: Selective gear rules.

(81) Coot Lake (Grant County): Open the fourth Saturday in April through September 30.

(82) Corral Creek (Benton County): Selective gear rules.

(83) Cougar Lake (Pasayten Wilderness) (Okanogan County): Selective gear rules.

(84) Cougar Lake (near Winthrop) (Okanogan County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(85) Cowiche Creek (Yakima County): Selective gear rules.

(86) Coyote Creek and Ponds (Adams County): Open the fourth Saturday in April through September 30.

(87) Crab Creek (Adams/Grant/Lincoln counties):

(a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.

(b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

(c) From the confluence of the Moses Lake outlets to Sand Dunes Road including tributaries:

(i) Open year-round.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Crappie: Minimum length 9 inches.

(B) Crappie and bluegill: Combined limit of 25 fish.

(C) Yellow perch: Daily limit 25 fish.

(d) From the fountain buoy and shoreline markers of 150 feet down stream of the Alder Street fill to Grant County Road 7 NE:

(i) Open year-round.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Crappie: Daily limit 10; minimum length 9 inches.

(B) Bluegill: Daily limit 5; minimum length 8 inches.

(C) Yellow perch: Daily limit 25.

(e) From Grant County Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.

(88) Crawfish Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(89) Crescent Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(90) Crystal Lake (Grant County): Open March 1 through September 30.

(91) Cub Creek (tributary to Chewuch River) (Okanogan County): From mouth upstream to West Chewuch Road Bridge: Closed waters.

(92) Cup Lake (Grant County): Open March 1 through September 30.

(93) Curl Lake (Columbia County):

(a) Open the Saturday before Memorial Day through October 31.

(b) It is unlawful to fish from any floating device.

(94) Davis Lake (Ferry County): Open the fourth Saturday in April through October 31.

(95) Davis Lake (Okanogan County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(96) Dayton Pond (Columbia County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(97) Deadman Lake (Adams County): Open the fourth Saturday in April through September 30.

(98) Deep Creek (tributary to Bumping Lake) (Yakima County): From the mouth to the waterfall approximately 0.33 mile above the second bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.

(99) Deep Lake (Grant County): Open the fourth Saturday in April through September 30.

(100) Deep Lake (Stevens County): Open the fourth Saturday in April through October 31.

(101) Deer Lake (Columbia County):

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(102) Deer (Deer Springs) Lake (Lincoln County): Open the fourth Saturday in April through September 30.

(103) Deer Lake (Stevens County):

(a) Open March 1 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(104) Delaney Springs (Grant County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(105) De Roux Creek (Kittitas County): From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.

(106) Dog Creek (tributary to Chewuch) (Okanogan County): From mouth upstream to falls approximately 1.5 miles: Closed waters.

(107) Domerie Creek (Kittitas County): Selective gear rules.

(108) Downs Lake (Lincoln/Spokane counties):

(a) Open March 1 through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(109) Dry Falls Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(110) Dune Lake (Grant County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(111) Dusty Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(112) Eagle Creek (tributary to Twisp River) (Okanogan County): From mouth upstream to the falls approximately 0.5 miles: Closed waters.

(113) Early Winters Creek (tributary to Methow River) (Okanogan County):

(a) From the mouth upstream to Forest Road 300: Closed waters.

(b) From Forest Road 300 upstream; including tributaries except Cedar Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(114) Eightmile Creek (tributary to Chewuch River) (Okanogan County): From the mouth upstream to Forest Road 5130 Bridge: Closed waters.

(115) Elbow Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(116) Ell Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(117) Eloika Lake (Spokane County): Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(118) Empire Lake (Ferry County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(119) Entiat River (Chelan County):

(a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery): ~~((Open July 16 through September 30 for hatchery Chinook only.~~

~~(i) Selective gear rules.~~

~~(ii) Night closure.~~

~~(iii) Minimum length 12 inches; daily limit 6.~~

~~(iv) Release coho and sockeye.~~

~~(v) Steelhead: Closed to fishing.~~

~~(vi))~~

(i) Open December 1 through the last day in February for whitefish only.

~~((vii))~~ (ii) Whitefish gear rules.

(b) From the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:

(i) Whitefish:

(ii) Open December 1 through the last day in February for whitefish only.

(iii) Whitefish gear rules.

(c) Entiat River and all tributaries above Entiat Falls: Selective gear rules.

(120) **Ephrata Lake (Grant County):** Closed waters.

(121) **Esquatzel Coulee (Franklin County):** Open year-round.

(122) **Esquatzel Coulee, West Branch (Franklin County):** Open year-round.

(123) **Falls Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to the falls approximately .15 miles: Closed waters.

(124) **Fan Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(125) **Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(126) **Fiorito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(127) **Fish Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.

(128) **Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(129) **Fish Lake (Spokane County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(130) **Fishhook Pond (Walla Walla County):** It is unlawful to fish from a floating device.

(131) **Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.

(132) **Forde Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(133) **Fourth of July Lake (Adams/Lincoln counties):**

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(134) **Frank's Pond (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Open to juvenile anglers only.

(135) **Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(136) **Frenchman Hills Wasteway and Drains (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(137) **Gadwall Lake (Grant County):** Open the fourth Saturday in April through September 30.

(138) **Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.

(139) **Goat Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(140) **Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake):** Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.

(141) **Gold Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(142) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(143) **Goose Lake, Lower (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.

(144) **Grande Ronde River (Asotin County):**

(a) From the mouth to County Road Bridge, about 2.5 miles upstream:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Selective gear rules.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

(145) Green Lakes (Lower and Upper) (Okanogan County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(146) Grimes Lake (Douglas County):

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(147) Halfmoon Lake (Adams County): Open the fourth Saturday in April through September 30.

(148) Hampton Lakes (Lower and Upper) (Grant County): Open the fourth Saturday in April through September 30.

(149) H and H Reservoir Number One (Pascal's Pond) (Chelan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(150) Harris Lake (Grant County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(151) Hatch Lake (Stevens County): Open the Friday after Thanksgiving through March 31.

(152) Hays Creek and Ponds (Adams County): Open the fourth Saturday in April through September 30.

(153) Headgate Pond (Asotin County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(154) Hen Lake (Grant County): Open the fourth Saturday in April through September 30.

(155) Hog Canyon Creek (Spokane County): From the mouth to Scroggie Road: Closed waters.

(156) Hog Canyon Lake (Spokane County): Open the Friday after Thanksgiving through March 31.

(157) Homestead Lake (Grant County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(158) Hourglass Lake (Grant County): Open the fourth Saturday in April through September 30.

(159) Hutchinson Lake (Adams County): Open the fourth Saturday in April through September 30.

(160) I-82 Ponds, 1 through 7 (Yakima County): It is unlawful to fish from a floating device equipped with an internal combustion motor.

(161) Icicle River and tributaries (Creek) (Chelan County):

(a) From the mouth upstream 800 feet to posted signs: Closed waters.

(b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed ~~((to all species except:~~

~~(i) Open for hatchery Chinook salmon only.~~

~~(ii) Open May 15 to July 31.~~

~~(iii) Night closure.~~

~~(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(v) Daily limit 2 hatchery Chinook; minimum length 12 inches.~~

~~(vi) Mandatory retention of hatchery Chinook)) waters.~~

(c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.

(d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot): ~~((i) Closed to all species except:~~

~~(A) Open for hatchery Chinook only.~~

~~(B) Open May 15 to July 31.~~

~~(C) Night closure.~~

~~(D) Daily limit 2; minimum length 12 inches.~~

~~(ii) It is unlawful to retain more than 2 hatchery Chinook)) Closed waters.~~

(e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.

(162) Indian Creek (Yakima County): From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.

(163) Ingalls Creek (Chelan County): From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.

(164) Jameson Lake (Douglas County): Open the fourth Saturday in April through October 31.

(165) Jasmine Creek (Okanogan County):

(a) Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Game fish: Statewide minimum length/daily limit, except: Steelhead: Closed to fishing.

(166) Jefferson Park Pond (Walla Walla County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(167) Jolanda, Lake (Chelan County): Closed waters.

(168) Kachess Lake (Reservoir) (Kittitas County):

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(169) Kachess River (Kittitas County):

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) From the mouth to Kachess Dam: Selective gear rules.

(170) Keechelus Lake (Reservoir) (Kittitas County):

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

(171) Kettle Creek (tributary to American River) (Yakima County): Closed waters.

(172) Kettle River (Stevens County): From Barstow Bridge upstream:

(a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(d) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(173) Kings Lake and tributaries (Pend Oreille County): Closed waters.

(174) Kiwanis Pond (Kittitas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(175) Lake Creek (Okanogan County):

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

(176) Ledbetter Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(177) Ledking Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(178) Leech Lake (Yakima County):

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 1; minimum length 18 inches.

(179) Lemna Lake (Grant County): Open the fourth Saturday in April through September 30.

(180) Lenice Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(181) Lenore Lake (Grant County):

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of

the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(182) Libby Creek (tributary to Methow River) (Okanogan County): Closed waters.

(183) Liberty Lake (Spokane County): Open March 1 through October 31.

(184) Lilly Lake (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(185) Lions Park Pond (Walla Walla County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(186) Little Bridge Creek (tributary of Twisp River) (Okanogan County):

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

(187) Little Falls Reservoir (Spokane River) (Lincoln County): From Little Falls Dam to Long Lake Dam: Land-locked salmon rules.

(188) Little Lost Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(189) Little Naches River including tributaries (Yakima County): Selective gear rules.

(190) Little Pend Oreille River and tributaries (Stevens County): Selective gear rules.

(191) Little Spokane River and tributaries (Spokane County):

(a) From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream:

(i) Open Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(192) Little Twin Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Eastern brook trout count as part of trout daily limit.

(193) Little Twin Lake (Stevens County): Open the fourth Saturday in April through October 31.

(194) Little Wenatchee River (Chelan County):

(a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.

(b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.

(195) Long Lake (Ferry County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

(d) It is unlawful to fish from a floating device equipped with a motor.

(196) Long Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(197) Long Lake (Lake Spokane) (Spokane County): From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Land-locked salmon rules.

(198) Loon Lake (Stevens County): Open the fourth Saturday in April through October 31.

(199) Lost Lake (Kittitas County): Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.

(200) Lost Lake (Okanogan County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(201) Lost River (tributary to Methow River) (Okanogan County):

(a) From the mouth to the mouth of Monument Creek: Closed waters.

(b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Minimum length 14 inches; daily limit 2.

(B) Dolly Varden/bull trout may be retained as part of trout daily limit.

(202) Lyman Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(203) Mad River (Chelan County):

(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.

(b) From Windy Creek upstream and tributaries: Selective gear rules.

(204) Manastash Creek (Kittitas County): Selective gear rules.

(205) Marshall Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(206) Martha Lake (Grant County): Open March 1 through September 30.

(207) Mary Ann Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(208) Mattoon Lake (Kittitas County): It is unlawful to fish from a floating device equipped with an internal combustion motor.

(209) McCabe Pond (Kittitas County): It is unlawful to fish from any floating device equipped with a motor.

(210) McDowell Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

(211) McManaman Lake (Adams County): Open the fourth Saturday in April through September 30.

(212) Medical Lake (Spokane County):

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(213) Medical Lake, West (Spokane County): Open the fourth Saturday in April through September 30.

(214) Mercer Creek (Kittitas County): Selective gear rules.

(215) Merry Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(216) Methow River (Okanogan County):

(a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.

(b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(c) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(i) Open the Saturday before Memorial Day through September 15.

(ii) Selective gear rules.

(iii) Release all fish.

(d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:

(i) Selective gear rules.

(ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(e) From Gold Creek to Foghorn Dam:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules.

(iii) Release all fish.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby

Creek, and Beaver Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(g) From Foghorn Dam to Weeman Bridge including tributaries:

(i) Open the Saturday before Memorial Day through August 15:

(A) Release all fish.

(B) Selective gear rules.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(h) From Weeman Bridge to the falls above Brush Creek: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek.

(i) Selective gear rules.

(ii) Release all fish.

(217) Mill Creek (tributary to the Walla Walla River) (Walla Walla County):

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream excluding tributaries: Selective gear rules.

(c) All tributaries upstream of Bennington Dam: Closed waters.

(218) Mineral Creek (tributary to upper Kachess River) (Kittitas County): From the mouth to the Wilderness Boundary: Closed waters.

(219) Molson Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(220) Monument Creek (Okanogan County), including tributaries: Selective gear rules.

(221) Morgan Lake (Adams County): Open the fourth Saturday in April through September 30.

(222) Moses Lake (Grant County): Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: Daily limit 5; minimum length 8 inches.

(c) Yellow perch: Daily limit 25.

(223) Mud Lake (Yakima County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(224) Mudgett Lake (Stevens County): Open the fourth Saturday in April through October 31.

(225) Muskegon Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(226) Myron Lake (Yakima County):

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(227) Mystic Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(228) Naches River (Yakima/Kittitas counties):

(a) From the mouth to Little Naches River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(229) Naneum Creek and tributaries (Kittitas County): Selective gear rules.

(230) Naneum Pond (Kittitas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(231) Napeequa River (Chelan County): From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.

(232) Nason Creek (Chelan County):

(a) From the mouth to Gaynor Falls and tributaries except Whitepine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of Whitepine Creek) upstream and tributaries: Selective gear rules.

(233) Nile Creek and tributaries (Yakima County): Selective gear rules.

(234) No Name Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(235) North Creek (tributary to Twisp River) (Okanogan County): From the mouth upstream to Twisp River Road Bridge: Closed waters.

(236) North Elton Pond (Yakima County):

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(237) North Potholes Reserve Ponds (Grant County): Open March 1 through the day before waterfowl season begins.

(238) Nunnally Lake (Grant County):

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30:

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(239) **Oak Creek and tributaries (Yakima County):** Selective gear rules.

(240) **Okanogan River (Okanogan County):**

~~(a) ((Within the mainstem or tributaries open for game fish: It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.~~

~~(b))~~ From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((iv) Salmon:~~

~~(A) Open July 1 through October 15.~~

~~(B) It is permissible to fish two poles from July 1 through August 31 so long as the angler possesses a two-pole endorsement.~~

~~(C) Daily limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(D) Release coho, sockeye, and wild adult Chinook.~~

~~(e))~~ (b) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(i) Open year-round.

(ii) July 1 through September 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((iv) Salmon:~~

~~(A) Open July 1 through September 15.~~

~~(B) Daily limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(C) Release coho, sockeye, and wild adult Chinook.~~

~~(d))~~ (c) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed waters.

(ii) Open the Saturday before Memorial Day through September 15.

(iii) July 1 through September 15: Anti-snagging rule and night closure.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((v) Salmon:~~

~~(A) Open July 1 through September 15.~~

~~(B) Limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(C) Release coho, sockeye, and wild adult Chinook.~~

~~(e))~~ (d) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(241) **Palouse River (Whitman County):** From the mouth to the base of Palouse Falls:

(a) Open year-round for game fish except trout and steelhead.

(b) Trout: Open the Saturday before Memorial Day through October 31.

(c) Steelhead:

(i) Open August 1 through April 15.

(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.

(242) **Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek:** Open year-round.

(243) **Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

(244) **Park Lake (Grant County):** Open the fourth Saturday in April through September 30.

(245) **Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(246) **Pataha Creek (Garfield County):**

(a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.

(b) From the city limits of Pomeroy upstream: Selective gear rules.

(247) **Patterson Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(248) **Pearrygin Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(249) **Pend Oreille River (Pend Oreille County):**

(a) Open year-round.

(b) Game fish: Statewide lake rules.

(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.

(250) **Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

(251) **Peshastin Creek and all tributaries except Ingalls Creek (Chelan County):** Closed waters.

(252) **Petit Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(253) **Phalon Lake (Stevens County):** Closed waters.

(254) **Phillips Lake (Stevens County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(255) **Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(256) **Pillar Lake (Grant County):** Open the fourth Saturday in April through September 30.

(257) **Ping Pond (Oasis Park Pond) (Grant County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(258) **Pit Lake (Douglas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(259) **Poacher Lake (Grant County):** Open the fourth Saturday before April through September 30.

(260) **Potholes Reservoir (Grant County):** Game fish: Statewide minimum length/daily limit, except:

- (a) Crappie: Minimum length 9 inches.
- (b) Crappie and bluegill: Combined limit of 25 fish.
- (c) Yellow perch: Daily limit 25 fish.

(261) **Potter's Pond (Stevens County):** Open the fourth Saturday in April through October 31.

(262) **Powerline Lake (Franklin County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(263) **Quail Lake (Adams County):**

(a) Fly fishing only.
(b) It is unlawful to fish from any floating device equipped with a motor.

(c) Release all fish.

(264) **Quarry Pond (Walla Walla County):** It is unlawful to fish from any floating device.

(265) **Quincy Lake (Grant County):** Open March 1 through September 30.

(266) **Rainbow Lake (Columbia County):**

- (a) Open March 1 through November 30.
- (b) It is unlawful to fish from any floating device.

(267) **Rat Lake (Okanogan County):**

(a) Selective gear rules.
(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(268) **Rattlesnake Creek and tributaries (Yakima County):**

- (a) Selective gear rules.
- (b) Release all fish.

(269) **Red Rock Creek (Grant County):** Open the Saturday before Memorial Day through September 30.

(270) **Reflection Pond (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(271) **Renner Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(272) **Rigley Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2, minimum length 14 inches.

(273) **Rimrock Lake (Reservoir) (Yakima County):** Chumming is permissible.

(274) **Ringold Springs Hatchery Creek (Franklin County):** Closed waters.

(275) **Roaring Creek (Entiat River tributary) (Chelan County):** Closed waters.

(276) **Rock Creek (Adams/Whitman counties):**

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

- (i) Selective gear rules.
- (ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

(277) **Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

(278) **Rocky Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(279) **Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):** Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River downstream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(iii) The Kettle River upstream to Barstow Bridge from March 1 through the Friday before Memorial Day.

(b) From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Daily limit 16 fish; no size restrictions.

(ii) Salmon: Landlocked salmon rules apply.

(c) From the Little Dalles power line crossing to the Canadian border:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.

(C) Walleye: Daily limit 16; no size restrictions.

(ii) Salmon: Landlocked salmon rules apply.

(280) **Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(281) **Royal Lake (Adams County):** Closed waters.

(282) **Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed waters.

(283) **Rufus Woods Lake (Douglas/Okanogan counties):**

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(c) Sturgeon: Closed to fishing.

(284) **Sacheen Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(285) **Saddle Mountain Lake (Grant County):** Closed waters.

(286) **Sago Lake (Grant County):** Open the fourth Saturday in April through September 30.

(287) **Salmon Creek (Okanogan County):**

(a) From the mouth to Conconully Reservoir:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout other than eastern brook trout.

(B) Steelhead: Closed to fishing.

(b) From Conconully Reservoir upstream including tributaries: Selective gear rules.

(288) **San Poil River (Ferry County):**

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(I) Kokanee: Daily limit 2.

(II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(III) Walleye: Daily limit 16; no size restrictions.

(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

(289) **Sand Hollow Creek (Grant County) including tributaries:** From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

(290) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(291) **Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(292) **Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(293) **Shellneck Creek (Yakima County):** Closed waters.

(294) **Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

(295) **Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

(296) **Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

(297) **Silver Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(298) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(299) **Similkameen River (Okanogan County):**

(a) From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) Open July 1 through September 15:

(ii) ~~((Barbless hooks required for salmon and steelhead.~~

~~((iii)))~~ Anti-snagging rule.

~~((iv)))~~ (iii) Night closure.

~~((v)))~~ (iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

- (B) Steelhead: Closed to fishing.
~~((vi) Salmon:~~
~~(A) Daily limit 6; no more than 2 adult hatchery Chinook may be retained.~~
~~(B) Release coho, sockeye, and wild adult Chinook.~~
~~(vii)) (v) Whitefish:~~
 (A) Open December 1 through the last day in February for whitefish only.
 (B) Whitefish gear rules.
 (c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:
 (i) Open the Saturday before Memorial Day through October 31.
 (ii) Whitefish:
 (A) Open December 1 through the last day in February for whitefish only.
 (B) Whitefish gear rules.
(300) Sinlahekin Creek (Okanogan County): From Palmer Lake to Cecile Creek Bridge:
 (a) Open the Saturday before Memorial Day through August 31.
 (b) Selective gear rules.
 (c) Whitefish:
 (i) Open December 1 through the last day in February for whitefish only.
 (ii) Whitefish gear rules.
(301) Skookum Lake, North (Pend Oreille County): Open the fourth Saturday in April through October 31.
(302) Skookum Lake, South (Pend Oreille County):
 (a) Open the fourth Saturday in April through October 31.
 (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
(303) Snake River:
 (a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.
 (b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.
 (c) Within 400 feet of the base of any dam: Closed waters.
 (d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.
 (e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.
 (f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.
 (g) Game fish: Open year-round; statewide minimum length/daily limit, except:
 (i) Trout: Open the Saturday before Memorial Day through October 31.
 (ii) Steelhead:
 (A) Open the Saturday before Memorial Day through July 31; daily limit 2, barbless hooks required.
 (B) Open August 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.
(304) Snipe Lake (Grant County): Open the fourth Saturday in April through September 30.

- (305) **Snipes Creek (Benton County):** Selective gear rules.
(306) Spectacle Lake (Okanogan County): Open April 1 through September 30.
(307) Spokane River (Spokane County): From Nine Mile Dam upstream to the Idaho/Washington state line:
 (a) Selective gear rules.
 (b) Open the Saturday before Memorial Day through March 15:
 (c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.
(308) Sprague Lake (Adams/Lincoln counties):
 (a) The following waters are closed waters:
 (i) Cow Creek.
 (ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, to Danekas Road.
 (iii) The small bay at the southeast end of the lake.
 (b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.
 (c) Game fish: Statewide minimum length/daily limit except:
 (i) Crappie: Minimum length 9 inches.
 (ii) Crappie and bluegill: Combined limit of 25 fish.
(309) Spring Creek (Benton County): Selective gear rules.
(310) Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.
(311) Spring Lake (Columbia County): It is unlawful to fish from any floating device.
(312) Spring Lakes (Upper and Lower) (Grant County): Open March 1 through September 30.
(313) Springdale Pond (Lucky Duck Pond) (Stevens County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
(314) Spruce Creek (tributary to South Fork Tieton River) (Yakima County): Closed waters.
(315) Starvation Lake (Stevens County): Open the fourth Saturday in April through October 31.
(316) Starzman Lakes (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
(317) Stehekin River (Chelan County): From the mouth (Powerline crossing) upstream and tributaries:
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat.
(318) Stratford/Brook Lake (Grant County): Open March 1 through September 30.
(319) Sugarloaf Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(320) Sullivan Creek and tributaries (Pend Oreille County):

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

(321) Sullivan Lake (Pend Oreille County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(322) Summit Lake (Okanogan County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(323) Summit Lake (Stevens County): Open the fourth Saturday in April through October 31.

(324) Swan Lake (Ferry County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(325) Swauk Creek and tributaries (Kittitas County): Selective gear rules.

(326) Taneum Creek and tributaries (Kittitas County): Selective gear rules.

(327) Teal Lakes (North and South) (Grant/Adams counties): Open the fourth Saturday in April through September 30.

(328) Teanaway River (Kittitas County), and tributaries except North Fork: Selective gear rules.

(329) Teanaway River, North Fork (Kittitas County):

(a) From the mouth to Beverly Creek and tributaries; including Beverly Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.

(330) Tern Lake (Grant County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(331) Thirtymile Creek (tributary to Chewuch River) (Okanogan County): From mouth upstream to falls (approximately 700 feet): Closed waters.

(332) Tieton River (Yakima County):

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

(333) Tieton River, North Fork (Yakima County):

(a) The Clear Lake spillway channel: Closed waters.

(b) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.

(c) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(334) Tieton River, South Fork (Yakima County): From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

(335) Tillicum Creek (tributary to Mad River) (Chelan River):

(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.

(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.

(336) Touchet River and tributaries (Columbia/Walla Walla counties):

(a) From the mouth to the confluence of the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(A) November 1 through April 15: Release all fish except steelhead.

(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(b) From the confluence of the North and South Forks upstream including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

(ii) Open the Saturday before Memorial Day through August 31.

(iii) Selective gear rules.

(337) Trout Lake (Ferry County): Open the fourth Saturday in April through October 31.

(338) Tucannon River (Columbia County):

(a) All tributaries are closed waters, except Pataha Creek.

(b) Mouth upstream to Tucannon Hatchery Road Bridge:

(c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(i) November 1 through April 15: Release all fish except steelhead.

(ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed waters.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(f) Cow Camp Bridge upstream: Closed waters.

(339) Tucquala Lake (Kittitas County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Statewide stream rules apply.

(340) Twentymile Creek (tributary to Chewuch River) (Okanogan County): From the mouth upstream to falls (approximately 0.75 miles): Closed waters.

(341) Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County): Closed waters.

- (342) **Twisp River (Okanogan County):**
 (a) Mouth to War Creek:
 (i) Open the Saturday before Memorial Day through August 15.
 (ii) Selective gear rules.
 (iii) Release all fish.
 (b) Twisp River tributaries from War Creek upstream except North Creek and North Fork Twisp River:
 (i) Selective gear rules.
 (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iii) Release all fish.
 (c) From War Creek upstream: Closed waters.
- (343) **Twisp River, North Fork (Okanogan County):** From mouth to falls including tributaries: Closed waters.
- (344) **Umtanum Creek (Kittitas County):** Selective gear rules.
- (345) **Union Creek (Yakima County):** From the mouth to the falls: Closed waters.
- (346) **Upper Wheeler Reservoir (Chelan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Fly fishing only.
 (c) It is unlawful to fish from a floating device equipped with a motor.
 (d) Release all fish.
- (347) **Vic Meyers (Rainbow) Lake (Grant County):**
 (a) Open the fourth Saturday in April through September 30.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (348) **Walla Walla River (Walla Walla County):** From mouth to Washington/Oregon stateline:
 (a) All tributaries except Touchet River and Mill Creek: Closed waters.
 (b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:
 (i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.
 (ii) Steelhead:
 (A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.
 (B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.
- (349) **Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (350) **Wapato Lake (Chelan County):** Open the fourth Saturday in April through October 31.
- (351) **Ward Lake (Ferry County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (352) **Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (353) **Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.
- (354) **Washburn Island Pond (Okanogan County):**
 (a) Open April 1 through September 30.
 (b) An internal combustion motor may be attached to a floating device, but cannot be used.
- (355) **Washburn Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
 (c) Selective gear rules.
 (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (356) **Watson Lake (Columbia County):**
 (a) Open March 1 through November 30.
 (b) It is unlawful to fish from any floating device.
- (357) **Wenaha River tributaries:**
 (a) Open the Saturday before Memorial Day through August 31.
 (b) Selective gear rules.
- (358) **Wenas Creek (Yakima County):** From the mouth to Wenas Lake, including tributaries: Selective gear rules.
- (359) **Wenatchee Lake (Chelan County):**
 (a) Selective gear rules.
 (b) Game fish: Statewide minimum length/daily limit, except:
 (i) Release trout.
 (ii) Steelhead: Closed to fishing.
- (360) **Wenatchee River (Chelan County):**
~~(a) From the mouth to the Icicle Road Bridge: ((a)) Closed waters, except:
 (b) Salmon:
 (i) Open August 1 through September 30.
 (ii) Selective gear rules.
 (iii) Night closure.
 (iv) Daily limit 6; minimum length 12 inches it is unlawful to retain more than 2 adult hatchery Chinook.
 (v) Release coho, sockeye, and wild adult Chinook salmon.
 (e)) Closed waters.~~
 (b) From Icicle Road Bridge upstream to Lake Wenatchee: Closed waters.
- (361) **Whitepine Creek (Chelan County):** From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.
- (362) **White River (Chelan County):** From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.
- (363) **Widgeon Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (364) **Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.
- (365) **Williams Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.
- (366) **Wilson Creek (Kittitas County):** From BNSF railroad bridge upstream: Selective gear rules.
- (367) **Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open March 1 through September 30.
- (368) **Wolf Creek (Methow River tributary) (Okanogan County):** Closed waters.

(369) Yakima River (Yakima County):

(a) Downstream of Highway 240 Bridge, Columbia River rules apply.

(b) From the Highway 240 Bridge to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From 200 feet above to 200 feet below the USBR Chandler Powerhouse/Pumping Station: Closed waters September 1 through October 31.

(ii) From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(iii) Chumming is permissible.

(iv) Game fish: Statewide minimum size/daily limit, except: Release trout.

(v) Salmon:

(A) Open September 1 through October 31.

(B) Night closure.

(C) Barbless hooks required.

(D) Limit 6; it is unlawful to retain more than 1 adult.

(c) From the Grant Avenue bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(ii) Chumming is permissible.

(iii) Fishing from a floating device is prohibited September 1 through October 31.

(iv) Game fish: Statewide minimum size/daily limit, except: Release trout.

(v) Salmon:

(A) Open September 1 through October 31.

(B) Night closure.

(C) Barbless hooks required.

(D) Limit 6; it is unlawful to retain more than ((2)) 1 adult((s)).

(d) From Prosser Dam to Highway 223 Bridge:

(i) Open March 1 through October 31.

(ii) Game fish: Statewide minimum size/daily limit, except: Release trout.

(e) From Grant Avenue Bridge to Prosser Dam: Closed waters.

(f) From Highway 223 Bridge to 3,500 feet below Roza Dam:

(i) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet: Closed waters.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(g) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.

(h) From Roza Dam to 400 feet below Easton Dam; including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: Open year-round.

(i) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(i) From Easton Dam to the base of Keechelus Dam including Easton Lake:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release rainbow and cutthroat trout.

(370) Yakima Sportsmen's Park Ponds (Yakima County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(371) Yocum Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

AMENDATORY SECTION (Amending WSR 19-03-003, filed 1/2/19, effective 2/2/19)

WAC 220-312-060 Freshwater exceptions to statewide rules—Columbia. The following exceptions to statewide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) General Columbia River rules:

(a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.

(iii) Anglers fishing the Columbia River are restricted to one limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

(b) It is unlawful to possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation and completed his or her daily angling.

(c) Salmon and trout handling rules provided in WAC 220-56-118 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC 220-56-118 applies only to anglers fishing from vessels less than 30 feet in length (as

substantiated by Coast Guard documentation or Marine Board registration).

(d) From Buoy 10 to the Washington/Oregon border:

(i) From March 1 through May 15, the mainstem Columbia River is open for retention of adipose fin-clipped steelhead and shad only during days and in areas that are open for the retention of adipose fin-clipped spring Chinook salmon.

(ii) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(e) Open year-round unless otherwise provided.

(f) ~~(Barbless hooks are required for salmon and steelhead)~~ Year-round night closure for salmon and steelhead fishing from Buoy 10 to Highway 395 Bridge at Pasco.

(2) **Rules by river section:**

(a) **From a true north-south line through Buoy 10, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to ~~(the)~~ red navigation ~~(light)~~ marker 2 at Tongue Point on the Oregon bank:**

(i) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open. Only single point barbless hooks may be used for salmon and steelhead.

(ii) Release all trout ~~(, except anglers may retain hatchery steelhead)~~.

(iii) Salmon and steelhead:

(A) ~~(Open)~~ June 16 through July 31: Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge.

(B) Open from June 16 through June ~~(24)~~ 30: ~~(H)~~ Daily limit ~~(6; no more than 2 hatchery steelhead may be retained)~~ 2. ~~(H)~~ Release all salmon ~~(other than hatchery jack Chinook)~~.

(C) Open from ~~(June 22)~~ July 1 through July ~~(4)~~ 31: ~~(H)~~ Daily limit ~~(6; up to 2 adult salmon or 2 hatchery steelhead or one of each may be retained)~~ 1.

~~(H)~~ 1. Release all salmon ~~(other than hatchery Chinook)~~.

~~(D) From July 5 through July 31:~~

~~(F) Daily limit 6; no more than 2 hatchery steelhead may be retained.~~

~~(H) Release all salmon other than hatchery jack Chinook).~~

~~(E)~~ (D) Open August 1 through August ~~(24)~~ 20:

(I) Daily limit ~~(one)~~ 2; no more than 1 Chinook may be retained.

(II) Release all salmon and steelhead except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) Coho minimum length 16 inches.

~~(F)~~ (E) Open August ~~(25)~~ 21 through ~~(September 30)~~ August 31:

(I) Daily limit 2 ~~(, of which only one hatchery steelhead may be retained)~~.

(II) Release all salmon and steelhead other than hatchery coho.

(III) Coho minimum length 16 inches.

~~(G)~~ (F) Open ~~(October)~~ September 1 through ~~(December 31)~~ September 30:

(I) Daily limit ~~(6; no more than 2 adult hatchery salmon, or one hatchery adult salmon and one)~~ 2; no more than 1 hatchery steelhead ~~(,)~~ may be retained.

(II) Release all salmon except hatchery coho.

(III) Coho minimum length 16 inches.

(G) Open October 1 through December 31:

(I) Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead, may be retained.

(II) Release all salmon except hatchery coho.

(H) Open January 1 through March 31:

(I) Daily limit 6; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(iv) Shad open May 16 through March 31.

(v) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

(b) From a line ~~(projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point)~~ at Rocky Point on the Washington bank through Red Buoy 44 to red navigation marker 2 at Tongue Point on the Oregon bank upstream to a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank:

(i)(A) Trout:

(B) Open May 16 through March 31:

(I) Release all trout except hatchery cutthroat.

(II) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(III) Barbless hooks required for cutthroat trout.

(ii) Salmon and steelhead:

(A) Open June 16 through June 30:

(I) Daily limit 2.

(II) Release all salmon.

(B) Open July 1 through July 31:

(I) Daily limit 1.

(II) Release all salmon.

(C) Open August 1 through August 20:

(I) Daily limit 1.

(II) Release all salmon and steelhead other than Chinook and hatchery coho.

(D) Open August 21 through August 31:

(I) Daily limit 6; no more than 2 adult hatchery salmon.

(II) Release all salmon and steelhead other than hatchery coho.

(E) Open September 1 through December 31:

(I) Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead may be retained.

(II) Release all salmon except hatchery coho.

(F) Open January 1 through March 31:

(I) Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or 1 of each may be retained.

(II) Release all salmon other than hatchery Chinook.

(G) Open May 16 through June 15:

(I) Daily limit 6; no more than 2 may be hatchery steelhead.

(II) Release all salmon other than hatchery jack Chinook.

(iii) Shad: Open May 16 through March 31.

(c) From a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank, upstream to the I-5 Bridge:

(i) Trout:

(A) Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat.

(C) Daily limit 2 hatchery cutthroat; minimum length 12 inches.

(D) Barbless hooks are required for cutthroat trout.

(ii) Shad open May 16 through March 31.

(iii) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the ~~(orange)~~ marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington shore.

(iv) Downstream of Warrior Rock line: ~~((A))~~ Salmon and steelhead:

~~((H))~~ (A) Open May 16 through June ~~((21))~~ 15: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

~~((H))~~ Open June 22 through July 4: Daily limit 6; no more than 2 hatchery adult salmon or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

~~((H))~~ Open July 5 through July 31: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

~~((IV))~~ (B) Open June 16 through June 30: Daily limit 2. Release all salmon.

(C) Open July 1 through July 31: Daily limit 1. Release all salmon.

(D) Open August 1 through ~~((September 2))~~ August 27: Daily limit 6; no more than ~~((one))~~ 1 adult salmon ~~(, or one hatchery steelhead,)~~ may be retained. Release all salmon and steelhead except Chinook and hatchery coho.

~~((V))~~ (E) Open ~~((September 3))~~ August 28 through ~~((December 31))~~ August 31: Daily limit 6; no more than 2 ~~((hatchery))~~ adult hatchery salmon ~~(, or one adult salmon and one hatchery steelhead,)~~ may be retained. Release all salmon and steelhead except ~~((Chinook and))~~ hatchery coho.

~~((VI))~~ (F) Open September 1 through December 31: Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon and 1 hatchery steelhead may be retained. Release all salmon except hatchery coho.

(G) Open January 1 through March 31: Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

(v) Upstream of Warrior Rock line: Salmon and steelhead:

(A) Open May 16 through June ~~((21))~~ 15: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.

(B) Open June 16 through ~~((July 31))~~ June 30: Daily limit ~~((6; no more than 2 hatchery steelhead may be retained))~~ 2. Release all salmon.

(C) Open ~~((June 22))~~ July 1 through July ~~((4))~~ 31: Daily limit ~~((6; no more than 2 hatchery adult salmon or one hatchery adult salmon and one hatchery steelhead may be retained))~~ 1. Release all salmon ~~((except hatchery Chinook))~~.

(D) Open January 1 through March 31: Daily limit 6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead or one of each may be retained. Release all salmon except hatchery Chinook.

(E) Open August 1 through ~~((September 14))~~ August 31: Daily limit 6; no more than ~~((one))~~ 1 adult salmon ~~((or one hatchery steelhead))~~ may be retained. Release all salmon and steelhead except Chinook and hatchery coho.

(F) Open September ~~((15))~~ 1 through ~~((December 31))~~ September 8: Daily limit 6; no more than ~~((2 hatchery))~~ 1 adult salmon ~~(, or one hatchery adult salmon and one)~~ or 1 hatchery steelhead, may be retained. Release all salmon except Chinook and hatchery coho.

~~((E))~~ (G) Open September 9 through December 31: Daily limit 6; no more than 2 adult hatchery salmon, or 1 adult hatchery salmon, and 1 hatchery steelhead may be retained. Release all salmon except hatchery coho.

(d) From the I-5 Bridge to Bonneville Dam:

(i) The following waters are closed:

(A) From the upstream line of Bonneville Dam to boundary markers 600 feet below the fish ladder at the powerhouse.

(B) January 1 through April 30 from a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore.

(C) Closed to angling from a floating device or by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost tip of Robins Island.

(ii) Camas Slough:

(A) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(B) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island:

(I) From August 1 through December 31: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(II) From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(III) Open for salmon when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

(IV) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(iii) Release all trout.

(iv) Salmon and steelhead:

~~(A) ((Open June 16 through June 21: Daily limit 6; no more than 2 hatchery steelhead may be retained. Release all salmon except hatchery jack Chinook.~~

~~(B)) Open June ((22)) 16 through ((July 4)) June 30: Daily limit ((6; up to 2 hatchery adult salmon or 2 hatchery steelhead or one of each may be retained)) 2. Release all salmon ((except hatchery Chinook)).~~

~~((C)) (B) Open July ((5)) 1 through July 31: Daily limit ((6; no more than 2 hatchery steelhead may be retained)) 1. Release all salmon ((except hatchery jack Chinook)).~~

~~((D)) (C) Open August 1 through ((September 14)) August 31: Limit 6; no more than ((one)) 1 adult salmon ((or one hatchery steelhead)) may be retained. Release all salmon and steelhead except Chinook and hatchery coho.~~

~~((E)) (D) Open September ((15)) 1 through ((December 31)) September 8: Daily limit 6; no more than ((2 hatchery)) 1 adult salmon((, or one hatchery adult salmon and one)) or 1 hatchery steelhead((-)) may be retained. Release all salmon except Chinook and hatchery coho.~~

~~((F)) (E) Open September 9 through December 31: Daily limit 6; no more than 2 hatchery adult salmon, or 1 hatchery adult salmon and 1 hatchery steelhead, may be retained. Release all salmon except hatchery coho.~~

(F) Closed to fishing for salmon and steelhead November 1 through December 31 from Beacon Rock to Bonneville Dam.

(v) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(vi) Shad: Open May 16 through March 31.

~~((G)) (e) From Bonneville Dam to The Dalles Dam:~~

(i) Closed waters:

(A) Within one quarter mile of the USFWS Spring Creek Hatchery Grounds, between posted markers located one quarter mile on either side of the fish ladder entrance.

(B) At The Dalles between the upstream line of The Dalles Dam to the upstream side of the Interstate 197 Bridge, except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(ii) Release all trout((, except anglers may retain hatchery steelhead)).

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) When open from March 16 through June 15: ~~((H))~~ Bank fishing only from Bonneville Dam to Tower Island powerlines (approximately 6 miles below The Dalles Dam). ~~((H))~~ Only hand-cast lines may be used. It is unlawful to use a floating device to set lines for salmon and steelhead.

(B) When open from August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(C) Open June 16 through ~~((July 31))~~ June 30:

(I) Daily limit ~~((6; no more than 2 hatchery adult salmon or 2 hatchery steelhead or one of each, may be retained))~~ 2.

(II) Release all salmon ~~((except hatchery Chinook)).~~

~~((C))~~ (D) Open July 1 through July 31: Daily limit 1. Release all salmon.

(E) Open August 1 through ~~((December))~~ August 31:

~~(I) ((August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~((H))~~ Daily limit 6; no more than ~~((2))~~ 1 adult salmon ~~((or one adult salmon and one hatchery steelhead))~~ may be retained. ~~((No more than one salmon may be an adult Chinook.~~

~~((H))~~ (II) Release all salmon and steelhead except Chinook and coho.

~~((H))~~ (F) Open September 1 through December 31:

(I) Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(III) Release wild coho from Bonneville Dam to Hood River Bridge.

~~((iv))~~ Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

~~((e))~~ (f) **From The Dalles Dam to ((McNary)) John Day Dam:**

(i) ~~((Closed waters:~~

(A) At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

~~(B))~~ At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

(ii) Release all trout.

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) Open June 16 through June 30: Daily limit 2. Release all salmon.

(B) Open July 1 through July 31: Daily limit 1. Release all salmon.

(C) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(D) Open August 1 through September 30: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.

(E) Open October 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except for Chinook and coho.

(g) **From John Day Dam to McNary Dam:**

(i) At McNary Dam between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing-wall of the boat lock near the Washington shore; Closed waters.

(ii) Game fish: Statewide minimum size/daily limit, except release all trout ~~((except hatchery steelhead)).~~

(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.

(iv) Salmon and steelhead:

(A) ~~((When open from March 16 through June 15:~~

~~(F) Anglers may possess up to 4 hatchery adult Chinook salmon in fresh form.~~

~~(H) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.~~

~~(B)) Open June 16 through ((July 31)) June 30: ((H)) Daily limit ((6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead, or one of each may be retained.~~

~~(H)) 2. Release all salmon ((except hatchery Chinook)).~~

~~((C)) (B) Open July 1 through July 31: Daily limit 1. Release all salmon.~~

~~(C) When open August 1 through October 15: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(D) Open August 1 through ((December)) August 31: ((H) August 1 through October 15: Anti snagging rule applies. When the anti snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(H)) Daily limit 6; no more than ((2)) 1 adult(s), of which no more than ((2 may be)) 1 adult salmon or ((one adult salmon and one)) 1 hatchery steelhead may be retained. ((No more than one salmon may be an adult Chinook.~~

~~(H)) Release all salmon except Chinook and coho.~~

~~((iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.~~

~~(H)) (E) Open September 1 through October 31: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.~~

~~(F) Open November 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.~~

~~(h) From McNary Dam to Highway 395 Bridge at Pasco:~~

~~(i) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.~~

~~(ii) Other game fish: Statewide minimum size/daily limit except release all trout ((except hatchery steelhead)).~~

~~(iii) Steelhead: Open January 1 through March 31: Daily limit 2 hatchery steelhead.~~

~~(iv) Salmon and steelhead:~~

~~(A) When open from March 16 through June 15 from McNary Dam to the Washington/Oregon border: ((H) Anglers may possess up to 4 hatchery adult Chinook in fresh form.~~

~~(H) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.~~

~~(H)) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.~~

~~(B) Open June 16 through ((July 31)) June 30: ((H)) Daily limit ((6; no more than 2 hatchery adult salmon, or 2 hatchery steelhead, or one of each may be retained.~~

~~(H)) 2. Release all salmon ((except hatchery Chinook)).~~

~~(C) Open ((August)) July 1 through ((December 31)) July 31: ((H)) Daily limit ((6; no more than 2 adult salmon or one adult salmon and one hatchery steelhead may be retained. No more than one salmon may be an adult Chinook.~~

~~(H)) 1. Release all salmon ((except Chinook and coho.~~

~~(iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.~~

~~(g)).~~

~~(D) Open August 1 through September 30: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.~~

~~(E) Open October 1 through November 30: Daily limit 6; no more than 1 adult salmon may be retained. Release all salmon and steelhead except Chinook and coho.~~

~~(F) Open December 1 through December 31: Daily limit 6; no more than 1 adult salmon or 1 hatchery steelhead may be retained. Release all salmon except Chinook and coho.~~

~~(i) From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:~~

~~(i) Closed waters: Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.~~

~~(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.~~

~~(iii) Year-round night closure for salmon and steelhead fishing.~~

~~(iv) Other game fish: Statewide minimum size/daily limit except: Trout: Open year-round catch and release only.~~

~~((iv)) (v) Steelhead:~~

~~(A) Open October 1 through October 31: Daily limit 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.~~

~~(B) Open November 1 through March 31: Daily limit 2 hatchery steelhead.~~

~~((+)) (vi) Salmon: ((A) Open June 16 through August 15:~~

~~(F) Limit 4; no more than one adult hatchery Chinook salmon.~~

~~(H) Release sockeye and wild adult Chinook.~~

~~(B)) Open August 16 through October 31: Limit 6; no more than 2 adult salmon may be retained. Release all salmon except Chinook and coho.~~

~~((H)) (j) From the Interstate 182 Bridge to the Old Hanford townsite wooden powerline towers, in Sec. ((30)) 24, T13N, ((R28E)) R27E:~~

~~(i) Closed waters:~~

~~(A) The area of the Columbia River between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river.~~

~~(B) West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River, September 1 through November 30: Closed waters.~~

~~(C) Year-round night closure for salmon and steelhead fishing.~~

~~(ii) Trout and steelhead: Ringold Area Bank Fishery waters, from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek:~~

~~(A) Fishing is allowed only from the bank and only on the hatchery side of the river.~~

~~(B) Open April 1 through April 15:~~

~~(I) Release all trout.~~

~~(II) Daily limit 2 hatchery steelhead.~~

~~(C) From April 16 through March 31 adjacent Columbia River rules apply.~~

(iii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout: Open year-round catch and release only.

(v) Steelhead:

(A) Open October 1 through October 31 daily limit 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) Open November 1 through March 31 daily limit 2 hatchery steelhead.

(vi) Salmon: ~~((A) Open June 16 through August 15:~~

~~(I) Limit 6; no more than 2 adult hatchery Chinook.~~

~~(II) Release sockeye and wild adult Chinook.~~

~~(B))~~ Open August 16 through October 31: Daily limit 6; no more than 2 adult salmon may be retained.

~~((H))~~ (k) From the Old Hanford townsite wooden power line towers, in Sec. ((30)) 24, T13N, ((R28E)) R27E, to Vernita Bridge, (Highway 24):

(i) Open February 1 through October 15.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Steelhead: Closed to fishing.

(v) Salmon: ~~((A) Open June 16 through August 15:~~

~~(I) Limit 6; no more than 2 adult hatchery Chinook.~~

~~(II) Release sockeye and wild adult Chinook.~~

~~(B))~~ Open August 16 through October 15: Limit 6; no more than 2 adult salmon may be retained.

~~((J))~~ (l) From Vernita Bridge (Highway 24) to Priest Rapids Dam:

(i) Closed waters:

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek (waters of the Priest Rapids Hatchery system); extending to midstream of the Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth of Jackson Creek.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Steelhead: Closed to fishing.

(v) Salmon: ~~((A) Open June 16 through August 15:~~

~~(I) Limit 6; no more than 2 adult hatchery Chinook.~~

~~(II) Release sockeye and wild adult Chinook.~~

~~(B))~~ Open August 16 through October 15: Limit 6; no more than 2 adult salmon may be retained.

~~((K))~~ (m) From Priest Rapids Dam to Rock Island Dam:

(i) Closed waters:

(A) Wanapum Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder.

(B) Rock Island Dam, between the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the fish ladders.

~~((July))~~ September 1 through ((August 31)) October 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(ii) Release all trout.

(iv) Steelhead: Closed to fishing.

(v) Salmon: ~~((A) Open July 1 through August 31:~~

~~(I) Minimum length 12 inches; daily limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(II) Release coho, sockeye, and wild adult Chinook.~~

~~(B))~~ Open September 1 through October 15: Open for Chinook only; daily limit 6, no more than 2 adults may be retained.

~~((H))~~ (n) From Rock Island Dam to Wells Dam:

(i) Closed waters:

(A) At Rocky Reach Dam between the upstream line of the dam to boundary markers 400 feet downstream of the fish ladders.

(B) At Wells Dam, between the upstream line of Wells Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side).

~~((July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.~~

~~((iii))~~ Release all trout.

~~((iv))~~ (iii) Steelhead: Closed to fishing.

~~((v) Salmon open July 1 through October 15:~~

~~(A) Minimum size 12 inches; limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(B) Release coho, sockeye, and wild adult Chinook.~~

~~((m))~~ (o) From Wells Dam to Highway 173 Bridge at Brewster:

(i) July 16 through August ~~((31))~~ 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(ii) Hatchery trout: Open July 16 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(iii) Steelhead: Closed to fishing.

~~((iv) Salmon open July 16 through August 31:~~

~~(A) Minimum size 12 inches; limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(B) Release coho, sockeye, and wild adult Chinook.~~

~~((n))~~ (p) From Highway 173 Bridge at Brewster to Chief Joseph Dam:

(i) Closed waters:

(A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.

(B) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek.

(ii) July 1 through August ~~((31))~~ 15: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Steelhead: Closed to fishing.

~~((vi))~~ **Salmon: Open July 1 through October 15:**

~~(A))~~ **Minimum size 12 inches; limit 6; no more than 2 adult hatchery Chinook may be retained.**

~~(B))~~ **Release coho, sockeye, and wild adult Chinook.**

~~(C))~~ **(g) Above Chief Joseph Dam:** See Rufus Woods Lake in WAC 220-310-195.

~~((P))~~ **(r) Above Grand Coulee Dam:** See Lake Roosevelt in WAC 220-310-195.

AMENDATORY SECTION (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)

WAC 220-313-060 Puget Sound salmon—Saltwater seasons and daily limits. (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-313-010. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 220-313-070.

(2) Catch Record Card Area 5:

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

~~((iii))~~ **2 Additional sockeye salmon may be retained as part of the daily limit.**)

(c) August 16 through September 30~~(:):~~

(i) Daily limit of 2 salmon.

(ii) Release chum, Chinook and wild coho.

~~((iii))~~ **2 Additional sockeye salmon may be retained as part of the daily limit.**)

(d) October 1 through February ~~((15))~~ 29: Closed.

~~((February 16))~~ March 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild coho and wild Chinook.

(3) Catch Record Card Area 6:

(a) May 1 through June 30: Closed.

(b) July ~~((3))~~ 1 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

~~((iii))~~ **2 Additional sockeye salmon may be retained as part of the daily limit.**

~~((iv))~~ Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(c) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 15.

(d) August 16 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release chum, Chinook and wild coho.

~~((iii))~~ **2 Additional sockeye salmon may be retained as part of the daily limit.**)

(e) October 1 through ~~((January 31))~~ February 29:

Closed except in Dungeness Bay as described in this section.

~~((February))~~ March 1 through April 15:

(i) Daily limit of ~~((4))~~ 2 salmon.

(ii) Release wild coho and wild Chinook.

(g) April 16 through April 30: Closed.

(h) Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp are closed except: October 1 through October 31: Daily limit of 2 hatchery coho only.

(4) Catch Record Card Area 7:

(a) May 1 through June 30: Closed.

(b) July 1 through July 31:

(i) Daily limit of 2 salmon.

(ii) Release chum and wild Chinook.

~~((2))~~ **Additional sockeye salmon may be retained as part of the daily limit.**

~~((iv))~~ Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7).

(c) August 1 through ~~((September 3:~~

~~((i))~~ **Daily limit of 2 salmon; no more than one may be a Chinook salmon.**

~~((ii))~~ **Release chum.**

~~((iii))~~ **2 Additional sockeye salmon may be retained as part of the daily limit.**

~~((iv))~~ Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7)) August 31: Closed.

(d) September ~~((4))~~ 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release chum and Chinook.

~~((iii))~~ **(e) October 1 through ~~((December))~~ January 31: Closed.**

~~((e))~~ **(f) Closed to salmon fishing in Samish Bay area described in WAC 220-313-020(7).**

~~((f))~~ **(g) February 1 through April 15:**

(i) Daily limit of 1 salmon.

(ii) Release coho and wild Chinook.

~~((g))~~ **(h) Waters of Bellingham Bay described in WAC 220-313-020(1):**

~~((Closed))~~ **March 1 through April 30 and July 1 through August 15: Closed.**

(ii) August 16 through September 30: Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(iii) October 1 through ~~((February 28))~~ January 31 and June 1 through June 30: Same rules as Area 7.

~~((h))~~ **Waters east of a line from Gooseberry Point to Sandy Point: Closed September 8 through September 30.)**

(5) Catch Record Card Area 8-1:

(a) May 1 through July 31: Closed.

(b) August 1 ~~((though September 30))~~ through October 31:

(i) Daily limit 2 salmon.

(ii) Release Chinook.

~~((October 1 through November 30))~~ November 1 through January 31: Closed.

~~((December))~~ **February 1 through April 30:**

(i) Daily limit of ~~((2))~~ 1 salmon.

(ii) Release coho and wild Chinook.

(6) Catch Record Card Area 8-2:

(a) May 1 through ~~((July 31))~~ August 15 are closed, except waters described in this subsection.

(i) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Her-

mosa Point are open only from Friday through 11:59 a.m. the following Monday of each week, June 1 through September ((3)) 2: Daily limit of 2 salmon.

(ii) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Saturday through Sunday of each week, September ((8)) 7 through September ((30)) 29: Daily limit of 2 salmon.

(b) August ((1)) 16 through September ((23)) 15:

(i) Waters south and west of a line from Mukilteo ferry docks to the Clinton ferry docks:

(A) Daily limit of 2 salmon.

((#)) (B) Release Chinook and wild coho.

(ii) Waters north and east of a line from the Mukilteo ferry docks to the Clinton ferry docks: Closed.

(c) September ((24)) 16 through ((November 30)) January 31: Closed.

(d) ((December)) February 1 through April 30:

(i) Daily limit of ((2)) 1 salmon.

(ii) Release coho and wild Chinook.

(7) **Catch Record Card Area 9**:

(a) May 1 through July ((15)) 24: Closed.

(b) July ((16)) 25 through ((August 15, except waters in this subsection)) July 28:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release chum, wild coho and wild Chinook.

(iii) ((Closed)) Waters south of a line from Foulweather Bluff to Olele Point ((July 16 through August 15)): Closed.

(c) July 29 through August 15:

((A)) (i) Daily limit of 2 salmon.

((B)) (ii) Release Chinook, chum and wild coho.

((C)) (d) August 16 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release Chinook, chum and wild coho.

((E)) (e) October 1 through ((December)) January 31: Closed.

((F)) (f) February 1 through April 15:

(i) Daily limit of 1 salmon.

(ii) Release wild coho and wild Chinook.

((G)) (g) April 16 through April 30: Closed.

((H)) (h) Edmonds Fishing Pier:

(i) Open year-round.

(ii) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(iii) ((Release chum from)) August 1 through September 30: Release chum.

(8) **Catch Record Card Area 10**:

(a) May 1 through May 31: Closed.

(b) June 1 through July ((15)) 24:

(i) Daily limit of 2 salmon.

(ii) Release Chinook and chum.

(c) July ((16)) 25 through August 31:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release chum and wild Chinook.

(d) September 1 through November 15:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(ii) ((Release chum)) September 1 through September 15: Release chum.

(e) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August ((15)) 31.

(f) West Elliot Bay: Waters of Elliott Bay ((east of)) between a line from West Point to Alki Point ((Closed July 1 through August 31, except: In years ending in odd numbers: Those waters north of a line from Jack Block Park through the north tip of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), open August 15 through August 31 from Friday through Sunday of each week only)) and a line from Duwamish Head to Pier 91.

(i) Open June 1 through June 30:

(A) Daily limit of 2.

((H)) (B) Release ((Chinook,)) chum ((and wild coho)), and Chinook.

(ii) July 1 through August 31: Closed.

(iii) Open September 1 through November 15:

(A) Daily limit of 2 salmon.

(B) Release Chinook.

(g) November 16 through December 31: Closed.

(i) Open January 1 through March 31.

(ii) Daily limit of 1 salmon.

(iii) Release wild Chinook.

(iv) May 1 through May 31: Closed.

(h) East Elliot Bay: Waters of Elliott Bay between a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island (Duwamish Waterways).

(i) Open June 1 through June 30.

(A) Daily limit of 2.

(B) Release chum and Chinook.

(ii) July 1 through August 1: Closed.

(iii) Open August 2 through August 5 at 12:00 p.m.

(A) Daily limit of 2.

(B) Release chum.

(iv) Closed August 5 at 12:01 p.m. through August 31.

(v) Open September 1 through November 15:

(A) Daily limit of 2 salmon.

(B) Release Chinook.

(vi) November 16 through December 31: Closed.

(A) Open January 1 through March 31.

(B) Daily limit of 1 salmon.

(C) Release wild Chinook.

(vii) May 1 through May 31: Closed.

((I)) (i) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White:

(i) July 1 through September 30.

(ii) Daily limit of 3 salmon.

(iii) Release wild Chinook ((and wild coho)).

(iv) ((Release chum from)) August 1 through September 15: Release chum.

((H)) (j) November 16 through December 31: Closed.

(i) January 1 through March 31 ((#)).

(ii) Daily limit of ((2)) 1 salmon.

(iii) Release wild Chinook.

~~((k))~~ (k) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.

~~((j))~~ (l) April 1 through April 30: Closed.

~~((h))~~ (m) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) ~~((Release chum from))~~ August 1 through September 15: Release chum.

~~((H))~~ (n) Duwamish Waterway downstream from an east-west line projected through southernmost tip of Harbor Island to a line extending from Jack Block Park through the northernmost tip of Harbor Island extending to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

~~((m))~~ (o) Free-flowing freshwaters are closed downstream of the mouth at Gorst Creek, from July 1 through September 30.

(9) Catch Record Card Area 11:

(a) May 1 through ~~((May 31))~~ June 30: Closed.

(b) ~~((June))~~ July 1 through September 30:

(i) Daily limit of 2 salmon of which one may be a hatchery Chinook.

(ii) Release wild Chinook.

(iii) Fishing for salmon from a vessel prohibited Thursdays and Fridays.

(c) October 1 through December 31: Closed.

(d) January 1 through April 30:

(i) Daily limit 2 salmon.

(ii) Release wild Chinook.

(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock are closed June 1 through July 31 and April 1 through April 30.

~~((d))~~ (e) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock, open year-round: Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(10) Catch Record Card Area 12:

(a) May 1 through June 30: Closed.

(b) July 1 through September 30, in waters south of Ayock Point except waters listed in this subsection:

(i) Daily limit of 4 salmon.

(ii) Release chum and wild Chinook.

(iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:

(A) Daily limit of 4 salmon.

(B) Release chum and wild Chinook.

(C) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

(D) It is unlawful to fish from any Hoodspport Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the

ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.

~~((September))~~ August 1 through September 30, in waters north of Ayock Point:

(i) Daily limit of 4 salmon.

(ii) Release chum and Chinook.

~~((ii))~~ August 1 through August 15: Hooks measuring 1/2 inch or less from point to shank.

~~((iv))~~ September 16 through September 30: Waters north of a line true east from Broad Spit: Closed ~~((September 16 through September 30))~~.

~~((d))~~ ~~((From August 1 through August 31: North of a true east line from the mouth of Turner Creek to the Toandos Peninsula and south of a line true east of Broad Spit:~~

~~((i))~~ Daily limit 4.

~~((ii))~~ Coho only.

~~((e))~~ October 1 through December 31:

(i) Waters north of a line true east from Broad Spit - Closed.

(ii) All other waters except waters listed in this subsection:

(A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(B) Release wild Chinook. ~~((Release chum))~~

(C) October 1 through October 15: Release chum.

(ii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:

(A) Daily limit of 4 salmon.

(B) Release wild Chinook. ~~((Release chum))~~

(C) October 1 through October 15: Release chum.

~~((C))~~ (D) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

~~((D))~~ (E) It is unlawful to fish from any Hoodspport Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.

~~((f))~~ (e) January 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~((g))~~ (f) July 1 through September 30: Free-flowing freshwater is closed downstream of the mouth of the Dewatto, Dosewallips, Duckabush, and Hamma Hamma~~((; and Skokomish))~~ rivers.

(11) Catch Record Card Area 13:

(a) May 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and wild coho.

(iii) July 1 through September 30: Chinook minimum length 20 inches.

(b) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September ~~((30))~~ 15.

(c) Waters of Budd Inlet south of the Fourth Avenue Bridge ~~((are))~~: Closed.

(i) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway

Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(ii) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower: Night closure and anti-snagging rule from July 16 through October 31.

(d) Fox Island Public Fishing Pier, open year-round: Daily limit 2 salmon; no more than one may be a Chinook salmon.

(12) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 18-15-065, filed 7/16/18, effective 8/16/18)

WAC 220-313-070 Coastal salmon—Saltwater seasons and daily limits. (1) It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-313-010, and for the species designated in this section. An area is open when a daily limit is provided:

(2) Catch Record Card Area 1:

(a) May 1 through June ~~((23))~~ 21: Closed.

(b) June ~~((24))~~ 22 through September ~~((4))~~ 30:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(c) ~~((September 5))~~ October 1 through April 30: Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-313-020.

(3) Catch Record Card Area 2:

(a) May 1 through June ~~((30))~~ 21: Closed.

(b) ~~((July 1))~~ June 22 through September ~~((4))~~ 30:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(iii) Beginning August ~~((14))~~ 12, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone - The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

(c) ~~((September 5))~~ October 1 through April 30 - Closed.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through June ~~((30))~~ 21: Closed.

(b) ~~((July 1))~~ June 22 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through January 31:

(i) Daily limit of 6 salmon; no more than ~~((3))~~ 2 may be adult salmon (~~((of which only one may be a coho))~~).

(ii) Release wild Chinook.

(iii) Beginning August 1, the Willapa Bay Control Zone is ~~((closed))~~ open. The Willapa Bay Control Zone area is defined as waters east of a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) due west to 46°39.20'N, 124°5.3'W then due north to the westerly most landfall on Cape Shoalwater (46°44.66'N, 124°5.3'W) and west from a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) through green marker 11 to landfall.

(iv) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(v) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(d) February 1 through April 30: Closed.

(5) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) Humptulips North Bay Fishery is defined as northerly of a line running from the south end of the eastern jetty at Ocean Shores Marina, then to a fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) then to the Tripod Station located at 46°59.12'N, 124°00.72'W on Brackenridge Bluff.

(b) East Grays Harbor Fishery is defined as easterly of a projected line from the mouth of Johns River (Highway 105 bridge) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green).

(c) May 1 through July 31: Closed.

(d) August 1 through September 15:

(i) Daily limit of ~~((2))~~ 1 salmon.

(ii) Release wild Chinook and wild coho.

(iii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) are closed.

(e) ~~((October 1))~~ September 16 through November 30:

(i) Daily limit of ~~((1))~~ 2 salmon.

(ii) Release Chinook.

(iii) Waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge) are closed.

(f) December 1 through April 30: Closed.

(g) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin are open only August 16 through January 31:

(i) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(ii) Release Chinook.

(iii) Night closure and anti-snagging rule in effect.

(6) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):

(a) May 1 through June 30: Closed.

(b) July 1 through August 13: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 14 through April 30: Closed.

(7) Catch Record Card Area 3:

(a) May 1 through June ((23)) 21: Closed.

(b) June ((24)) 22 through ((September 4)) October 13:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) October 1 through October 13: Open area limited to the area north of 47°50'00" and south of 48°00'00".

(c) ((September 5)) October 14 through April 30: Closed.

(8) Catch Record Card Area 4:

(a) May 1 through June ((23)) 21: Closed.

(b) June ((24)) 22 through September ((4)) 30:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) Waters east of a true north-south line through Sail Rock are closed through July 31.

(iv) Waters east of the Bonilla-Tatoosh line closed to Chinook retention beginning August 1.

(v) Release chum salmon beginning August 1.

(c) ((September 5)) October 1 through April 30: Closed.

(9) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

WSR 19-15-051

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 19-140—Filed July 12, 2019, 1:57 p.m., effective August 12, 2019]

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

Purpose: These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable fish in commercial salmon fisheries in Puget Sound while protecting species of fish listed as endangered. The adopted rules package amends the 2018-19 Puget Sound commercial salmon rules, and by doing so supplants prior year fisheries and adopts fishing seasons for 2019-20 based upon current management year fishery forecasts, conservation objectives, and allocation determinations.

Citation of Rules Affected by this Order: Amending WAC 220-301-030 Puget Sound salmon management and catch reporting area, 220-354-080 Puget Sound salmon—Closed areas, 220-354-120 Puget Sound salmon—Purse seine—Open periods, 220-354-160 Puget Sound salmon—Gillnet—Open periods, 220-354-180 Puget Sound salmon—Reef net—Open periods, 220-354-210 Puget Sound salmon—Beach seine—Open periods, 220-354-310 Puget

Sound—Salmon preserve—Drayton Harbor, 220-354-320 Puget Sound—Salmon preserve—San Juan Island, 220-354-330 Puget Sound—Salmon preserve—Strait of Juan de Fuca, and 220-354-340 Puget Sound—Area 7A Salmon fishery separation lines.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 19-11-126 on May 22, 2019.

Changes Other than Editing from Proposed to Adopted Version: Only minor nonsubstantive changes were made to the rules between CR-102 and CR-103, as noted in the concise explanatory statement.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 10, 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: July 12, 2019.

Kelly Susewind
Director

AMENDATORY SECTION (Amending WSR 18-18-078, filed 9/4/18, effective 10/5/18)

WAC 220-301-030 Puget Sound salmon management and catch reporting areas. (1) **Area 4B** shall include those waters of Puget Sound easterly of a line projected from ((the Carmanah Point Light (Light List No. 16140 Fl.5s182ft19M, 48°36'42.4"N, 124°45'04.8"W))) Bonilla Point (48°35'43.5"N, 124°42'59.7"W) on Vancouver Island to the Cape Flattery Light on Tatoosh Island (Light List No. 16145 Fl(2)20s112ft 14M, 48°23'31.2"N, 124°44'12.9"W), thence to the most westerly point on Cape Flattery (48°22'52.1"N, 124°43'54.3"W) and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River (48°17'16.1"N, 124°23'43.4"W).

(2) **Area 5** shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River (48°17'16.1"N, 124°23'43.4"W) and westerly of a line projected true north from Low Point (48°09'38.9"N, 123°49'36.5"W).

(3) **Area 6** shall include those waters of Puget Sound easterly of a line projected from the Angeles Point (48°09'03.3"N, 123°33'11.6"W) to the Race Rock Light (Light List No. 16225 FlW10s118ft19M, 48°17'52.9"N, 123°31'53.1"W), northerly of a line projected from the New Dungeness Light (Light List No. 16335 FlW5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to the Point Partridge Light

(Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W), westerly of a line projected from the Point Partridge Light (Light List No. 16400 FI.W5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Smith Island Light (Light List No. 16375 FI10s97ft.14M, 48°19'14.4"N, 122°49'51.4"W), and southerly of a line projected from the Smith Island Light (Light List No. 16375 FI.10s97ft.14M, 48°19'14.4"N, 122°49'51.4"W) to Rosario Strait traffic separation lane entrance lighted Buoy R (Light List No. 16340 FIY25s6M"RA," 48°16'25.3"N, 123°06'34.6"W) to the Trial Island Light (Light List No. 16265 FIG5s93ft13M, 48°23'42.3"N, 123°18'18.6"W).

(4) **Area 6A** shall include those waters of Puget Sound easterly of a line projected from the Point Partridge Light (Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Smith Island Light (Light List No. 16375 FI10s97ft14M, 48°19'14.4"N, 122°49'51.4"W) to the northeasterly of the Lawson Reef Junction Lighted Bell Buoy (Light List No. 19320 RGF1(2+1)R6sBell, 48°24'03.3"N, 122°42'57.7"W) to the Initiative 77 marker on Fidalgo Island (48°25'14.2"N, 122°40'04.5"W) and westerly of a line projected from Reservation Head on Fidalgo Island (48°28'41.8"N, 122°39'28.1"W) to West Point on Whidbey Island (48°24'08.4"N, 122°39'46.1"W).

(5) **Area 6B** shall include those waters of Puget Sound southerly of a line projected from the New Dungeness Light (Light List No. 16335 FIW5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to the Point Partridge Light (Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W), westerly of a line projected from the Point Partridge Light (Light List No. 16400 FIW5s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Point Wilson Light (Light List No. 16475 AIRW5s51ft15M, 48°08'39.0"N, 122°45'17.2"W) and easterly of a line projected 154 degrees true from New Dungeness Light (Light List No. 16335 FIW5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to Kulo Kala Point (48°07'13.1"N, 123°03'58.7"W).

(6) **Area 6C** shall include those waters of Puget Sound easterly of a line projected true north from Low Point (48°09'38.9"N, 123°49'36.5"W) and westerly of a line projected from the Angeles Point (48°09'03.3"N, 123°33'11.6"W) to the Race Rock Light (Light List No. 16225 FIW10s118ft19M).

(7) **Area 6D** shall include those waters of Puget Sound westerly of a line projected 155 degrees true from New Dungeness Spit Light (Light List No. 16335 FIW5s67ft18M, 48°10'54.3"N, 123°06'36.9"W) to Kulo Kala Point (48°07'13.1"N, 123°03'58.7"W).

(8) **Area 7** shall include those waters of Puget Sound southerly of a line projected true east-west through Sandy Point Light No. 2 (Light List No. 19880 FI R 4s 16ft 4M "2," 48°47'12.4"N, 122°42'44.7"W), northerly of a line projected from the Trial Island Light (Light List No. 16265 FIG5s93ft13M, 48°23'42.3"N, 123°18'18.6"W) to the Rosario Strait traffic separation lane entrance lighted Buoy R (Light List No. 16340 FIY2.5s6M"RA," 48°16'25.3"N, 123°06'34.6"W) to the Smith Island Light (Light List No. 16375 FI10s97ft14M, 48°19'14.4"N, 122°49'51.4"W) to the Lawson Reef lighted buoy (RGF1(2+1)R6sBell, 48°24'03.3"N, 122°42'57.7"W) to the Initiative 77 marker on

Fidalgo Island (48°25'14.2"N, 122°40'04.5"W), and westerly of a line projected from Sandy Point Light 2 (Light List No. 19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to Point Migley (48°44'55.9"N, 122°42'54.3"W), thence along the eastern shore-line of Lummi Island to Carter Point (48°35'18.6"N, 122°38'35.0"W), thence to the most northerly tip of Vendovi Island (48°36'57.3"N, 122°36'39.1"W), thence to Clark Point (48°35'18.6"N, 122°38'35.1"W) on Guemes Island following the shoreline to Southeast Point on Guemes Island (48°31'43.4"N, 122°34'25.8"W), thence to March Point on Fidalgo Island (48°29'58.4"N, 122°33'55.8"W), excluding those waters of East Sound northerly of a line projected true west from Rosario Point on Orcas Island (48°38'36.5"N, 122°52'26.2"W).

(9) **Area 7A** shall include those waters of Puget Sound northerly of a line projected true east-west through Sandy Point Light 2 (Light List No. 19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W), terminating on the west at the International Boundary and on the east at the landfall on Sandy Point.

(10) **Area 7B** shall include those waters of Puget Sound westerly of a line projected 154 degrees true from Sandy Point Light 2 (Light List No. 19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to landfall on Gooseberry Point (48°43'56.7"N, 122°40'22.0"W), easterly of a line projected from Sandy Point Light 2 (Light List No. 19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to Point Migley on Lummi Island (48°44'55.9"N, 122°42'54.3"W), thence along the eastern shoreline of Lummi Island to Carter Point (48°35'18.6"N, 122°38'35.0"W), thence to the most northerly tip of Vendovi Island (48°36'57.3"N, 122°36'39.1"W), thence to Clark Point on Guemes Island (48°35'18.6"N, 122°38'35.1"W) following the shoreline to Southeast Point on Guemes Island (48°31'43.4"N, 122°34'25.8"W), thence to March Point on Fidalgo Island (48°29'58.4"N, 122°33'55.8"W), northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel (48°27'29.1"N, 122°30'54.0"W) and westerly of a line projected from William Point Light (Light List No. 19018 FIG6s30ft5M"3," 48°34'58.5"N, 122°33'37.8"W) on Samish Island 28 degrees true to Whiskey Rock (48°39'20.9"N, 122°30'12.5"W) on the north shore of Samish Bay and westerly of the Whatcom Creek Waterway, defined as a line projected approximately 14 degrees true from the southwest end of the Port of Bellingham North Terminal (48°44'38.6"N, 122°29'46.1"W) to the southernmost point of the dike surrounding the Georgia Pacific Treatment Pond (48°44'51.5"N, 122°29'38.6"W).

(11) **Area 7C** shall include those waters of Puget Sound easterly of a line projected from William Point Light 3 (Light List No. 19018 FIG6s30ft5M"3," 48°34'58.5"N, 122°33'37.8"W) on Samish Island 28 degrees true to Whiskey Rock (48°39'20.9"N, 122°30'12.5"W) on the north shore of Samish Bay.

(12) **Area 7D** shall include those waters of Puget Sound easterly of a line projected 154 degrees true from Sandy Point Light 2 (Light List No. 19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to landfall on Gooseberry Point (48°43'56.7"N, 122°40'22.0"W) and south of a line projected true east from Sandy Point Light 2 (Light List No.

19880 FIR4s16ft4M"2," 48°47'12.4"N, 122°42'44.7"W) to landfall on Sandy Point (48°47'12.5"N, 122°42'36.1"W).

(13) **Area 7E** shall include those waters of Puget Sound within East Sound northerly of a line projected true west from Rosario Point (48°38'36.5"N, 122°52'26.2"W) on Orcas Island.

(14) **Area 8** shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island (48°24'08.4"N, 122°39'46.1"W) to Reservation Head on Fidalgo Island (48°28'41.8"N, 122°39'28.1"W), westerly of a line projected from East Point Light 3 (Light List No. 18620 FIG6s21ft6M, 48°05'49.1"N, 122°29'29.4"W) 340 degrees true to Camano Island Light 4 (Light List No. 18625 FIR4s15ft5M"4," 48°07'57.4"N, 122°30'39.1"W) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) **Area 8A** shall include those waters of Puget Sound easterly of a line projected from the East Point Light 3 (Light List No. 18620 FIG6s21ft6M, 48°05'49.1"N, 122°29'29.4"W) on Whidbey Island 340 degrees true to Camano Island Light 4 (Light List No. 18625 FIR4s15ft5M"4," 48°07'57.4"N, 122°30'39.1"W), northerly of a line projected from the southern tip of Possession Point 110 degrees true to the shipwreck on the opposite shore (47°53'35.1"N, 122°19'42.8"W), southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) **Area 8D** shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Beach, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) **Area 9** shall include those waters of Puget Sound southerly and easterly of a line projected from the Point Partridge Light (Light List No. 16400 F15s105ft13M, 48°13'28.8"N, 122°46'09.9"W) to the Point Wilson Light (Light List No. 16475 AIRW5s51ft15M, 48°08'39.0"N, 122°45'17.2"W), northerly of the Hood Canal Bridge, northerly of a line projected true west from the shoreward end of Point Julia (47°51'17.3"N, 122°34'35.5"W) to the mainland in the community of Port Gamble, excluding those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation (47°52'04.3"N, 122°34'20.9"W), southerly of a line projected from the southern tip of Possession Point 110 degrees true to the shipwreck (47°53'35.1"N, 122°19'42.8"W) on the opposite shore and northerly of a line projected from the Apple Cove Point Light (Light List No. 16675 F1W4s18ft6M, 47°48'53.5"N, 122°28'54.7"W) to the Edmonds South Breakwater Light (Light List No. 16705 F1Y4s18ftPriv, 47°48'25.0"N, 122°23'43.0"W) at Edwards Point.

(18) **Area 9A** shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true

west from the shoreward end of the Point Julia (47°51'17.3"N, 122°34'35.5"W) to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation (47°52'04.3"N, 122°34'20.9"W).

(19) **Area 10** shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light (Light List No. 16675 F1W4s18ft6M, 47°48'53.5"N, 122°28'54.7"W) to the light (Light List No. 16675 F1W4s18ft6M, 47°48'53.5"N, 122°28'54.7"W), westerly of a line projected 43 degrees true from the Shilshole Bay Light 8 (Light List No. 18155 FIR4s15ft4M"8," 47°40'17.2"N, 122°24'31.2"W) to landfall on the northeastern shore of the Shilshole Bay Entrance Range (47°40'20.7"N, 122°24'25.4"W), westerly of a line projected 185 degrees true from the southwest corner of Pier 91 (47°37'35.1"N, 122°23'01.2"W) through the Duwamish Head Light (Light List No. 16910 F1W2.5s25ft10M, 47°35'55.8"N, 122°23'16.5"W) to landfall on Duwamish Head (47°35'40.0"N, 122°23'19.2"W), northerly of a true east-west line projected through the Point Vashon Light (Light List No. 17100 F1W4s17ft7M, 47°30'49.3"N, 122°28'23.4"W) from Southworth (47°30'49.2"N, 122°29'57.0"W), to landfall south of Brace Point (47°30'49.4"N, 122°23'44.2"W), easterly of a line projected from Orchard Point (47°33'55.4"N, 122°31'56"W) to Beans Point (47°34'28.8"N, 122°31'20.4"W) on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point (47°43'15.7"N, 122°33'12.2"W) on Bainbridge Island to the mainland (47°43'15.7"N, 122°33'41.1"W).

(20) **Area 10A** shall include those waters of Puget Sound easterly of a line projected 185 degrees true from the southwest corner of Pier 91 (47°37'35.1"N, 122°23'01.2"W) through the Duwamish Head Light (Light List No. 16910 F1W2.5s25ft10M, 47°35'55.8"N, 122°23'16.5"W) to landfall on Duwamish Head (47°35'40.0"N, 122°23'19.2"W).

(21) **Area 10C** shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) **Area 10D** shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) **Area 10E** shall include those waters of Puget Sound westerly of a line projected from Orchard Point (47°33'55.4"N, 122°31'56"W) to Beans Point (47°34'28.8"N, 122°31'20.4"W) on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point (47°43'15.7"N, 122°33'12.2"W) on Bainbridge Island to the mainland (47°43'15.7"N, 122°33'41.1"W).

(24) **Area 10F** shall include those waters of Puget Sound easterly a line projected 43 degrees true from the Shilshole Bay Light 8 (Light List No. 18155 FIR4s15ft4M"8," 47°40'17.2"N, 122°24'31.2"W) to landfall on the North Eastern shore of the Shilshole Bay Entrance Range (47°40'20.7"N, 122°24'25.4"W) and those waters of the Lake Washington Ship Canal westerly of a line projected true south from Webster Point (47°38'53.0"N, 122°16'37.1"W) to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) **Area 10G** shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point (47°38'53.0"N, 122°16'37.1"W) true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) **Area 11** shall include those waters of Puget Sound southerly of a true east-west line projected through the Point Vashon Light (Light List No. 17100 F1W4s17ft7M), from Southworth (47°30'49.2"N, 122°29'57.0"W) to landfall south of Brace Point (47°30'49.4"N, 122°23'44.2"W), northerly of a line projected 259 degrees true from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the point of landfall on the opposite shore of Commencement Bay (47°17'51.8"N, 122°30'04.5"W), and northerly of the Tacoma Narrows Bridge.

(27) **Area 11A** shall include those waters of Puget Sound southerly of a line projected 259 degrees true from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the point of landfall on the opposite shore of Commencement Bay (47°17'51.8"N, 122°30'04.5"W).

(28) **Area 12** shall include those waters of Puget Sound southerly of the site of the Hood Canal Bridge and northerly and easterly of a line projected from the Tskutsko Point Light (Light List No. 17865 F14s15ft5MRaRef, 47°41'29.3"N, 122°49'59.1"W) to Misery Point (47°39'18.3"N, 122°49'46.5"W).

(29) **Area 12A** shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) **Area 12B** shall include those waters of Puget Sound southerly of a line projected true east from Pulali Point (47°44'15.3"N, 122°52'5.9"W) to landfall on Toandos Peninsula (47°44'09.9"N, 122°48'23.1"W), northerly of a line projected true east from Ayock Point (47°30'25.8"N, ~~(123°31'15.7"W)~~ 123°03'15.8"W) to landfall on the Kitsap (Great) Peninsula (47°30'25.8"N, 123°01'53.2"W), and westerly of a line projected from the Tskutsko Point Light (Light List No. 17865 F14s15ft5MRaRef, 47°41'29.3"N, 122°49'59.1"W) to Misery Point (47°39'18.3"N, 122°49'46.5"W).

(31) **Area 12C** shall include those waters of Puget Sound southerly of a line projected true east from Ayock Point (47°30'25.8"N, 123°31'15.7"W) to landfall on the Kitsap (Great) Peninsula (47°30'25.8"N, 123°01'53.2"W) and northerly and westerly of a line projected from Ayres Point (47°22'26.9"N, 123°06'44.5"W) to the Union Boat Launch (47°21'27.5"N, 123°6'1.9"W).

(32) **Area 12D** shall include those waters of Puget Sound easterly of a line projected from Ayres Point (47°22'26.9"N, 123°06'44.5"W) to the Union Boat Launch (47°21'27.5"N, 123°06'01.9"W).

(33) **Area 13** shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point (47°16'55.2"N, 122°41'41.8"W) to Penrose Point (47°15'53.6"N, 122°44'11.5"W) and northerly and easterly of a line projected from the Devil's Head Light (Light List No. 17365 F1R6s164M"4," 47°09'58.9"N, 122°45'53.3"W) to Treble Point (47°09'09.6"N, 122°44'31.3"W), thence through the Nisqually Flats Light 3

(Light List No. 17360 F1G4s15ft4M"3") to landfall (47°06'40.7"N, 122°45'08.8"W) and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) **Area 13A** shall include those waters of Puget Sound northerly of a line projected from Green Point (47°16'55.2"N, 122°41'41.8"W) to Penrose Point (47°15'53.6"N, 122°44'11.5"W).

(35) **Area 13C** shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) **Area 13D** shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light (Light List No. 17365 F1R6s164M"4," 47°09'58.9"N, 122°45'53.3"W) to Treble Point (47°09'09.6"N, 122°44'31.3"W), thence through the Nisqually Flats Light 3 (Light List No. 17360 F1G4s15ft4M"3," 47°07'15"N, 122°45'0.1"W) to landfall (47°06'40.7"N, 122°45'08.8"W), northerly of a line projected from Johnson Point (47°10'35.7"N, 122°49'13.2"W) to Dickenson Point (47°09'54.4"N, 122°51'06.4"W), northerly of a line projected 291 degrees true from Dofflemeyer Point Light (Light List No. 17400 F14s30ft7M, 47°09'58.9"N, 122°45'53.3"W) through Cooper Point (47°08'44.2"N, 122°55'33.4"W), to the southeastern shore of Hunter Point (47°8'55.9"N, 122°56'18.1"W), easterly of a line projected 005 degrees true from the northern tip of Steamboat Island (47°11'12.3"N, 122°56'20.6"W) to Hungerford Point (47°12'18.8"N, 122°56'11.5"W) and southerly of a line projected true east-west from 47°18'53.5"N, 122°50'32.9"W through the southern tip of Stretch Island to landfall on the easterly shore of the Key Peninsula (47°18'53.5"N, 122°47'35"W).

(37) **Area 13E** shall include those waters of Puget Sound southerly of a line projected from Johnson Point (47°10'35.7"N, 122°49'13.2"W) to Dickenson Point (47°09'54.4"N, 122°51'06.4"W).

(38) **Area 13F** shall include those waters of Puget Sound southerly of a line projected from Dofflemeyer Point Light (Light List No. 17400 F14s30ft7M, 47°08'25.8"N, 122°54'26.2"W) to Cooper Point (47°08'44.2"N, 122°55'33.4"W).

(39) **Area 13G** shall include those waters of Puget Sound southerly of a line projected 291 degrees true from Cooper Point (47°08'44.2"N, 122°55'33.4"W) to the southeastern shore of Hunter Point (47°8'55.9"N, 122°56'18.1"W).

(40) **Area 13H** shall include those waters of Puget Sound southwestly of a line projected 005 degrees true from the northern tip of Steamboat Island (47°11'12.3"N, 122°56'20.6"W) to Hungerford Point (47°12'18.8"N, 122°56'11.5"W) and those waters easterly of a line projected 064 degrees true from Kamilche Point (47°09'08.3"N, 123°01'07.5"W) to the opposite shore (47°09'14"N, 123°00'49.3"W).

(41) **Area 13I** shall include those waters of Puget Sound southwestly of a line projected 064 degrees true from Kamilche Point (47°09'08.3"N, 123°01'07.5"W) to the opposite shore (47°09'14"N, 123°00'49.3"W).

(42) **Area 13J** shall include those waters of Puget Sound, Hammersley Inlet and Oakland Bay, westerly of a line projected from the Arcadia Point Boat Launch (47°11'51.4"N, 122°56'18.5"W) to Hungerford Point (47°12'18.8"N, 122°56'11.5"W).

(43) **Area 13K** shall include those waters of Puget Sound northerly of a line projected true east-west from 47°18'53.5"N, 122°50'32.9"W through the southern tip of Stretch Island to landfall on the easterly shore of the Key Peninsula (47°18'53.5"N, 122°47'35"W).

AMENDATORY SECTION (Amending WSR 18-18-078, filed 9/4/18, effective 10/5/18)

WAC 220-354-080 Puget Sound salmon—Closed areas. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section do not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-354-330(~~("The Strait of Juan de Fuca Salmon Preserve" shall include those waters and tributaries thereto lying within three miles off shore between a line projected 30 degrees true from a point (48°19'06.9"N, 124°27'19.4"W) three miles west of the Sekiu River mouth to a line projected 45 degrees true from a point (48°07'35.4"N, 123°04'14.4"W) three miles east of the Dungeness River mouth excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 6D.~~)).

Area 6D - (~~That portion within 1/4 mile of each mouth of the Dungeness River.~~) Waters within 1/4 nautical mile of the Dungeness River mouth (48°9'16"N, 123°7'48"W, east to waters within 500 feet of Meadowbrook Creek mouth (48°9'7"N, 123°7'19"W).

Area 7 -

(1) The San Juan Island Preserve as defined in WAC 220-354-320(~~("San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected from Lopez Pass Light 2 (Light List No. 19375 FIR4s21ft4M"2, 48°28'52"N, 122°49'5"W) across Lopez Pass to Lopez Island (48°28'42.1"N, 122°49'10.7"W), a line projected from Fauntleroy Point on Decatur Island (48°31'28.4"N, 122°47'18.8"W) through Lawson Rock Light 2 (Light List No. 19410 FIR4s15ft4M"2, 48°31'51"N, 122°47'19"W) to Blakely Island (48°32'27.2"N, 122°47'21.2"W); a line projected from Deer Point on Orcas Island (48°36'5.1"N, 122°47'59.7"W) across Spindle Rock (48°35'4.2"N, 122°48'6.2"W) to Blakely Island; a line projected from Limestone Point on San Juan Island (48°37'21.0"N, 123°6'27.1"W) to the northernmost point of Jones Island (48°37'16.9"N, 123°2'59.3"W) then 90 degrees true to Orcas Island (48°37'16.8"N, 123°1'49.6"W); a line projected from Reef Point (48°31'43.1"N, 122°58'12.3"W) on San Juan Island to the southernmost point of Shaw Island (48°32'47.6"N, 122°56'55.8"W); and a line projected from Flat Point on Lopez Island (48°33'3.7"N, 122°55'10.9"W) to the most westerly point on Canoe Island (48°33'19"N, 122°55'29.6"W), thence true north to the shoreline of Shaw Island (48°33'51.3"N, 122°55'43.7"W), excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 7E).~~)).

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point (48°36'5.1"N, 122°47'59.7"W) north-

easterly to Lawrence Point (48°39'38.1"N, 122°44'31"W), thence west to a point intercepting a line projected from the northernmost point of Jones Island (48°37'17"N, 123°2'11.4"W), thence 90 degrees true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head (48°34'3.1"N, 122°40'5.5"W) to the northernmost point of Cypress Island (48°36'31.5"N, 122°42'42.2"W).

(4) Those waters easterly of a line projected from Iceberg Point (48°25'20.2"N, 122°53'41.1"W) to Iceberg Island (48°25'20.2"N, 122°53'41.1"W), to the easternmost point of Charles Island (48°26'25.8"N, 122°54'18.5"W), then true north from the northernmost point of Charles Island (48°26'41.1"N, 122°54'34.3"W) to the shore of Lopez Island (48°26'47.1"N, 122°54'34.2"W).

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay (48°25'25.6"N, 122°51'8.2"W) to the westernmost point of Colville Island (48°24'56"N, 122°49'31.9"W), thence from the easternmost point of Colville Island (48°24'53.5"N, 122°49'10.7"W) to Point Colville (48°25'17.1"N, 122°48'50.7"W).

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island (48°26'33.1"N, 122°40'42.3"W) to the Williamson Rocks Lighted Buoy 4 (Light List No. 19335 FIR4s4M"4"RED, 48°26'51"N, 122°42'27.8"W), thence to the Dennis Shoal Buoy 6 (Light List No. 19345 Red Nun, 48°27'27"W, 122°42'57"N), thence to Burrows Island Light (Light List No. 19350 FIW6s57ft7MHorn(BI(2)30s, 48°27'27.6"N, 122°42'59.3"W) on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W), and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head (48°29'31.2"N, 122°42'10.6"W) northerly to Shannon Point (48°30'32.8"N, 122°41'2.5"W).

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker (48°25'14.2"N, 122°40'04.5"W) northerly to Biz Point (48°26'33.1"N, 122°40'42.3"W).

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville (48°25'17.1"N, 122°48'50.7"W) northerly to Lopez Pass (48°28'42.1"N, 122°49'10.7"W), and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land (48°28'52"N, 122°49'5"W) northerly to Fauntleroy Point (48°31'28.4"N, 122°47'18.8"W), and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-354-310.

Area 7B -

(1) That portion south and east of a line from William Point on Samish Island (48°34'55.2"N, 122°33'38.2"W) to Saddlebag Island (48°32'7.2"W, 122°33'32.6"N) to Casper Point on Guemes Island to landfall on March Point (48°29'58.4"N, 122°33'55.9"W), and that portion northerly of the railroad trestle in Chuckanut Bay.

(2) That portion of Bellingham Bay and Portage Bay adjacent to Lummi Indian Reservation is closed north and west of a line from the intersection of Marine Drive and Hoff Road (48°46'59"N, 122°34'25"W) projected 180 degrees true for 1.80 nautical miles (nm) to a point at 48°45'11"N, 122°34'25"W, then 250 degrees true for 0.92 nm to a point at 48°44'50"N, 122°35'42"W, then 270 degrees true for 0.95 nm to 48°44'50"N, 122°37'08"W, then 228 degrees true for 0.65 nm to 48°44'24"N, 122°37'52"W, then 200 degrees true for 0.69 nm to 48°43'45"N, 122°38'12"W, then 90 degrees true for 0.64 nm to a point just northeast of Portage Island (48°43'45"N, 122°37'14"W), then 155 degrees true for 0.97 nm to a point just east of Portage Island (48°42'52"N, 122°36'37"W), then 247 degrees true for 80 yards to landfall on Portage Island (48°42'51.1"N, 122°36'40.3"W).

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek (48°36'51.6"N, 122°26'27.8"W) 237 degrees true to the fishing boundary marker on Samish Island (48°34'33.1"N, 122°31'49.3"W).

Area 8 -

(1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island (48°16'12.6"N, 122°27'52.8"W) to a white monument on the easterly point of Ika Island (48°21'40.1"N, 122°29'52.8"W), thence across the Skagit River to the terminus of the jetty with McGlinn Island (48°22'18.3"N, 122°30'18.3"W).

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point (48°15'1.3"N, 122°31'47.2"W).

Area 8A -

(1) Those waters easterly of a line projected from Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Gedney Island Light 1 (Light List No. 18480 F1G25s15ft4M"1," 48°0'15.5"N, 122°17'49.7"W), excluding the waters of Area 8D, thence through the Snohomish River Light 5 (Light List No. 18535 F1G4s16ft5M, 47°59'16.3"N, 122°13'47.4"W) and across the mouth of the Snohomish River to landfall on the eastern shore (47°59'13.3"N, 122°13'35"W), and those waters northerly of a line from Camano Head (48°3'23.2"N, 122°21'24.6"W) to the northern boundary of Area 8D, except when open for pink fisheries.

(2) Additional coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Washington state ferry Clinton terminal (47°58'28.8"N, 122°21'5.2"W) to the Washington state ferry Mukilteo terminal (47°56'57"N, 122°18'15.7"W).

Area 8D - Those waters easterly of a line projected from the northerly most point of Mission Beach (48°3'19.3"N, 122°17'23.1"W) to Hermosa Point (48°3'42.7"N, 122°17'36.4"W).

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point Light (Light List No. 16550 F1(3)W10s27ft14M, 47°54'43.9"N, 122°31'36.3"W) to the traffic separation lane Lighted Buoy SE (Light List No. 16540 F1Y2.5s5MY"SE," (47°55'26.8"N, 122°29'30.7"W), thence to landfall at (47°55'4.2"N, 122°32'46"W) on Norwegian Point.

Area 9A -

(1) Those waters north of a line projected from the southern edge of the old mill site (47°51'05.5"N, 122°34'59"W) to

the fallen tree on the opposite shore (47°51'6.6"N, 122°34'15.9"W).

(2) Those waters within 1000 feet of all freshwater streams.

Area 10 -

(1) Those waters easterly of a line projected from Meadow Point (47°41'35.9"N, 122°24'21.6"W) to West Point (47°39'43.6"N, 122°26'8.5"W).

(2) Those waters of Port Madison westerly of a line projected from Point Jefferson (47°44'51.7"N, 122°28'25.6"W) to the northernmost portion of Point Monroe (47°42'32"N, 122°30'43.5"W).

(3) Additional pink seasonal closure: The area east inside of the line (~~(originating)~~) projected from West Point (47°39'43.6"N, 122°26'8.5"W) and extending west to the traffic separation lane Lighted Buoy SG (Light List No. 16815 F1Y2.5s5MY"SG," ((~~€~~))47°39'41.6"N, 122°27'52.6"W), thence 20 degrees true until reaching latitude 47°44'30.0"N, thence extending directly east to the shoreline (47°44'30"N, 122°22'40.5"W).

(4) Additional purse seine pink seasonal closure: The area within 500 feet of the eastern shore in Area 10 is closed to purse seines north of latitude 47°44'30.0"N.

(5) Additional (~~(coho and)~~) chum seasonal closure: Those waters of Elliott Bay east of a line from Alki Point (Light List No. 16915 F15s39ft16M, 47°34'34.5"N, 122°25'14"W) to the Fourmile Rock Light 1 (Light List No. 16810 F1G6s15ft6M"1," 47°38'20.4"N, 122°24'48.7"W), and those waters northerly of a line projected from Point Wells to traffic separation lane Lighted Buoy SF (Light List No. 16745 F1Y2.5s5MY"SF," 47°45'53"N, 122°26'15.7"W), then west to President's Point (47°45'57.2"N, 122°28'20.1"W).

(6) Those waters of Rich Passage, easterly of a line projected from Orchard Point (47°33'55"N, 122°31'56"W) to Beans Point (47°34'29"N, 122°31'20"W) on Bainbridge Island, and westerly of a line projected from Restoration Point (47°35'1"N, 122°28'46"W) to landfall at Colchester (47°32'41"N, 122°32'22.6"W) true west from the northwest point of Blake Island.

Area 10E - Those waters of Liberty Bay north of a line projected true east from 47°41'56.4"N, 122°36'53.5"W to 47°41'56.4"N, 122°36'17.4"W, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Washington state ferry Bremerton terminal (47°33'43.9"N, 122°37'31.1"W) to landfall at Port Orchard (47°33'43.9"N, 122°35'31.1"W).

Area 11 -

(1) (~~(These)~~) The waters of Gig Harbor, northerly of a line projected true west from the Gig Harbor Light (Light List No. 17221 F1R4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W)((~~and these~~)). The waters of Commencement Bay, south of a line from Browns Point (47°18'20.3"N, 122°26'39.4"W) to the northernmost point of land on Point Defiance (47°19'7.7"N, 122°32'23.9"W).

(2) Additional (~~(coho)~~) chum seasonal closure: Those waters south of a line projected from the Gig Harbor Light (Light List No. 17221 F1R4s13ft3MPriv., 47°19'35.7"N, 122°34'29.2"W) to the Washington state ferry Tahlequah terminal (47°19'58.3"N, 122°30'25.5"W), (~~(then south to the~~

~~Washington state ferry Point Defiance terminal, and those waters south of a line projected from the Washington state ferry Point Defiance terminal (47°18'20.7"N, 122°30'51"W) to Dash Point (47°19'10.2"N, 122°25'46.6"W))) south of a line projected from Neill Point (47°19'53"N, 122°29'33"W) to Piner Point (47°20'37"N, 122°27'17"W), west of a line projected from Piner Point (47°20'37"N, 122°27'17"W) to Dash Point (47°19'10"N, 122°25'47"W), and north of Area 11/11A line.~~

Areas 12, 12B, and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock (47°39'46"N, 122°46'11"W) to Hood Canal Light 13 (Light List No. 17855 FIG2.5s20ft4M"13," 47°39'45.5"N, 122°47'14.4"W) off Big Beef Creek, thence southerly to the outermost northern headland of Little Beef Creek (47°39'24.4"N, 122°47'23.4"W).

Area 12 - Additional ((~~purse seine~~)) chum seasonal closures: ((~~(+)~~)) Those waters of Area 12 south and west of a line projected 94 degrees true from south Hazel Point (47°41'29.1"N, 122°46'22.6"W) to the Hood Canal Light 11 on the opposite shore (Light List No. 17845 FLG4s15ft5M"11," 47°41'24.6"N, 122°44'50.4"W), bounded on the west by the Area 12/12B boundary line are closed to purse seines ((~~except this area is open for purse seines on October 24 and October 30.~~

~~(2) Those waters of Area 12 within 2 miles of the Hood Canal Bridge are closed to purse seines on October 24 and October 30)). Alternatively, WDFW managed gillnet vessels will be authorized to fish this area October 21, October 24, October 28, and October 31.~~

Area 12A -

(1) Those waters north of a line projected due east from Broad Spit (47°48'37.8"N, 122°48'59.3"W) to landfall on the Toandos Peninsula (47°48'37.8"N, 122°47'42.5"W).

(2) Those waters within 1,000 feet of the mouth of the Quilcene River.

Area 12B -

(1) Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

(2) Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point (47°35'6.6"N, 122°57'52.8"W) to Triton Head (47°36'10.9"N, 122°59'0.5"W).

Area 12C -

(1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park (47°25'14.1"N, 23°7'50.7"N) and the Port of Hoodspout marina dock (47°24'12.6"N, 123°8'29.5"W).

(2) Those waters south of a line projected 107 degrees true from the Cushman Powerhouse (47°22'11.2"N, 123°09'35.9"W) to the Union boat launch (47°21'27.5"N, 123°6'1.9"W).

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

Area 13A - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay from 47°21'47.5"N, 122°41'10.1"W to 47°21'9.8"N, 122°41'57.7"W, including

all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit (47°19'58.6"N, 122°43'42.7"W) at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

AMENDATORY SECTION (Amending WSR 18-14-013, filed 6/22/18, effective 7/23/18)

WAC 220-354-120 Puget Sound salmon—Purse seine—Open periods. (1) It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
((7, 7A:	7AM--7PM	- 10/11, 10/12))
<u>7, 7A:</u>	7AM - 6PM	- 10/11, 10/12, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2((+1/3))
	7AM - 5PM	- 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9((+1/10))

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

7B, 7C:	6AM - 8PM	- ((8/15, 8/22, 8/29, 9/5)) 8/14, 8/21, 8/28, 9/4
	7AM - 7PM	- ((9/10, 9/12, 9/14)) 9/9, 9/11, 9/13
7B:	7AM - 7PM	- ((9/17, 9/19, 9/21)) 9/16, 9/18, 9/20
	7AM ((9/23)) 9/22	- 6PM ((+3)) 11/2
	7AM ((+5)) 11/4	- 4PM ((+9)) 11/8
	7AM ((+12)) 11/11	- 4PM ((+16)) 11/15
	7AM ((+19)) 11/18	- 4PM ((+23)) 11/22
	7AM ((+26)) 11/25	- 4PM ((+30)) 11/29
	7AM ((+23)) 12/2	- 4PM ((+27)) 12/6

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines ((~~beginning at~~) 12:01 a.m. on the last Monday in October ((~~and until~~)) to 4:00 p.m. on the first Friday in December.

8:	Closed	
8A:	((7AM--7PM Closed	- Limited participation -- Two boats 9/17, 9/24)
8D:	7AM - 7PM	- 9/24, 10/1((+10/8))

AREA	TIME	DATE
	7AM - 6PM	- ((10/18) <u>10/8, 10/16, 10/22, (10/31) 10/28</u>
	7AM - 5PM	- 11/5, 11/7, ((11/13) <u>11/11, 11/19, (11/26) 11/27</u>
10, 11:	7AM - 6PM	- ((10/18, 10/22, 10/31) <u>10/16, 10/23, 10/28</u>
	7AM - 5PM	- 11/5, 11/7
12, 12B:	7AM - 6PM	- ((10/18, 10/22, 10/31) <u>10/16, 10/23, 10/28</u>
	7AM - 5PM	- 11/5, 11/7, 11/13, 11/19, 11/21
12C:	7AM - 5PM	- 11/5, 11/7, 11/13, 11/19, 11/27

(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

(a) Chinook salmon - At all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 20 in Area 7B.

(b) Coho salmon - At all times in Areas 7, 7A, 10, and 11, and prior to September 1 in Area 7B.

(c) Chum salmon - Prior to October 1 in Areas 7 and 7A, and at all times in 8A.

(d) All other saltwater and freshwater areas - Closed.

Note: In Area 10 during any open period occurring in August or September, it is unlawful to fail to brail or use a brailing bunt when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

AMENDATORY SECTION (Amending WSR 18-14-013, filed 6/22/18, effective 7/23/18)

WAC 220-354-160 Puget Sound salmon—Gillnet—Open periods. It is unlawful to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME	DATE(S)	MINIMUM MESH
6D: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM - 7PM	9/21, ((9/22) <u>9/24, 9/25, 9/26, 9/27, (9/28) 9/30, 10/1, 10/2, 10/3, 10/4, (10/5) 10/7, 10/8, 10/9, 10/10, 10/11, (10/12) 10/14, 10/15, 10/16, 10/17, 10/18, (10/19) 10/21, 10/22, 10/23, 10/24, 10/25, (10/26) 10/28, 10/29, 10/30, 10/31, 11/1</u>	5"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October ((~~14~~) 14). In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM - Midnight	Midnight; use of recovery box required	10/11, 10/12, 10/14, 10/15, 10/18, 10/19((10/20))	6 1/4"
	7AM - Midnight	Midnight	<u>10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9</u> ((11/10))	6 1/4"

Note: In Areas 7 and 7A after October 9 and prior to October 20, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-354-140 (5)(a) through (f) when coho and Chinook release is required.

7B, 7C:	7PM - 8AM	NIGHTLY	<u>8/11, 8/12, 8/13, ((8/14) 8/18, 8/19, 8/20, 8/21, ((8/22) 8/25, 8/26, 8/27, 8/28</u> ((8/29))	7"
	7AM ((9/2) <u>9/1</u>	- 7AM ((9/7) <u>9/5</u>		5"
	7AM ((9/9) <u>9/8</u>	- 7AM ((9/14) <u>9/12</u>		5"
7B:	7AM ((9/16) <u>9/15</u>	- 7AM ((9/21) <u>9/19</u>		5"
	7AM ((9/23) <u>9/22</u>	- Midnight ((11/4) <u>11/3</u>		5"

AREA	TIME		DATE(S)	MINIMUM MESH
	7AM ((11/5)) <u>11/4</u>	-	4PM (((11/9))) <u>11/8</u>	6 1/4"
	6AM ((11/12)) <u>11/11</u>	-	4PM (((11/16))) <u>11/15</u>	6 1/4"
	6AM ((11/14)) <u>11/18</u>	-	4PM (((11/23))) <u>11/22</u>	6 1/4"
	7AM ((11/26)) <u>11/25</u>	-	4PM (((11/30))) <u>11/29</u>	6 1/4"
	7AM ((12/3)) <u>12/2</u>	-	4PM (((12/7))) <u>12/6</u>	

Note: In Area 7C the minimum mesh size is 7" through (~~((9/14))~~) 9/12.

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gillnets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 4:00 PM on the first Friday in December.

8:	5AM	-	11PM	Closed	5"
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Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gillnets greater than 60-mesh maximum depth. Fishers must also use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8A:	6PM	-	8AM	((Limited participation; 2 boats only- 9/19)) Closed	5"
	6PM	-	8AM	((9/25, 9/27)) Closed	5"

Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8D:	6PM	-	8AM	Nightly (((9/23, 9/27, 9/30, 10/4, 10/7, 10/11))) <u>9/22, 9/26, 9/29, 10/3, 10/6, 10/10</u>	5"
	((6PM	-	8AM	Nightly <u>9/23, 9/27, 9/30, 10/4, 10/7, 10/11</u>	5"))
	6PM ((9/24)) <u>9/23</u>	-	8AM (((9/27))) <u>9/25</u>		5"
	6PM ((10/1)) <u>9/30</u>	-	8AM (((10/4))) <u>10/2</u>		5"
	6PM ((10/8)) <u>10/7</u>	-	8AM (((10/11))) <u>10/9</u>		5"
	5PM	-	9AM	((10/14, 10/18, 10/21, 10/25, 10/28, 11/1)) <u>10/13, 10/17, 10/20, 10/24, 10/27, 10/31</u>	5"
	((5PM- 10/15)) <u>5PM</u> <u>10/14</u>	-	9AM (((10/18))) <u>10/16</u>		5"
	5PM ((10/22)) <u>10/21</u>	-	9AM (((10/25))) <u>10/23</u>		5"
	5PM ((10/29)) <u>10/28</u>	-	9AM (((11/1))) <u>10/30</u>		5"
	4PM	-	((9AM)) <u>8AM</u>	((11/4, 11/8)) <u>11/3, 11/7</u>	5"

AREA	TIME		DATE(S)	MINIMUM MESH
	4PM ((4/5)) 11/4	-	((9AM-11/8)) 8AM 11/6	5"
	6AM	-	6PM 11/13, 11/14, 11/15, ((11/16)) 11/20, 11/21, 11/22((-11/23)))	6 1/4"
	7AM	-	6PM 11/27, 11/28, 11/29((-11/30)))	6 1/4"
9A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM ((8/19)) 8/18	-	7PM ((11/3)) 11/2	5"
	7PM	-	7AM Closed	4 1/2" minimum and 5 1/2" maximum

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

Note: In Area 10 fishers must use minimum 4 1/2" and maximum 5 1/2" mesh during pink salmon management periods. Also, during August or September openings, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 90 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-354-140 (5)(a) through (f). During all limited participation fisheries, it is unlawful for vessels to take or fish for salmon without department observers on board.)

10, 11:	5PM	-	9AM NIGHTLY ((10/16, 10/23, 10/25, 10/28, 11/1)) 10/17, 10/20, 10/24, 10/29, 10/31, 11/3	6 1/4"
	((4PM	-	8AM 11/8	6-1/4")
	4PM	-	7AM ((NIGHTLY)) 11/6	6 1/4"
12A: Skiff gillnet only, definition WAC 220-350-170 and lawful gear description WAC 220-354-140.	7AM	-	7PM Dates determined per agreement with tribal co-managers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of gillnet gear.	5"

Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

12, 12B:	7AM	-	8PM ((10/16, 10/23, 10/25)) 10/17, 10/21, 10/24	6 1/4"
	7AM	-	7PM ((10/29, 11/1)) 10/28, 10/31	6 1/4"
	6AM	-	6PM 11/4, 11/6, ((11/8,)) 11/12, 11/14, 11/18, 11/20	6 1/4"
12C:	6AM	-	6PM ((11/6, 11/8, 11/12, 11/14, 11/20, 11/21)) 11/4, 11/6, 11/12, 11/14, 11/18, 11/20	6 1/4"
	7AM	-	6PM ((11/26)) 11/27	6 1/4"

All other saltwater and freshwater areas - Closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

AMENDATORY SECTION (Amending WSR 18-14-013, filed 6/22/18, effective 7/23/18)

WAC 220-354-180 Puget Sound salmon—Reef net open periods. (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	DATE(S)
7	5AM - 9PM Daily	((9/23 - 11/10)) 9/22 - 11/9

(2) It is unlawful at all times to retain unmarked Chinook salmon taken with reef net gear, and it is unlawful prior to October 1 to retain chum or unmarked coho salmon taken with reef net gear.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in the logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091.

(4) All other saltwater and freshwater areas - Closed.

AMENDATORY SECTION (Amending WSR 18-14-013, filed 6/22/18, effective 7/23/18)

WAC 220-354-210 Puget Sound salmon—Beach seine—Open periods. (1) It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	8/20, 8/21, 8/22, ((8/23, 8/24)) 8/26, 8/27, 8/28, 8/29, 8/30, ((8/31)) 9/2, 9/3, 9/4, 9/5, 9/6, ((9/7)) 9/9, 9/10, 9/11, 9/12, 9/13, ((9/14)) 9/16, 9/17, 9/18, 9/19, 9/20, ((9/21)) 9/23, 9/24, 9/25, 9/26, 9/27, ((9/28)) 9/30, 10/1, 10/2, 10/3, 10/4((-10/5))
12C, Hoodspout Hatchery Zone:	7AM - 7PM	7/30, 8/1, 8/6, 8/8, 8/13, 8/15, 8/20, 8/22, 8/27, 8/29, 9/3, 9/5 November (dates determined per agreement with tribal co-managers in-season if harvestable surplus of salmon remain).

(2) It is unlawful to retain the following salmon species taken with beach seine gear within the following areas during the following periods:

- (a) Chinook salmon - At all times in Area 12A.
- (b) Chum salmon - In all areas prior to October 10.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-354-310 Puget Sound—Salmon preserve—Drayton Harbor. "Drayton Harbor Salmon Preserve" shall include all the waters of Drayton Harbor and tributaries thereto lying inside and easterly of a line projected 66 degrees true from Semiahmoo Spit (48°59'25.8"N, 122°46'16.5"W) to the (~~(Blaine Boathaven Dock)~~) northern breakwater of the Port of Bellingham's Blaine Harbor (48°59'30.5"N, 122°46'0.4"W).

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-354-320 Puget Sound—Salmon preserve—San Juan Island. "San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected 199 degrees true from (~~(Decatur Island Light)~~) Lopez Pass Light 2 (Light List No. 19375 FIR4s21ft4M"2, 48°28'52"N, 122°49'5"W) across Lopez Pass to Lopez Island (48°28'42.1"N, 122°49'10.7"W), a line projected 359 degrees true from Fauntleroy Point on Decatur

Island (48°31'28.4"N, 122°47'18.8"W) through Lawson Rock Light 2 (Light List No. 19410 FIR4s15ft4M"2, 48°31'51"N, 122°47'19"W) to Blakely Island (48°32'27.2"N, 122°47'21.2"W); a line projected 184 degrees true from Deer Point on Orcas Island (48°36'5.1"N, 122°47'59.7"W) across Spindle Rock (48°35'4.2"N, 122°48'6.2"W) to Blakely Island; a line projected 91 degrees true from Limestone Point on San Juan Island (48°37'21.0"N, 123°6'27.1"W) to the northernmost point of Jones Island (48°37'16.9"N, 123°2'59.3"W); then 90 degrees true to Orcas Island (48°37'16.8"N, 123°1'49.6"W); a line projected 38 degrees true from Reef Point on San Juan Island (48°31'43.1"N, 122°58'12.3"W) to the southernmost point of Shaw Island (48°32'47.6"N, 122°56'55.8"W); and a line projected 321 degrees true from Flat Point on Lopez Island (48°33'3.7"N, 122°55'10.9"W) to the most westerly point on Canoe Island (48°33'19"N, 122°55'29.6"W), thence true north to the shoreline of Shaw Island (48°33'51.3"N, 122°55'43.7"W), excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 7E.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-354-330 Puget Sound—Salmon preserve—Strait of Juan de Fuca. "The Strait of Juan de Fuca Salmon Preserve" shall include those waters and tributaries thereto lying within three miles off shore between a line projected 30 degrees true from a point three miles west of the Sekiu River mouth (48°19'06.9"N, 124°27'19.4"W) to a line projected 45 degrees true from a point three miles east of the Dungeness River mouth (48°07'35.4"N, 123°04'14.4"W), excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 6D.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-354-340 Puget Sound—Area 7A salmon fishery separation lines. (1) The "East Point Line" shall be defined as a line projected 184 degrees true from (~~(the low water range marker in)~~) Boundary Bay Light D (Light List No. 19972 FIY4s36ft4M"D, 49°0'7.6"N, 123°1'13"W) on the (~~(international boundary)~~) Canada/United States border, through the (~~(east tip)~~) eastern portion of Point Roberts to the (~~(East Point light)~~) Saturna Island Sector Light (Light List No. 19810 FIW15s102ft17M,FR85ft8M, 48°46'58"N, 123°2'45"W) on East Point Saturna Island (~~(in the province of)~~) British Columbia, Canada.

(2) The "Iwersen Dock Line" shall be defined as a line projected 233 degrees true from ruins of the Iwersen Dock (48°58'30.6"N, 123°5'6.5"W) on Point Roberts to the (~~(Georgina Point Light at the entrance to Active Pass in British Columbia)~~) Active Pass Light (List of Lights CA No. 275 FLW10s57ft17M, 48°52'23"N, 123°17'26"W) on Georgina Point, Mayne Island, British Columbia, Canada.

WSR 19-15-053
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 19-127—Filed July 12, 2019, 2:35 p.m., effective August 12, 2019]

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

Purpose: Amends rules for commercial salmon fishing in Willapa Bay and includes WAC 220-354-250 Willapa Bay salmon fall fishery. The changes incorporate recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council for taking harvestable numbers of salmon during the commercial salmon fisheries in Willapa Bay, while protecting species of fish listed as endangered.

Citation of Rules Affected by this Order: Amending WAC 220-354-250.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 19-11-075 on May 16, 2019.

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 the Request of a Non-governmental 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: July 12, 2019.

Kelly Susewind
Director

AMENDATORY SECTION (Amending WSR 18-15-070, filed 7/17/18, effective 8/17/18)

WAC 220-354-250 Willapa Bay salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for coho salmon, chum salmon, and Chinook salmon:

Table with 4 columns: Area, Time, Date(s), Maximum Mesh Size. Contains fishing period details for various areas (2N, 2M, 2U, 2T) and dates in September and October.

Area	Time	Date(s)	Maximum Mesh Size
2U	7:00 a.m. through 7:00 p.m.	10/1, 10/2, 10/3	4.25"
2U) <u>2N, 2M, 2T</u>	7:00 a.m. through 7:00 p.m.	<u>10/7, 10/8, 10/9, 10/10</u>	((4.25")) <u>6.5"</u>
2U	7:00 a.m. through 7:00 p.m.	<u>10/7, 10/8, 10/9, 10/10, 10/11</u> ((, 10/12))	((4.25")) <u>6.5"</u>
((2T	7:00 a.m. through 7:00 p.m.	10/10	6.5"
2U	12:01 a.m. through 11:59 p.m.	11/1 through 11/2	6.5"))
2M, 2N, 2T, 2U	12:01 a.m. through 11:59 p.m.	((11/5 through 11/9)) <u>11/4 through 11/6</u>	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	((11/12 through 11/16)) <u>11/11 through 11/15</u>	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	((11/19 through 11/23)) <u>11/18 through 11/22</u>	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	((11/26 through 11/30)) <u>11/25 through 11/29</u>	6.5"

Gear:

(2) Gillnet gear restrictions - All areas:

(a) Drift gillnet gear only. It is unlawful to use set net gear.

(b) It is permissible to have on-board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

(c) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line.

(d) It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Willapa Bay, provided the net is properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

(e) From 12:01 a.m. September ~~((4))~~ 3 through 11:59 p.m. November ~~((30, 2018))~~ 29, 2019; Mesh size must not exceed six and one-half inches stretched, except mesh size must not exceed four and one-quarter inches stretched in Area 2N on September ~~((4, 8, 10, 13, and 15,))~~ 3, 6, 9, 11, and 13, and in Area 2M on September ~~((6, 11, and 12, and in Area 2U on September 17, 18, 19, 24, 25, 26, October 1, 2, 3, 8, 9, 11, and 12))~~ 4.

Other:

(3) Recovery boxes and soak time limits described in this section are required from 12:01 a.m. September ~~((4))~~ 3 through 11:59 p.m. November ~~((30, 2018))~~ 29, 2019:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(ii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(b) From 12:01 a.m. September 3 through 11:59 p.m. November 29, 2019, all steelhead and all wild (unmarked) Chinook must be placed in an operating recovery box, which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection. From 12:01 a.m. November ~~((4))~~ 4 through 11:59 p.m. November ~~((30, 2018))~~ 29, 2019, all chum must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection.

(c) All fish placed in recovery boxes must remain until they are not lethargic and/or not bleeding and must be released to the river/bay prior to landing or docking.

(d) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "limited fish seller endorsement." According to WAC 220-352-320, reports must be ~~((made))~~ submitted by 10:00 a.m. on the day ~~((following landing))~~ after the purchase date unless otherwise specified in ~~((am))~~ a voluntary electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(5) Retention prohibitions:

(a) All green and white sturgeon and all steelhead, except as provided in subsection (3) of this section, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay.

(b) Retention of any species other than coho, Chinook, or chum salmon is prohibited.

(c) From 12:01 a.m. September ~~((4))~~ 3 through 11:59 p.m. October ~~((12, 2018))~~ 11, 2019, retention of any species other than coho salmon, hatchery Chinook salmon marked by a healed scar at the site of the adipose fin, or chum salmon is prohibited.

(d) From 12:01 a.m. November ~~((4))~~ 4 through 11:59 p.m. November ~~((30, 2018))~~ 29, 2019, retention of any species other than coho salmon or hatchery Chinook salmon marked by a healed scar at the site of the adipose fin is prohibited.

(6) Report ~~((ALL))~~ all encounters of green sturgeon, white sturgeon, and steelhead, ~~((and wild (unmarked) Chinook))~~ (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at #866-791-1280, fax at #360-249-1229, or email at harborfish.tickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) Do ~~((NOT))~~ not remove tags from white sturgeon. Please obtain available information from tags without removing tags. Submit tag information to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563.

(8) Those waters of Area 2T₂ north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green), then northeasterly to the power transmission pole located at 46°43.1907'N, 123°50.83134'W are ~~((CLOSED))~~ closed from 12:01 a.m. September ~~((19, 2018))~~ 3, 2019, through 11:59 p.m., September ~~((28, 2018))~~ 30, 2019.

(9) It is unlawful to fish with gillnet gear in Areas 2M, 2N, 2R, 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in their possession while fishing a department-issued certification card.

(10) Fishers must take department observers, when requested by department staff, when participating in these openings. Fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or email, listed in subsection (6) of this section. Notice of intent must be given prior to 5:00 p.m. on August ~~((25, 2018))~~ 23, 2019.

WSR 19-15-054
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 19-129—Filed July 12, 2019, 2:56 p.m., effective August 12, 2019]

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

Purpose: Amends rules for commercial salmon fishing in Grays Harbor. These rules incorporate recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council for taking harvestable numbers of salmon during the commercial salmon fisheries in Grays Harbor.

Citation of Rules Affected by this Order: Amending WAC 220-354-290.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 19-11-076 on May 16, 2019.

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 the Request of a Non-governmental 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: July 12, 2019.

Kelly Susewind
Director

AMENDATORY SECTION (Amending WSR 18-17-071, filed 8/10/18, effective 9/10/18)

WAC 220-354-290 Grays Harbor salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for Chinook, coho, and chum salmon, and shad as provided in this section and in the times and area identified in the chart below.

Time:	Areas:
((7:00 a.m. through 7:00 p.m.-	Area 2A and Area 2D
October 22;	
12:00 p.m. through 11:59 p.m.-	
October 30;	
7:00 a.m. through 7:00 p.m.-	
October 31;	

Time: Areas:

~~7:00 a.m. through 7:00 p.m.
November 12;~~

AND

~~7:00 a.m. through 7:00 p.m.
November 13;~~

~~12:01 a.m. through 12:00 p.m.
October 21;~~ Area 2C

~~12:00 p.m. through 11:59 p.m.
October 24;~~

AND

~~12:00 p.m. through 11:59 p.m.
October 31.))~~

7:00 a.m. through 7:00 p.m.
October 21; Area 2A and Area 2D

7:00 a.m. through 7:00 p.m.
October 22;

7:00 a.m. through 7:00 p.m.
October 23;

7:00 a.m. through 7:00 p.m.
October 24;

7:00 a.m. through 7:00 p.m.
October 28;

7:00 a.m. through 7:00 p.m.
October 29;

7:00 a.m. through 7:00 p.m.
October 30;

AND

7:00 a.m. through 7:00 p.m.
October 31;

AND

12:01 p.m. through 11:59 p.m.
October 16; Area 2C

AND

12:01 p.m. through 11:59 p.m.
October 30.

Gear:

(2) Gear restrictions:

(a) It is permissible to have on board a commercial vessel more than one net, provided that the length of any one net does not exceed one thousand five hundred feet in length. Nets not specifically authorized for use in this fishery may be aboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches in diameter or greater.

(b) Areas 2A and 2D from October 1 through November 30: Gillnet gear only.

(i) It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed six and one-half inch maximum.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. ~~((The lead line must not rest on the bottom in such a manner as to prevent the net from drifting.))~~ It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

(c) Area 2C from October 1 through November 30: Gillnet gear only.

(i) It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed nine inches.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. ~~((The lead line must not rest on the bottom in such a manner as to prevent the net from drifting.))~~ It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

Other:

(3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2C, and 2D.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked and any time a fish is being held in accordance with (b) and (c) of this subsection. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river or fresh bay water into each chamber.

(b) When fishing in Grays Harbor Areas 2A and 2D, all steelhead and wild (unmarked) Chinook must be placed in an

operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(c) When fishing in Grays Harbor Area 2C, all steelhead must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(d) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river or bay prior to landing or docking.

(e) For Areas 2A and 2D, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Retention of any species other than coho, chum, hatchery Chinook marked by a healed scar at the site of the adipose fin, or shad is prohibited in Areas 2A and 2D from October 1 through November 30.

(5) Retention of any species other than Chinook, chum, coho or shad, is prohibited in Area 2C from October 1 through November 30.

(6) Quick reporting is required for original receivers. According to WAC 220-352-320, reports must be made by 10:00 a.m. the day following landing, unless otherwise specified in an electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(7) Report all encounters of green sturgeon to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale fish buyers use the "buyer only" portion of the fish ticket and include encounters with each day's quick reporting.

(8) Do NOT remove tags from white or green sturgeon. Please obtain available information from tags without removing tags. Submit tag information to:

Washington Department of Fish and Wildlife
48 Devonshire Rd.
Montesano, WA 98563.

(9)(a) Fishers must take department observers, if requested, by department staff when participating in these openings.

(b) Fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or email. Notice of intent must be given prior to 12:00 p.m. on October ((12)) 4, for openings in Areas 2A, 2C, or 2D.

(10) It is unlawful to fish for salmon with tangle net or gillnet gear in Areas 2A and 2D unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in his or her possession a department-issued certification card.

Purpose: Changes are being made to WAC 230-03-190 Applying for a distributor license and 230-03-210 Applying for a gambling service supplier license, so that licensed distributors can provide training and licensing assistance to punch board and/or pull-tab operators without having to also obtain a service supplier license, which under current rules, is prohibited. These changes came as a result of a licensee's petition asking for these changes.

Citation of Rules Affected by this Order: WAC 230-03-190 Applying for a distributor license and 230-03-210 Applying for a gambling service supplier license.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 19-12-031 on May 29, 2019.

Changes Other than Editing from Proposed to Adopted Version: One change to WAC 230-03-210 (2)(g)(ii) was made to eliminate a redundancy in the rule by striking "for compensation" from (ii) as it is already included in (g) above.

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 the Request of a Non-governmental Entity: New 0, Amended 2, 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 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 11, 2019.

Ashlie Laydon
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-05-026, filed 2/9/18, effective 5/1/18)

WAC 230-03-190 Applying for a distributor license. You must apply for a distributor license if you:

(1) Buy or otherwise obtain a finished piece of gambling equipment for use in authorized gambling activities from another person and sell or provide that gambling equipment to a third person for resale, display, or use; or

(2) Are a manufacturer who sells or provides gambling equipment you do not make to any other person for resale, display, or use; or

(3) Service and repair authorized gambling equipment. However, distributors must not add, modify, or alter the gambling equipment; or

(4) Modify gambling equipment using materials provided by manufacturers to upgrade equipment to current technology((-)); or

(5) Buy or lease a group 12 amusement game from another licensee and sell or lease the group 12 amusement game to an amusement game licensee; or

WSR 19-15-060

PERMANENT RULES

GAMBLING COMMISSION

[Filed July 15, 2019, 10:05 a.m., effective August 15, 2019]

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

(6) Provide training to licensed and potential punch board/pull-tab operators for compensation; or

(7) Provide assistance to gambling license applicants or licensees seeking gambling license renewal for compensation.

AMENDATORY SECTION (Amending WSR 10-19-052, filed 9/14/10, effective 1/1/11)

WAC 230-03-210 Applying for a gambling service supplier license. (1) You must apply for a gambling service supplier license if you perform any of the following gambling-related services for compensation:

(a) Consulting or advisory services regarding gambling activities; or

(b) Gambling management services; or

(c) Financing for more than one licensee for purchases or leases of gambling equipment or financing for providing infrastructure or facilities, or equipment that supports gambling operations:

(i) Once you have financed more than one licensee, you must be a licensed gambling service supplier until all loans with licensees or previous licensees are paid((-)); or

(ii) Once you have been a licensed gambling service supplier, you must be licensed as a gambling service supplier again before financing purchases or leases for any licensee; or

(d) Acting as a lending agent, or loan servicer, or placement agent; or

(e) Providing the assembly of components for gambling equipment under a contract with a licensed manufacturer or entering into an ongoing financial arrangement for gambling related software with a licensed manufacturer; or

(f) Installing, integrating, maintaining, or servicing digital surveillance systems that allow direct access to the operating system; or

(g) Training individuals to conduct authorized gambling activities; or

(h) Providing any other service or activity where influence may be exerted over any gambling activity licensed by the commission; or

(i) Performing the testing and certification of tribal lottery systems in meeting requirements specified in the tribal-state compact; or

(j) Providing nonmanagement-related recordkeeping or storage services for punch board and pull-tab operators, when the combined total gross billings from such services exceed thirty thousand dollars during any permit period or license year.

(2) You do not need a gambling service supplier license if you are:

(a) A bank, mutual savings bank, or credit union regulated by the department of financial institutions or any federally regulated commercial lending institution; or

(b) A university or college regulated by the Washington state board of community and technical colleges and the higher education coordinating board that trains individuals to conduct authorized gambling activities; or

(c) An attorney, accountant, or governmental affairs consultant whose primary business is providing professional ser-

vices that are unrelated to the management or operation of gambling activities; or

(d) A person who only provides nonmanagement-related recordkeeping or storage services for punch board and pull-tab operators, when the combined total gross billings from such services do not exceed thirty thousand dollars during any permit period; or

(e) A person who provides names, images, artwork or associated copyrights, or trademarks, or patent use, or other features that do not affect the results or outcome of the game, for use in gambling equipment; or

(f) Regulated lending institutions; or

(g) A licensed distributor who provides any of the following services for compensation:

(i) Training to licensed and potential punch board/pull-tab operators; or

(ii) Providing assistance to gambling license applicants or licensees seeking gambling license renewal.

WSR 19-15-061

PERMANENT RULES

GAMBLING COMMISSION

[Filed July 15, 2019, 10:06 a.m., effective August 15, 2019]

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

Purpose: This new rule would allow card shuffling devices to connect to a secure cellular modem for billing purposes, which would offer a new billing option for card shufflers found in licensed card rooms. These changes were made based on a licensee's petition requesting this rule change.

Citation of Rules Affected by this Order: New WAC 230-16-152 Card shuffling devices connecting to a secure cellular network for billing purposes.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 19-11-100 on May 20, 2019.

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 the Request of a Non-governmental Entity: New 1, 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 1, 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: July 11, 2019.

Ashlie Laydon
Rules Coordinator

NEW SECTION

WAC 230-16-152 Card shuffling devices connecting to a secure cellular network for billing purposes. Card shuffling devices can be connected to a secure cellular network for billing purposes.

(1) For the purposes of this rule:

(a) A secure cellular network includes the card shuffling device and a cellular modem that is used to transmit information via a secure cellular network.

(b) Billing purposes means transmitting historical shuffler data that is used when billing is based on the number of successful shuffles. Shuffler data includes:

(i) Equipment statistics such as software versions, serial numbers, network information, hard count meters, and shuffler configuration information; and

(ii) Usage information such as hard count meters, successful and unsuccessful shuffles, shuffles completed by service, number of card sorts, and the number of cards in each shuffle; and

(iii) History logs such as shuffler malfunctions, card recognition errors, and maintenance logs; and

(iv) Test messages used for setup.

(2) The following requirements apply when connecting card shuffling devices to a secure cellular network for billing purposes:

(a) An identical or substantially similar card shuffling device connected to a secure cellular network must be tested and approved by us, as outlined in WAC 230-06-050, before it can be used; and

(b) The transmitted data must not include card specific information, live gaming data, or any other gambling information; and

(c) Except for a confirmation notification from the network that the shuffler data was successfully received, there may only be one-way communication from the card shuffling device to the secure cellular network; and

(d) Transmitted information may only be accessed by the licensee or licensed manufacturer; and

(e) A record must be kept of all information transmitted and made available to us upon request.

WSR 19-15-094**PERMANENT RULES****DEPARTMENT OF HEALTH**

(Dental Quality Assurance Commission)

[Filed July 22, 2019, 9:24 a.m., effective August 22, 2019]

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

Purpose: WAC 246-817-110 Dental licensure eligibility and application requirements and 246-817-120 Examination content. The dental quality assurance commission (commission) adopted amendments to change the name of the acceptable national written examination. The Joint Commission on National Dental Examination has developed an updated national written dental examination that will replace the current national written dental examination, the National Board Dental Examination, Parts I and II beginning in August 2020 with complete change in August 2022. The Integrated

National Board Dental Examination mirrors that of the current National Board Dental Examination, Parts I and II, to assist dental boards in determining the qualifications of individuals who seek licensure to practice dentistry. Current rules list the national written dental examination by name and must be changed to allow dentist applicants to meet licensure requirements in rule.

Citation of Rules Affected by this Order: Amending WAC 246-817-110 and 246-817-120.

Statutory Authority for Adoption: RCW 18.32.002, 18.32.0365, and 18.32.040.

Adopted under notice filed as WSR 19-07-013 on March 8, 2019.

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 the Request of a Non-governmental 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 2, Repealed 0.

Date Adopted: June 7, 2019.

Julia Richman, D.D.S., Chairperson
Dental Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 18-01-106, filed 12/19/17, effective 1/19/18)

WAC 246-817-110 Dental licensure—Initial eligibility and application requirements. To be eligible for Washington state dental licensure, the applicant must provide:

(1) A completed application and fee. The applicant must submit a signed application and required fee as defined in WAC 246-817-990;

(2) Proof of graduation from a dental school approved by the DQAC:

(a) DQAC recognizes only those applicants who are students or graduates of dental schools in the United States or Canada, approved, conditionally or provisionally, by the Commission on Dental Accreditation of the American Dental Association. The applicant must have received, or will receive, a Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) degree from that school;

(b) Other dental schools which apply for DQAC approval and which meet these adopted standards to the DQAC's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved;

(3) Proof of successful completion of the Integrated National Board Dental Examination, Parts I and II of the National Board Dental Examination, or the Canadian National Dental Examining Board Examination. An original

scorecard or a certified copy of the scorecard shall be accepted. Exception: Dentists who obtained initial licensure in a state prior to that state's requirement for successful completion of the national boards, may be licensed in Washington, provided that the applicant provide proof that their original state of licensure did not require passage of the national boards at the time they were initially licensed. Applicants need to meet all other requirements for licensure;

(4) Proof of graduation from an approved dental school. The only acceptable proof is an official, posted transcript sent directly from such school, or in the case of recent graduates, a verified list of graduating students submitted directly from the dean of the dental school. Graduates of nonaccredited dental schools must also meet the requirements outlined in WAC 246-817-160;

(5) A complete listing of professional education and experience including college or university (predental), and a complete chronology of practice history from the date of dental school graduation to present, whether or not engaged in activities related to dentistry;

(6) Proof of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;

(7) Proof of malpractice insurance if available, including dates of coverage and any claims history;

(8) Written certification of any licenses held, submitted directly from another licensing entity, and including license number, issue date, expiration date and whether applicant has been the subject of final or pending disciplinary action;

(9) Proof of successful completion of:

(a) An approved practical/clinical examination under WAC 246-817-120; or

(b) A qualifying residency program under RCW 18.32.-040 (3)(c);

(10) Proof of successful completion of an approved written jurisprudence examination;

(11) A recent 2" x 2" photograph, signed, dated, and attached to the application;

(12) Authorization for background inquiries to other sources may be conducted as determined by the DQAC, including but not limited to the national practitioner data bank and drug enforcement agency. Applicants are responsible for any fees incurred in obtaining verification of requirements;

(13) Any other information for each license type as determined by the DQAC.

AMENDATORY SECTION (Amending WSR 17-22-035, filed 10/24/17, effective 11/24/17)

WAC 246-817-120 Examination content. (1) An applicant seeking dentist licensure in Washington by examination, must successfully pass a written and practical examination approved by the Dental Quality Assurance Commission (commission).

The examination will consist of:

(a) A written examination. The Integrated National Board Dental Examination, Parts I and II of the National Board Dental Examination, or the Canadian National Dental Examining Board examination will be accepted, except as provided in subsection (4) of this section.

(b) A practical examination containing at least the following sections:

(i) Restorative;

(ii) Endodontic;

(iii) Periodontal;

(iv) Prosthodontic; and

(v) Comprehensive treatment planning or diagnostic skills.

(2)(a) The commission accepts the following practical examinations provided the testing agency offers at least the sections listed in subsection (1)(b) of this section:

(i) The Western Regional Examining Board's (WREB) clinical examination;

(ii) The Central Regional Dental Testing Services (CRDTS) clinical examination;

(iii) The Commission on Dental Competency Assessments (CDCA) formally known as Northeast Regional Board (NERB) clinical examination;

(iv) The Southern Regional Testing Agency (SRTA) clinical examination;

(v) The Council of Interstate Testing Agency's (CITA) clinical examination;

(vi) U.S. state or territory with an individual state board clinical examination; or

(b) The commission will accept the complete National Dental Examining Board (NDEB) of Canada clinical examination as meeting its standards if the applicant is a graduate of an approved dental school defined in WAC 246-817-110 (2)(a).

(3) The applicant must pass all sections listed in subsection (1)(b) of this section of the practical examination with the same testing agency.

(4) The commission will only accept results of approved practical examinations taken within the preceding five years from the date of an application for licensure.

(5) The commission may, at its discretion, give or require an examination in any other subject under subsection (1)(a) and (b) of this section, whether in written or practical form or both written and practical.

WSR 19-15-107

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed July 22, 2019, 3:31 p.m., effective August 22, 2019]

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

Purpose: The agency is revising this section to remove outdated language and implement provisions of SSB 5779 that promote integrated practice by removing nonessential limitations that restrict the scope and practice of behavioral health and primary care services, which include place-of-service restrictions for behavioral health providers.

Citation of Rules Affected by this Order: Amending WAC 182-531-1400.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.16 [41.05.160], SSB 5779, 2017 regular session.

Adopted under notice filed as WSR 19-11-056 on May 14, 2019.

Changes Other than Editing from Proposed to Adopted Version:

Proposed/Adopted	WAC Subsection	Reason
Original WAC 182-531-1400 (4)(a)		
Proposed	"When provided by a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner (ARNP), or psychiatric mental health nurse practitioner-board certified (PMHNP-BC);"	To clarify psychologists may perform treatment in conjunction with the prescribing provider.
Adopted	"When provided by a psychiatrist, psychologist , psychiatric advanced registered nurse practitioner (ARNP), or psychiatric mental health nurse practitioner-board certified (PMHNP-BC) or <u>psychologist in conjunction with the prescribing provider</u> ;"	
Original WAC 182-531-1400 (8)(b)		
Proposed	"One individual or family/group psychotherapy visit, with or without the client, per day, per client."	To clarify the allowance of one or more individual or family/group psychotherapy visits, if medically necessary.
Adopted	" <u>One or more individual or family/group psychotherapy visits, with or without the client, per day, per client, when medically necessary.</u> "	

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 the Request of a Non-governmental 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: July 22, 2019.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-06-053, filed 2/24/16, effective 4/1/16)

WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services. (1) The mental health services covered in this section are different from the mental health services covered under (~~chapter 388-865 WAC~~;) community mental health and involuntary treatment programs(~~, administered by the division of behavioral health and recovery within the department of social and health services~~) in chapter 182-538D WAC.

(2) Inpatient and outpatient mental health services not covered under chapter (~~388-865~~) 182-538D WAC(~~;~~) may be covered by the agency under this section.

Inpatient mental health services

(3) For hospital inpatient psychiatric admissions, providers must comply with chapter (~~388-865~~) 182-538D WAC.

(4) The agency covers professional inpatient mental health services as follows:

(a) When provided by a psychiatrist, psychiatric advanced registered nurse practitioner (ARNP), (~~or~~) psychiatric mental health nurse practitioner-board certified (PMHNP-BC), or psychologist in conjunction with the prescribing provider;

(b) The agency pays only for the total time spent on direct psychiatric client care during each visit, including services provided when making rounds. The agency considers services provided during rounds to be direct client care services and may include, but are not limited to:

- (i) Individual psychotherapy up to one hour;
 - (ii) Family/group therapy; or
 - (iii) Electroconvulsive therapy.
- (c) One electroconvulsive therapy or narcosynthesis per client, per day, and only when performed by a psychiatrist.

Outpatient mental health services

(5) The agency covers outpatient mental health services when provided by the following licensed health care professionals who are eligible providers under chapter 182-502 WAC:

- (a) Psychiatrists;
- (b) Psychologists;
- (c) Psychiatric advanced registered nurse practitioners (ARNP);
- (d) Psychiatric mental health nurse practitioners-board certified (PMHNP-BC);
- (e) Mental health counselors;
- (f) Independent clinical social workers;

- (g) Advanced social workers; or
- (h) Marriage and family therapists.

(6) With the exception of licensed psychiatrists and psychologists, qualified health care professionals who treat clients age eighteen and younger must:

(a) Have a minimum of ((two years' experience in the diagnosis and treatment of clients age eighteen and younger, including one year of supervision by a mental health professional trained in child and family mental health)) one hundred actual hours of specialized study of child development and treatment and a minimum of one year of supervised experience in the diagnosis and treatment of clients age eighteen and younger; or

(b) Be working under supervision of a professional who meets these criteria.

(7) The agency does not limit the total number of outpatient mental health visits a licensed health care professional can provide.

(8) The agency evaluates a request for covered outpatient mental health services in excess of the limitations ~~((or restrictions))~~ in this section under WAC 182-501-0169. The agency covers outpatient mental health services with the following limitations:

(a) One psychiatric diagnostic evaluation, per provider, per client, per calendar year, unless significant change in the client's circumstances renders an additional evaluation medically necessary and is authorized by the agency.

(b) One or more individual or family/group psychotherapy visits, with or without the client, per day, per client, when medically necessary.

(c) One psychiatric medication management service, per client, per day, in an outpatient setting when performed by one of the following:

- (i) Psychiatrist;
- (ii) Psychiatric advanced registered nurse practitioner (ARNP); or
- (iii) Psychiatric mental health nurse practitioner-board certified (PMHNP-BC).

~~(9) ((Clients enrolled in the alternative benefits plan (defined in WAC 182-500-0010) are eligible for outpatient mental health services when used as a habilitative service to treat a qualifying condition in accordance with WAC 182-545-400.~~

~~(10) Mental health services must be provided in the appropriate place of service. The provider is responsible for referring the client to the behavioral health organization (BHO) to assess whether the client meets the BHO access to care standards.~~

~~(11) If anytime during treatment the provider suspects the client meets the BHO access to care standards, an assessment must be conducted. This assessment may be completed by either a health care professional listed in subsection (5) of this section or a representative of the BHO.~~

~~(12) After the client completes fifteen outpatient mental health visits under this benefit, the agency may request a written attestation that the client has been assessed for meeting access to care standards. This written attestation verifies the mental health services are being provided in the appropriate place of service. The treating provider must respond to this request.~~

~~(13) To support continuity of care, the client may continue under the care of the provider until a BHO can receive the client.~~

~~(14) To be paid)) To receive payment~~ for providing mental health services, providers must bill the agency using the agency's published billing instructions.

~~((15) The agency considers a provider's acceptance of multiple payments for the same client for the same service on the same date to be a duplication of payment. Duplicative payments may be recouped by the agency under WAC 182-502-0230. Providers must keep documentation identifying the type of service provided and the contract or agreement under which it is provided.))~~

WSR 19-15-110

PERMANENT RULES PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed July 22, 2019, 4:19 p.m., effective August 22, 2019]

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

Purpose: This proposed set of rule changes is the result of agency staffed workgroup recommendations regarding clock hours, continuing education units and approved in-service education agencies. This includes professional growth plans and clock hours for paraeducator certificates. The proposed [proposed] recommendations are the result of targeted stakeholder engagement and input.

Statutory Authority for Adoption: Chapters 28A.410, 28A.413 RCW.

Adopted under notice filed as WSR 19-12-119 on June 19 [5], 2019.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 14, 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: July 16, 2019.

Justin Montermini
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-15-051, filed 7/15/11, effective 8/15/11)

WAC 181-79A-123 Certificates—Previous standards. (1) Certificates issued under previous standards which

were issued for a specific term shall continue to be effective for that term.

(2) Certificates issued under standards prior to September 1, 2000, which were issued for an indefinite period shall continue to be in effect.

(3) All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the professional educator standards board shall be issued a continuing certificate at such time as it is necessary for them to reissue a standard certificate or on application and payment of the fee as specified in WAC 181-79A-130.

(4) Any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the professional educator standards board shall be issued upon application, including payment of applicable fees, a continuing administrator's certificate for the appropriate role and such certificates shall be subject to the continuing education requirements of chapter 181-85 WAC.

(5) Any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(6) All persons who hold a valid initial certificate granted under previous standards of the professional educator standards board shall be authorized to meet requirements for continuing certification as set forth in the relevant previous standards except as noted below in subsections (7), (8) or (9) of this section.

(7) Any person with a valid initial teacher's certificate granted under previous standards of the professional educator standards board may renew that certificate once after August 31, 2000. The individual shall meet requirements for and apply for the continuing certificate by the expiration date on the renewed certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for initial renewal or continuing certificate under the provisions of WAC 181-79A-250 (1)(a) prior to their expiration date, but whose initial certificate expired after August 31, 2000, because they applied for certification too late, may apply once for such renewal or continuing certificate and will be issued such certificate.

(8) Any person with a valid initial administrator certificate granted under previous standards of the professional educator standards board shall meet requirements for and apply for the continuing certificate by the expiration date on the initial certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for a continuing certificate under the provisions of WAC 181-79A-250 (1)(b) prior to their expiration date, but whose initial certificate expired after June 30, 2004, because they applied for certification too late, may apply for such continuing certificate and will be issued such certificate.

(9) Any person with a valid initial ESA certificate granted under previous standards of the professional educator standards board shall meet requirements for and apply for the continuing certificate by the expiration date on the initial certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for a continuing certificate under the provisions of WAC 181-79A-250 (1)(c) prior to their expiration date, but whose

initial certificate expired after June 30, 2005, because they applied for certification too late, may apply for such continuing certificate and will be issued such certificate.

(10)(a) Any person with a valid residency ESA school social work certificate may meet requirements for and apply for the continuing certificate by the expiration date on the residency certificate.

(b) Residency ESA school social worker certificate holders have no residency renewal or professional certificate options and may apply for an initial ESA conversion or continuing ESA certificate under requirements in place at time of application submission.

AMENDATORY SECTION (Amending WSR 18-21-072, filed 10/11/18, effective 11/11/18)

WAC 181-79A-140 Types of certificates. The following types of certificates shall be issued:

(1) **Teacher.** The teacher certificate authorizes service as a classroom teacher.

(2) **Career and technical education.** The career and technical education certificate authorizes service in career and technical education programs in accordance with chapter 181-77 WAC.

(3) **First people's language/culture.** The first peoples' language, culture, and oral tribal traditions teacher certificate authorizes service in accordance with WAC 181-78A-700.

(4) **Administrator.**

(a) The administrator certificate for principal authorizes services as a building administrator or assistant principal.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet professional educator standards board certification standards for service in the roles of superintendent or program administrator.

(5) **Educational staff associate.** The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, ~~(and)~~ school social workers(=), and school behavior analysts. Nothing within chapter 181-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations adopted by the appropriate licensure board or agency.

(6) **Limited certificates.** The following limited certificates are issued to individuals in accordance with WAC 181-79A-231:

(a) Conditional certificate.

(b) Emergency substitute certificate.

(c) Intern substitute teacher certificate.

(d) Transitional certificate.

(7) **Substitute certificate.** The substitute certificate is issued to individuals in accordance with WAC 181-79A-232.

AMENDATORY SECTION (Amending WSR 17-23-176, filed 11/21/17, effective 12/22/17)

WAC 181-79A-145 Levels and validity of certificates. Two levels of certification may be issued.

(1) **Initial and continuing certificates:** Teachers with program completion dates through August 31, 2000, administrators with program completion dates through August 31, 2004, and educational staff associates with program completion dates through August 31, 2005, will be issued the following levels of certificates (~~(; Provided, That)~~). Initial and continuing teachers' certificates after August 31, 2000, initial and continuing principal and program administrator certificates after August 31, 2004, and initial and continuing (~~(educational staff associate)~~) school counselor and school psychologist certificates after August 31, 2005, will be issued only to previous Washington certificate holders, (~~(pursuant to)~~) under WAC 181-79A-123(~~(;)~~).

(a) **Initial certificate.**

(i) The initial teacher certificate is valid for four years (~~(and)~~); the initial administrator (~~(and educational staff associate)~~) certificates are valid for seven years; and the initial educational staff associate certificates are valid for five years. Initial teacher certificates shall be subject to renewal (~~(pursuant to)~~) under WAC 181-79A-250(1) and 181-79A-123. Initial administrator (~~(and educational staff associate)~~) certificates shall not be subject to renewal. Beginning September 1, 2020, initial educational staff associate certificates in the roles of school nurse, school occupational therapist, school physical therapist, school speech language pathologist or audiologist, school social worker, and school behavior analyst are subject to renewal.

(ii) Initial administrator and educational staff associate certificate holders shall be issued a continuing certificate if they meet the requirements for such certificate. Initial principal and program administrator certificate holders, and (~~(educational staff associate)~~) initial school counselor and school psychologist certificate holders shall be issued a residency certificate if their initial certificate has expired or they do not meet the requirements for a continuing certificate.

(b) **Continuing certificate.** The continuing certificate is valid on a continuing basis as specified in WAC 181-79A-250(~~(;3))~~ (2).

(2) **Residency and professional certificates:** Teachers, administrators, and educational staff associates with program completion dates commencing with the dates indicated below will be issued the following levels of certificates:

(a) **Residency certificate.** The residency certificate will be issued to teachers beginning September 1, 2000, to principal/program administrators beginning September 1, 2004, and to educational staff associate school counselors and school psychologists no later than September 1, 2005.

(b) Until September 1, 2017, the first issue of a residency certificate for principals, program administrators, and educational staff associates shall be valid until the holder has completed two consecutive years of successful service in the role in Washington with a school district, state-approved private school, or state agency that provides educational services for students. When the principal, program administrator, or educational staff associate completes two consecutive years of successful service in the role in the state with the same employer, their residency certificate will be reissued with a five-year expiration date; provided, that the second consecutive year of successful service in the role will be considered to be complete for purposes of reissuance if a contract for the

third such year has been signed and returned to the employer. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC 181-79A-250(~~(; provided, that residency ESA school social worker certificate holders have no residency renewal or professional certificate options and may apply for an initial ESA conversion or continuing ESA under requirements in place at time of application submission)~~).

(c) Beginning September 1, 2017, the first issue of a residency certificate for principals, program administrators, and educational staff associates shall be valid until the holder has completed two years of successful service in the role in Washington with a school district, state-approved private school, or state agency that provides educational services for students, at which time their residency certificate will be reissued with a five-year expiration date. Prior to the expiration date, the candidate must meet residency renewal requirements or earn a second-tier certificate for the role under WAC 181-79A-250. (~~(Provided, that residency ESA school social worker certificate holders have no residency renewal or professional certificate options and must apply for an initial ESA or continuing ESA certificate for the role under requirements in place at the time of application submission.)~~)

(d) A first issue residency teacher certificate remains undated until the teacher has two years of successful experience under WAC 181-79A-206, at which time the residency certificate is dated for five years as verified by the certification office of the office of superintendent of public instruction. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC 181-79A-251.

(e) **Professional certificate.** The professional certificate will be issued to teachers beginning September 1, 2001, to principals/program administrators beginning September 1, 2007, and to educational staff associate school counselors and school psychologists beginning September 1, 2007. The professional certificate is valid for five years and shall be subject to renewal (~~(pursuant to WAC 181-79A-250. Provided, That)~~) under chapter 181-79A WAC. A professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards (~~(National Board Certification pursuant to WAC 181-79A-257(3)(b))~~) under WAC 181-79A-257 or 181-79A-206 (~~(;3)(a))~~ shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater. (~~(Provided further that)~~) A professional educational staff associate certificate for school counselors based on the possession of a valid school counselor's certificate issued by the National Board for Professional Teaching Standards National Board Certification (~~(pursuant to)~~) under WAC 181-79A-257 or 181-79A-206 shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(3) **First peoples' language, culture, and oral tribal traditions certificates:** The first peoples' language, culture, and oral tribal traditions certificate will be issued beginning in January 2007. The first peoples' language, culture, and oral tribal traditions certificate is valid for five years and shall be subject to renewal (~~(pursuant to)~~) under WAC 181-79A-252.

AMENDATORY SECTION (Amending WSR 18-21-011, filed 10/4/18, effective 11/4/18)

WAC 181-79A-221 Academic and experience requirements for certification—School counselors and school psychologists. Candidates for school counselor and school psychologist certification shall complete the following requirements in addition to those set forth in WAC 181-79A-150 and 181-79A-226(~~Provided, That~~).

(1) Degree. It shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required master's degree and has satisfactorily completed a comprehensive examination required in such master's degree program. This examination shall be an examination of an accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC) or, in the case of school psychologists, hold the Nationally Certified School Psychologist (NCSP) credential from the National Association of School Psychologists (NASP)(~~Provided, That~~). If any candidate has been awarded a master's degree without a comprehensive examination, the candidate, as a condition for certification, shall successfully complete the Praxis II exam in the appropriate role.

~~((+))~~ **(2) School counselor.**

(a) Residency.

(i) Hold a master's degree (~~with a major~~) in counseling.
(ii) Completion of (~~an~~) a state-approved school counselor program.

~~(b) (Continuing-~~

~~(i) Hold or have held an initial or residency school counselor certificate, and have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by an accredited institution or one hundred fifty clock hours of study which meets the state continuing education clock hour criteria pursuant to chapter 181-85 WAC, or a combination of credits and clock hours equivalent to the above. The study shall:~~

~~(A) Be based on the school counselor performance domains included in WAC 181-78A-270 (4)(a);~~

~~(B) Be taken subsequent to the issuance of the most recent initial or residency school counselor certificate.~~

~~(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the role of school counselor with an authorized employer—i.e., school district, educational service district, state agency, private school, or private school system—and at least thirty days of such employment with the same employer.~~

~~(e))~~ **Professional.** A professional certificate may be earned by an individual who holds a valid school counseling certificate issued by the National Board for Professional Teaching Standards (NBPTS).

~~((+))~~ **(c)** Beginning with certificates first issued or renewed after July 1, 2015, continuing and professional certificates for school counselors include a requirement for suicide prevention training (~~per~~) under RCW 28A.410.226.

~~((2))~~ **(3) School psychologist.**

(a) Residency.

(i) The candidate shall hold a master's degree (~~with a major or specialization~~) in school psychology.

(ii) Completion of (~~an~~) a state-approved school psychology program.

~~(b) (Continuing-~~

~~(i) Hold or have held an initial or residency school psychologist certificate, a master's degree with a major or specialization in school psychology, and have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by an accredited institution or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria pursuant to chapter 181-85 WAC, or a combination of credits and clock hours equivalent to the above. The study shall:~~

~~(A) Be based on the school psychologist performance domains included in WAC 181-78A-270 (5)(a);~~

~~(B) Be taken subsequent to the issuance of the most recent initial or residency school psychologist certificate.~~

~~(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the role of school psychologist with an authorized employer—i.e., school district, educational service district, state agency, private school, or private school system—and at least thirty days of such employment with the same employer.~~

~~(e))~~ **Professional.** An individual who holds a valid Nationally Certified School Psychologist (NCSP) credential issued by the National Association of School Psychologists (NASP) shall be deemed to have met the requirement for professional certification.

~~((d) Beginning with certificates first issued or renewed after July 1, 2015,))~~ **(c)** Continuing and/or professional certificates for school psychologists include a requirement for suicide prevention training (~~per~~) under RCW 28A.410.226 as described in WAC 181-85-075.

AMENDATORY SECTION (Amending WSR 18-19-086, filed 9/18/18, effective 10/19/18)

WAC 181-79A-223 Academic and experience requirements for certification—School nurse, school occupational therapist, school physical therapist (~~and~~), school speech-language pathologist or audiologist, (~~and~~) school social worker, and school behavior analyst.

Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist (~~and~~), school social worker, and school behavior analyst certification shall apply directly to the professional certification office. Such candidates shall complete the following requirements, in addition to those set forth in WAC 181-79A-150, except state-approved (~~college/university professional~~) educator preparation program. (~~Provided, that~~)

(1) Degree. It shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to

the required master's degree and has satisfactorily completed a comprehensive examination required in such master's degree program. ~~(Provided, That))~~ If any candidate has been awarded a master's degree without a comprehensive examination, the candidate, as a condition for certification, shall successfully complete the Praxis II exam in the appropriate role.

~~((1))~~ **(2) School nurse.**

(a) Initial.

(i) The candidate shall hold a valid department of health license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree or higher in nursing from a program accredited by the National League for Nursing Accrediting Commission or the Commission on Collegiate Nursing Education.

(iii) The candidate shall ~~((successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will consist of the following course outcomes in which candidates will:~~

~~(A) Demonstrate an understanding of school and special education laws and policies (national, state, and local) and their application to decision-making processes in the educational setting;~~

~~(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;~~

~~(C) Demonstrate knowledge of appropriate resources in the school setting;~~

~~(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;~~

~~(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;~~

~~(F) Use professional standards to inform professional growth planning;~~

~~(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, that an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one year, unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement, which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work prior to the expiration date of the one year temporary permit)) complete the professional transitions to public schools course work under WAC 181-79A-224.~~

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed ~~((forty five quarter hours (thirty semester hours) of postbaccalaureate course work in))~~ one hundred fifty continuing education credit hours related to education, nursing, or other health sciences since the first issuance of the initial certificate.

(ii) The candidate shall ~~((provide documentation of one hundred eighty days of full-time equivalent or more employ-~~

~~ment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.~~

~~(2))~~ have completed two years full-time equivalency (FTE) in the role in Washington with a school district, state-approved private school, or state agency that provides educational services for students.

(ii) The candidate shall hold a valid department of health license as a registered nurse (RN) in Washington state.

(iv) The candidate shall have completed suicide prevention training under RCW 28A.410.226, as described in WAC 181-85-075.

(3) School occupational therapist.

(a) Initial.

(i) The candidate shall hold a valid department of health license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Occupational Therapy Association approved program in occupational therapy.

(iii) The candidate shall ~~((successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will consist of the following course outcomes in which candidates will:~~

~~(A) Demonstrate an understanding of school and special education laws and policies (national, state, and local) and their application to decision-making processes in the educational setting;~~

~~(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;~~

~~(C) Demonstrate knowledge of appropriate resources in the school setting;~~

~~(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;~~

~~(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;~~

~~(F) Use professional standards to inform professional growth planning;~~

~~(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, that an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one year, unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement, which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work prior to the expiration date of the one year temporary permit)) complete the professional transitions to public schools course work under WAC 181-79A-224.~~

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed ~~((at least fifteen quarter hours (ten~~

semester hours) of course work beyond the baccalaureate degree in)) one hundred fifty continuing education credit hours related to occupational therapy, other health sciences, or education since the first issuance of the initial certificate.

(ii) The candidate shall ~~((provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.~~

~~(3))~~ have completed two years full-time equivalency (FTE) in the role in Washington with a school district, state-approved private school, or state agency that provides educational services for students.

(ii) The candidate shall hold a valid department of health license as an occupational therapist in Washington state.

(4) School physical therapist.

(a) Initial.

(i) The candidate shall hold a valid department of health license as a physical therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Physical Therapy Association accredited program in physical therapy.

(iii) The candidate shall ~~((successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will consist of the following course outcomes in which candidates will:~~

~~(A) Demonstrate an understanding of school and special education laws and policies (national, state, and local) and their application to decision-making processes in the educational setting;~~

~~(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;~~

~~(C) Demonstrate knowledge of appropriate resources in the school setting;~~

~~(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;~~

~~(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;~~

~~(F) Use professional standards to inform professional growth planning;~~

~~(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, that an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one year, unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement, which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work prior to the expiration of the one year temporary permit))~~ complete the professional transitions to public schools course work under WAC 181-79A-224.

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed ~~((fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in))~~ one hundred fifty continuing education credit hours related to physical therapy, other health sciences, or education since the first issuance of the initial certificate.

~~(ii) The candidate shall ((provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.~~

~~(4))~~ have completed two years full-time equivalency (FTE) in the role in Washington with a school district, state-approved private school, or state agency that provides educational services for students.

(5) School speech-language pathologist or audiologist.

(a) Initial.

(i) The candidate shall have completed all course work (except special project or thesis) for a master's degree from a college or university program accredited by the American Speech and Hearing Association (ASHA) with a major in speech pathology or audiology. Such program shall include satisfactory completion of a written comprehensive examination ~~((: Provided, That))~~. If any candidate has not completed a written comprehensive examination, the candidate may present verification from ASHA of a passing score on the National Teacher's Examination in speech pathology or audiology as a condition for certification.

(ii) The candidate shall ~~((successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will consist of the following outcomes in which candidates will:~~

~~(A) Demonstrate an understanding of school and special education laws and policies (national, state, and local) and their application to decision-making processes in the educational setting;~~

~~(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;~~

~~(C) Demonstrate knowledge of appropriate resources in the school setting;~~

~~(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;~~

~~(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;~~

~~(F) Use professional standards to inform professional growth planning;~~

~~(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, that an individual who meets all other requirements but who has not completed the required course work shall be issued a tempo-~~

rary permit valid for one year, unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement, which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work prior to the expiration of the one year temporary permit)) complete the professional transitions to public schools course work under WAC 181-79A-224.

(b) Continuing.

(i) The candidate shall hold a master's degree ((with a major)) in speech pathology or audiology.

(ii) The candidate shall ((provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer— i.e., school district, educational service district, state agency, college or university, private school, or private school system— and at least thirty days of such employment with the same employer.

~~(5))~~ have completed two years full-time equivalency (FTE) in the role in Washington with a school district, state-approved private school, or state agency that provides educational services for students.

(iii) The candidate shall have completed the requirements for the initial certificate as a speech language pathologist or audiologist and have completed one hundred fifty continuing education credit hours related to speech language pathology, audiology, other health sciences, or education since the first issuance of the initial certificate.

(6) School social worker.

(a) Initial.

(i) The candidate shall hold a master of social work or master of social welfare from an accredited institution of higher learning.

(ii) The candidate shall ((successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will consist of the following outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education laws and policies (national, state, and local) and their application to decision-making processes in the educational setting;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Use professional standards to inform professional growth planning;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, that an individual who meets all other requirements but who has not completed the required course work shall be issued a tempo-

rary permit valid for one year, unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement, which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work prior to the expiration of the one year temporary permit)) complete the professional transitions to public schools course work under WAC 181-79A-224.

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school social worker and have completed ((an annual professional growth plan or fifteen quarter hours or one hundred fifty clock hours specific)) one hundred fifty continuing education credit hours related to the role of the school social worker or education since ((earning)) the first issuance of the initial certificate.

(ii) The candidate shall ((provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer— i.e., school district, educational service district, state agency, college or university, private school, or private school system— and at least thirty days of such employment with the same employer.

~~(6) Beginning with continuing certificates first issued after July 1, 2015, continuing certificates for school nurses and school social workers include a requirement for suicide prevention training per RCW 28A.410.226 and again every five years after receiving the continuing certificate.~~

~~(7) The professional educator standards board will review courses for approval and reapproval/disapproval per the posted schedule. All providers of the initial ESA course must maintain current approval status to offer the course)) have completed two years full-time equivalency (FTE) in the role in Washington with a school district, state-approved private school, or state agency that provides educational services for students.~~

~~(ii) The candidate shall have completed suicide prevention training under RCW 28A.410.226, as described in WAC 181-85-075.~~

(7) Behavior analyst.

(a) Initial.

(i) Candidates must hold a valid board certified behavior analyst (BCBA) certificate from the behavior analyst certification board (BACB), or other national certificate as approved by the professional educator standards board.

(ii) Candidates must hold a master's degree or higher in any area.

(iii) Candidates must have achieved a passing score on the board certified behavior analyst (BCBA) exam from the behavior analyst certification board (BACB), or other assessment as approved by the professional educator standards board.

~~(iv) The candidate shall complete the professional transitions to public schools course work under WAC 181-79A-224.~~

(b) Continuing.

(i) Candidates must hold a valid board certified behavior analyst (BCBA) certificate from the behavior analyst certification board (BACB), or other national certificate as approved by the professional educator standards board.

(ii) The candidate shall have completed the requirements for the initial certificate as a behavior analyst and have completed one hundred fifty continuing education credit hours related to the role of the school behavior analyst or education since the first issuance of the initial certificate.

(iii) The candidate shall have completed two years full-time equivalency (FTE) in the role in Washington with a school district, state-approved private school, or state agency that provides educational services for students.

NEW SECTION

WAC 181-79A-224 Professional transitions to public schools course work requirement. (1) Professional transitions to public schools course work requirement. The candidate shall successfully complete a minimum of fifteen continuing education credit hours or one semester hour of course work approved by the professional educator standards board which will consist of the following outcomes. The candidates will:

(a) Demonstrate an understanding of school and special education laws and policies (national, state, and local) and their application to decision-making processes in the educational setting;

(b) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(c) Demonstrate knowledge of appropriate resources in the school setting;

(d) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(e) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(f) Use professional standards to inform professional growth planning;

(g) Demonstrate an understanding of the use of human, community, and technological resources.

(2) An individual who meets all other requirements of the certificate but who has not completed the professional transitions to public schools requirement, shall be issued a temporary permit valid for one year, unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work prior to the expiration of the one year temporary permit.

(3) The professional educator standards board will review professional transitions to public schools course work for approval and reapproval/disapproval per the posted schedule. All providers of this course work must maintain current approval status to offer the course.

(4) Out-of-state candidates under WAC 181-79A-257 are considered to have met the requirement for the professional transitions to public schools course work provided they meet one or more of the following:

(a) Have completed a state-approved program as an educational staff associate in the role; or

(b) Hold or have held a certificate in the role, comparable to a residency or initial certificate, issued by another state and have practiced at the P-12 school level in the role outside the state of Washington for at least three years; or

(c) Hold an appropriate degree from an accredited college or university and have practiced three years as an educational staff associate in that role in a state where such certificate was not required.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-79A-226 Issues of abuse course work requirement for ~~((continuing or professional))~~ certification—Educational staff associate. Candidates who apply for a continuing or professional educational staff associate certificate after August 31, 1994, must have successfully completed the issues of abuse course work requirement as defined in WAC 181-79A-030(6). Candidates who apply to renew their first initial educational staff associate certificate must have successfully completed the issues of abuse course work requirement as defined in WAC 181-79A-030(6).

AMENDATORY SECTION (Amending WSR 18-21-072, filed 10/11/18, effective 11/11/18)

WAC 181-79A-231 Limited certificates. All applicants for limited certificates must meet the age, good moral character, and personal fitness requirements of WAC 181-79A-150 (1) and (2).

Nothing within chapter 181-79A WAC authorizes practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations adopted by the appropriate licensure board or agency.

(1) Conditional certificate.

(a) **Intent.** The intent of the conditional certificate is to assist school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals.

(b) Roles.

(i) Teacher roles. The conditional certificate may be issued to teachers in all endorsement areas. Specific minimum requirements defined in this section apply to the following:

- (A) Special education teachers;
- (B) Nonimmigrant exchange teachers;
- (C) Traffic safety education teachers.

(ii) ~~((Education))~~ Educational staff associate roles. The conditional certificate may be issued in the following educational staff associate roles:

- (A) School counselor;
- (B) School nurse;
- (C) School psychologist;
- (D) School social worker;
- (E) School speech language pathologist or audiologist;
- (F) Behavior analyst.

(iii) Administrator role. The conditional certificate may be issued in the following administrator role: Principal.

(c) Request requirements.

(i) When requesting the conditional certificate, the district, the educational service district, or the approved private school will verify that one or more of the following criteria have been met:

(A) The individual has extensive experience, unusual distinction, or exceptional talent in the subject matter to be taught or in the certificate role; or

(B) No person with regular certification in the area is available; or

(C) The individual holds a bachelor's degree or higher from an accredited college or university; or

(D) The individual is enrolled in an educator preparation program specific to the certificate role for which they are applying; or

(E) The individual will serve as a nonimmigrant exchange teacher and meets the specific minimum requirements defined in this section; or

(F) The individual will serve as a traffic safety education teacher and meets the specific minimum requirements defined in this section; or

(G) Circumstances warrant.

(ii) When requesting the conditional certificate, the district, the educational service district, or the approved private school will verify that all of the following criteria have been met:

(A) The district, educational service district, or approved private school has determined that the individual is competent for the assignment; and

(B) After specific inclusion on the agenda and a formal vote, the school board or educational service district board has authorized the conditional certificate; and

(C) The individual is being certificated for a specific assignment and responsibility in a specified activity/field; and

(D) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities; and

(E) The individual will not be serving in a paraeducator role; and

(F) The individual will be oriented and prepared for the assignment. In addition, prior to service, the individual will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment; and

(G) The individual will be assigned a mentor within twenty working days from the commencement of the assignment; and

(H) A written plan of support will be developed within twenty working days from the commencement of the assignment.

(d) Minimum requirements.

(i) Individuals must complete fifty continuing education credit hours (~~subsequent to~~) after the issuance of the certificate, and prior to the reissuance of the certificate. Holders of conditional certificates in the role of nonimmigrant exchange teacher are not required to complete fifty continuing education credit hours.

(ii) Special education teacher. The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from an accredited college or university.

The issuance of a conditional certificate to a special education teacher is contingent upon the individual being enrolled in (~~an~~) a state-approved teacher preparation program resulting in a (~~residency~~) teacher certificate endorsed in special education.

An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(iii) Traffic safety education teacher. The applicant qualifies to instruct in the traffic safety program (~~pursuant to~~) under WAC 392-153-021. Written plans of support and mentors are not required for holders of conditional certificates in the role of traffic safety education teacher.

(iv) Nonimmigrant exchange. A conditional certificate in the role of teacher may be issued to an individual admitted to the United States for the purpose of serving as an exchange teacher.

The individual must be eligible to serve as a teacher in the elementary or secondary schools in their country of nationality or last residence.

(v) School counselor. The applicant must hold a bachelor's degree or higher from an accredited college or university, and be enrolled in a state-approved preparation program for the role, in accordance with Washington requirements for certification.

(vi) School nurse. The applicant possesses a state of Washington license for a registered nurse. Applicants who meet the requirements for the initial school nurse certificate will not be issued a conditional school nurse certificate.

(vii) School psychologist. The applicant must hold a bachelor's degree or higher from an accredited college or university, and be enrolled in a state-approved preparation program for school psychologists, in accordance with Washington requirements for certification.

In addition, the candidate shall have completed all course work for the required master's degree, and shall be participating in the required internship.

(viii) School social worker. The applicant must hold a bachelor's degree or higher from an accredited college or university. The applicant must be enrolled in a master's degree program in social work or social welfare.

(ix) School speech language pathologist or audiologist. The applicant has completed a bachelor's degree or higher from an accredited college or university.

(x) Behavior analyst. Applicants must meet one or more of the following:

(A) Hold a valid Washington state department of health license as an assistant behavior analyst. The district, educational service district, or approved private school must provide a supervisor who meets the department of health requirements for a supervisor of assistant behavior analysts; or

(B) Hold a valid board certified assistant behavior analyst (BCABA) certificate from the behavior analyst certification board (BACB). The district, educational service district,

or approved private school must provide a supervisor who meets the behavior analyst certification board (BACB) requirements for a supervisor of board certified assistant behavior analyst (BCABA); or

(C) Hold a bachelor's degree, and, must be enrolled in or have completed the course work requirements for the board certified behavior analyst (BCBA) certificate from the behavior analyst certification board (BACB), as verified by the institution providing the behavior analysis course work.

(xi) Principal. The applicant holds a bachelor's degree from an accredited college or university.

The candidate for conditional certification as a principal shall be enrolled in a program resulting in the issuance of a residency principal certificate, in accordance with Washington requirements for certification.

(e) **Validity.** The conditional certificate is valid for two years or less, and is only valid for the activity or role specified on the certificate.

The reissuance of the special education conditional certificate will have a validity period of three years or less.

(f) Reissuance.

(i) The conditional certificate may be reissued upon ~~((application))~~ request by the employing local school district, approved private school, or educational service district, provided all conditions for the first issuance of the certificate are met.

(ii) The requesting school district, approved private school, or educational service district will verify that the fifty continuing education credit hours earned as a requirement for reissuance of the certificate are designed to support the individual's professional growth, and enhance the individual's knowledge or skills to better assist students in meeting state learning goals.

(iii) Nonimmigrant exchange. The conditional certificate in the role of teacher may be reissued while the individual is being sponsored by a school district in an exchange and visiting teacher program.

(iv) Special education teacher. Conditional certificates in special education may only be reissued once. The reissuance of the special education conditional certificate will have a validity period of three years or less. The special education conditional certificate may only be reissued upon verification by the preparation program provider that the individual is completing satisfactory progress in a ~~((residency))~~ state-approved teacher certificate program leading to a special education endorsement.

(v) School speech language pathologist or audiologist. Conditional certificates as a school speech language pathologist or audiologist may be reissued twice.

The conditional certification as a school speech language pathologist or audiologist may be reissued if the candidate is enrolled in a master's degree program resulting in issuance of an initial ESA certificate in accordance with Washington requirements for certification.

The school speech language pathologist or audiologist conditional certificate may be reissued a second time upon verification by the degree provider that the individual is completing satisfactory progress in a master's degree program resulting in issuance of an initial school speech language

pathologist or audiologist certificate in accordance with Washington requirements for certification.

(vi) Conditional certificates as a school behavior analyst may be reissued twice.

(2) Transitional certificate.

(a) **Intent.** The transitional certificate provides flexibility for school districts in employing an individual whose continuing certificate has lapsed or expired.

(b) **Roles.** The transitional certificate may be issued in roles of teacher, education staff associate, and administrator for continuing certificates.

(c) Request requirements.

(i) The transitional certificate is issued upon request by a school district, approved private school, or educational service district for an individual whose continuing certificate has lapsed or expired according to WAC 181-85-040.

(ii) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of support for the holder to complete the necessary continuing certificate renewal requirements under WAC 181-85-130.

(d) Minimum requirements.

(i) The holder of the transitional certificate must complete the requirements for continuing certificate renewal within two years of the date the holder was issued the transitional certificate.

(ii) No individual whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(e) **Validity.** The transitional certificate is valid until two years from the date the holder was issued the certificate. The transitional certificate expiration date shall not be calculated under professional educator standards board policy WAC 181-79A-117.

(f) **Reissuance.** The transitional certificate is not renewable and may not be reissued.

(3) Emergency substitute certificate.

(a) **Intent.** The intent of the emergency substitute certificate is to assist school districts, approved private schools, and educational service districts with flexibility in meeting educator workforce needs.

(b) Roles.

(i) The emergency substitute certificate may be issued in the role of teacher.

(ii) To ensure that related services personnel deliver special education services in their respective discipline or profession, the emergency substitute certificate may not be issued for individuals to serve in an educational staff associate role in accordance with 34 C.F.R. Part 300.156 (b)(2)(ii).

(iii) Holders of the emergency substitute certificate may serve in the local school district, approved private school, or educational service district which requested the certificate.

(iv) Holders of the emergency substitute certificate may serve as substitutes if the local school district, approved private school, or educational service district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes under WAC 181-79A-232.

(c) Request requirements.

(i) The emergency substitute certificate is issued upon request by a school district, approved private school, or educational service district.

(ii) If the local school district, approved private school, or educational service district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, emergency substitute certificates may be issued to persons not fully qualified as substitutes under WAC 181-79A-232.

(d) **Validity.** Emergency substitute certificates shall be valid for two years or less.

(e) **Reissuance.** The emergency substitute certificate may be reissued upon ~~((application))~~ request by the employing local school district, approved private school, or educational service district.

(4) Intern substitute certificate.

(a) **Intent.** The intent of the intern substitute certificate is to provide the intern the opportunity to serve as a substitute when the cooperating teacher is absent. This provides the intern with experience while allowing for consistency in instruction for the students.

(b) **Roles.** The intern substitute certificate may be issued to student teachers or intern teachers.

(c) Request requirements.

(i) School districts, educational service districts, and approved private schools may request intern substitute teacher certificates for individuals enrolled in student teaching and internships to serve as substitute teachers in the absence of the cooperating teacher.

(ii) The supervising preparation program provider must approve the candidate for the intern substitute teacher certificate.

(d) **Minimum requirements.** The holder of the intern substitute certificate may be called at the discretion of the school district, education service district, or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher or intern.

(e) **Validity.** The intern substitute teacher certificate is valid for one year or less.

(f) **Reissuance.** The intern substitute certificate may be reissued upon ~~((application))~~ request by the local school district, approved private school, or educational service district, and approved by the educator preparation program provider.

AMENDATORY SECTION (Amending WSR 18-10-063, filed 4/30/18, effective 5/31/18)

WAC 181-79A-250 Initial and continuing certificates—Renewal, reinstatement, and continuing education requirements. The following shall apply to initial and continuing certificates issued pursuant to this chapter:

(1) Initial certificate.

(a) Teachers.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from ~~((a regionally))~~ an accredited institution of higher education as defined in WAC ~~((181-78A-010(6)))~~ 181-79A-030

for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 181-79A-123 will apply.

(b) Administrators.

After June 30, 2004, provisions of WAC 181-79A-123(8) will apply.

(c) Educational staff associates.

(i) After June 30, 2005, provisions of WAC 181-79A-123(9) will apply to school psychologists and school counselors.

(ii) Beginning September 1, 2020, all initial certificates shall expire if the holder does not complete the continuing education requirement to include the filing requirement specified in chapter 181-85 WAC. To reinstate such an expired initial certificate the individual must complete the requirements for reinstatement stated within chapter 181-85 WAC and must meet the conditions stated in WAC 181-79A-253.

(2) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 181-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall expire if the holder does not complete the continuing education requirement to include the filing requirement specified in chapter 181-85 WAC. To reinstate such an expired continuing certificate the individual must complete the requirements for reinstatement stated within chapter 181-85 WAC and must meet the conditions stated in WAC 181-79A-253.

AMENDATORY SECTION (Amending WSR 18-10-062, filed 4/30/18, effective 5/31/18)

WAC 181-79A-2511 School counselor residency and professional certification—Renewal and reinstatement.

(1) **Residency.** School counselors may renew their residency certificate in one of the following ways:

~~(a) ((An individual school counselor who completes or intends to complete a National Board of Professional Teaching Standards (NBPTS) school counselor assessment but does not earn National Board Certification may use that completed assessment, or an affidavit of intention to complete, in order to renew the residency certificate one time for two years.~~

~~(b))~~ Individuals who hold a residency certificate may have their residency certificates renewed for an additional five-year period by the completion of one hundred continuing education hours as defined in chapter 181-85 WAC, directly related to the current performance-based standards as defined in WAC 181-78A-270(4) since the issuance of the residency

certificate, or four annual professional growth plans as defined in WAC 181-79A-030, completed within the previous five years from the date of the five-year renewal application. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

Subsequent five-year renewals shall be issued based on completion of one hundred continuing education credit hours directly related to the current performance-based standards as defined in WAC 181-78A-270(4) since the issue date of the latest five-year residency renewal certificate, or four professional growth plans developed since the certificate was issued. Completion of four annual professional growth plans during each five-year period between subsequent lapse dates meets the requirement for renewal.

Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

~~((Provided,))~~ Application for subsequent renewals shall not be submitted earlier than twelve months prior to the expiration date of the current renewal.

Expired five-year residency renewal certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the five-year renewal application or by completing four professional growth plans as defined in WAC 181-79A-030. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

An expired certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour or professional growth plan requirement within the five years prior to the date of the renewal application.

Candidates who apply for the five-year residency renewal certificate who have not successfully completed course work or an in-service program on issues of abuse, must complete the abuse course work requirement as defined in WAC 181-79A-030(6) and required ~~((per))~~ under RCW 28A.410.2212.

~~((e))~~ ~~(b)~~ A three-year renewal is available until June 30, 2020, for individuals who have held or hold a school counselor residency certificate that expires prior to July 1, 2019.

(c) Beginning September 1, 2020, in addition to other requirements of this chapter, completion of the suicide prevention training requirement as described in WAC 181-85-075 will be required for renewal of a residency school counselor certificate.

(2) Professional.

Individuals who hold a professional certificate may have that professional certificate renewed for additional five-year periods by:

(a) Completion of one hundred continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270(4); or

(b) Completion of four professional growth plans, as defined in WAC 181-79A-030, that are developed annually since the certificate was issued. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

~~((Provided, That))~~ A school counselor professional certificate may be renewed based on the possession of a valid school counselor certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater. Such renewal is only available one time during the validity period of the National Board Certificate and cannot be the same National Board Certificate used to obtain the professional certificate.

~~((Provided,))~~ Application for certificate renewals shall not be submitted earlier than twelve months prior to the expiration date of the current renewal.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the five-year renewal application or by completing four professional growth plans as defined in WAC 181-79A-030. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

An expired certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour or professional growth plan requirement within the five years prior to the date of the renewal application.

~~((Beginning July 1, 2015, professional certificates for school counselors, in addition to the requirements in this chapter, must attend professional educator standards board approved training in suicide prevention as per RCW 28A.410.226 for renewal of their certificate.))~~ In addition to other requirements of this chapter, completion of the suicide prevention training requirement as described in WAC 181-85-075 is required for renewal of a professional school counselor certificate.

AMENDATORY SECTION (Amending WSR 17-23-176, filed 11/21/17, effective 12/22/17)

WAC 181-79A-2512 School psychologist residency and professional certification—Renewal and reinstatement. (1) **Residency.** School psychologists may renew their residency certificate in one of the following ways:

~~((An individual school psychologist who is applying for the National Certificate for School Psychologist (NCSP) may apply for a one-time two-year renewal with verification of NCSP submission. Provided, That individuals with expiring certificates in 2014, 2015, 2016, or 2017 may apply for a second two-year renewal with verification of NCSP submission.))~~

~~(b))~~ An individual who holds a residency certificate may have their residency certificate renewed for an additional five-year period by the completion of one hundred con-

tinuing education hours as defined in chapter 181-85 WAC, directly related to the current performance-based standards as defined in WAC 181-78A-270(5), from an accredited institution of higher education, or four annual professional growth plans as defined in WAC 181-79A-030, completed within the previous five years from the date of the five-year renewal application. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

Subsequent five-year renewals shall be issued based on completion of one hundred continuing education credit hours directly related to the current performance-based standards as defined in WAC 181-78A-270(5) since the issue date of the latest five-year residency renewal certificate, or four professional growth plans developed since the certificate was issued. Completion of four annual professional growth plans during each five-year period between subsequent lapse dates meets the requirement for renewal.

Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours. The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and career level benchmarks defined in WAC 181-79A-207 for teachers, and as published by the professional educator standards board for administrators and educational staff associates.

~~((Until June 30, 2018, individuals who complete an annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty continuing education credit hours. Beginning July 1, 2018, each completed annual professional growth plan shall receive the equivalent of twenty five continuing credit clock hours.~~

~~Provided,))~~ Application for subsequent renewals shall not be submitted earlier than twelve months prior to the expiration date of the current renewal. Expired five-year residency renewal certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the five-year renewal application or by completing four professional growth plans as defined in WAC 181-79A-030. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

An expired certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour or professional growth plan requirement within the five years prior to the date of the renewal application.

Candidates who apply for the five-year residency renewal certificate who have not successfully completed course work or an in-service program on issues of abuse, must complete the abuse course work requirement as defined in WAC 181-79A-030(6) and required ~~((per))~~ under RCW 28A.410.2212.

~~((=))~~ (b) School psychologists with residency certificates dated to expire June 30, 2013, 2014, 2015, 2016, or 2017, may apply until June 30, 2016, for a two-year extension.

These individuals may apply for a second two-year extension until June 30, 2020.

~~((d)) For educators holding multiple certificates as described in WAC 181-79A-251, 181-79A-2510, 181-79A-2511, or 181-79A-2512 of this chapter, or in chapter 181-85 WAC, a professional growth plan for teacher, administrator, or education staff associate shall meet the requirement for all certificates held by an individual which is affected by this section.))~~ (c) Beginning September 1, 2020, in addition to other requirements of this chapter, completion of the suicide prevention training requirement as described in WAC 181-85-075 will be required for renewal of a residency school psychologist certificate.

(2) Professional. Individuals who hold a professional certificate may have that certificate renewed for additional five-year periods by:

(a) Completion of one hundred continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-540(2); or

(b) Completion of four professional growth plans that are developed annually since the certificate was issued. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

~~(c) ((Until June 30, 2018, individuals who complete an annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty continuing education credit hours. Beginning July 1, 2018, each completed annual professional growth plan shall receive the equivalent of twenty five continuing credit clock hours.~~

~~(d) The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks as published by the professional educator standards board for administrators and educational staff associates.~~

~~(e) Provided, That))~~ A school psychologist professional certificate may be renewed based on the possession of a valid nationally certified school psychologist ~~((certificate))~~ credential issued by the National Association of School Psychologists at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the nationally certified school psychologist ~~((certificate))~~ credential, whichever is greater. Such renewal is only available one time during the validity period of the nationally certified school psychologist (NCSP) ~~((certificate))~~ credential and cannot be the same nationally certified school psychologist ~~((certificate))~~ credential used to obtain the professional certificate.

~~((f))~~ (d) Provided, application for certificate renewals shall not be submitted earlier than twelve months prior to the expiration date of the current renewal.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the five-year renewal application or by completing four professional growth plans as defined in WAC 181-79A-030. Individuals completing fewer than four annual professional growth plans must com-

plete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

An expired certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour or professional growth plan requirement within the five years prior to the date of the renewal application.

~~((g) For educators holding multiple certificates as described in WAC 181-79A-251, 181-79A-2510, 181-79A-2511, or 181-79A-2512 of this chapter, or in chapter 181-85 WAC, a professional growth plan for teacher, administrator, or education staff associate shall meet the requirement for all certificates held by an individual which is affected by this section.~~

~~(h) Beginning July 1, 2015, professional certificates for school psychologists, in addition to the requirements in this chapter, must attend professional educator standards board approved training in suicide prevention as per RCW 28A.410.226 for renewal of their certificate.)~~ (c) In addition to other requirements of this chapter, completion of the suicide prevention training requirement as described in WAC 181-85-075 is required for renewal of a professional school psychologist certificate.

AMENDATORY SECTION (Amending WSR 10-16-124, filed 8/3/10, effective 9/3/10)

WAC 181-79A-253 Reinstatement of continuing certificates and initial ESA certificates. A continuing certificate may be reinstated. An initial ESA certificate may be reinstated. A holder of a lapsed, surrendered, or revoked initial ESA or continuing certificate at the time of application for reinstatement of such certificate must submit the following:

- (1) Character evidence as required by WAC 181-79A-150(2) for candidates for certification.
- (2) In accordance with RCW 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.
- (3) Provided, That no certificate may be reinstated if more than five calendar years has passed since the date of surrender or revocation; however, such applicants may apply pursuant to WAC 181-79A-124 for a new certificate under requirements in effect at the time of application.

AMENDATORY SECTION (Amending WSR 17-23-176, filed 11/21/17, effective 12/22/17)

WAC 181-85-020 Effective date and applicable certificates. The provisions of this chapter shall apply to the following certificates issued on or after August 31, 1987:

- (1) Residency certificates as provided in chapter 181-79A WAC.
- (2) Initial educational staff associate certificates as provided in chapter 181-79A WAC.
- (3) Continuing certificates as provided in chapter 181-79A WAC.
- ~~((3))~~ (4) Standard certificates as provided under previous standards of the professional educator standards board.
- ~~((4))~~ (5) Professional certificates as provided in chapter 181-79A WAC.

~~((5))~~ (6) Provided, That applicants who have completed all requirements for a continuing or standard certificate prior to August 31, 1987, and who apply for such certificate prior to July 1, 1988, and applicants who have completed all requirements for a continuing or standard certificate except one of the three-years experience requirement prior to August 31, 1987, and who completes such requirement and applies prior to August 31, 1988, shall be exempt from the continuing education requirements of this chapter.

AMENDATORY SECTION (Amending WSR 18-08-061, filed 4/2/18, effective 5/3/18)

WAC 181-85-075 Continuing education requirement. Continuing education requirements are as follows:

(1) **Continuing education credit hours.** Each holder of a continuing certificate affected by this chapter shall be required to complete during a five-year period one hundred continuing education credit hours, as defined in WAC 181-85-025 and 181-85-030, prior to the lapse date of the first issue of the continuing certificate and during each five-year period between subsequent lapse dates as calculated in WAC 181-85-100. Beginning September 1, 2020, each holder of an initial educational staff associate certificate affected by this chapter shall be required to complete during a five-year period one hundred continuing education credit hours, as defined in this chapter, to renew.

(2) **Professional growth plans.** Individuals holding a valid continuing certificate in subsection (1) of this section may choose to renew the certificate via annual professional growth plans developed since the certificate was issued. Professional growth plans are defined in WAC 181-79A-030. Completion of four annual professional growth plans during each five-year period between subsequent lapse dates meets the requirement for renewal. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred hours to meet the requirements of subsection (1) of this section. For educators holding multiple certificates in chapter 181-85 or 181-79A WAC, a professional growth plan for teacher, administrator, or educational staff associate shall meet the requirement for all certificates held by an individual which is affected by this section.

(3) ~~((Provided, That))~~ **National Board for Professional Teaching Standards certification.** Each holder of a certificate affected by this chapter may present a copy of a valid certificate issued by the National Board for Professional Teaching Standards in lieu of the completion of the continuing education credit hours required by this chapter.

(4) **National Association of School Psychologists credential.** Each holder of a certificate affected by this chapter may present a copy of a valid ~~((National))~~ Nationally Certified School Psychologist ~~((certificate))~~ credential issued by the National Association of School Psychologists in lieu of the completion of the continuing education credit hours required by this chapter.

(5) **American Speech-Language Hearing Association certificate.** Each holder of a certificate affected by this chapter may present a copy of a valid certificate of clinical com-

petence (CCC) issued by the American Speech-Language Hearing Association (ASHA) in lieu of the completion of the continuing education credit hours required by this chapter.

(6) ~~((Beginning September 1, 2014, continuing education or professional growth plans for teachers at the elementary and secondary levels in STEM-related subjects must include a specific focus on)) **Science, technology, engineering, math (STEM) integration.** Applications for certificate renewal dated September 1, 2019, and beyond must demonstrate completion of at least fifteen continuing education credit hours, or at least one goal from an annual professional growth plan, emphasizing the integration of science, ~~((mathematics;))~~ technology, engineering, and/or ~~((engineering))~~ mathematics instruction ~~((as))~~ per RCW 28A.410.2212. This renewal requirement applies to teachers in the following ~~((endorsement))~~ areas: Elementary education; early childhood education; middle level mathematics and science; secondary mathematics; secondary science; the designated sciences; and career and technical education. Specific endorsements in these endorsement~~((s))~~ areas are as published by the professional educator standards board. ~~((Applications for certificate renewal dated September 1, 2019, and beyond must demonstrate completion of at least fifteen continuing education credit hours, or at least one goal from an annual professional growth plan with an emphasis on the integration of science, technology, engineering, and mathematics;))~~ This requirement is considered to be met by holders of a valid National Board Certificate issued by the National Board for Professional Teaching Standards (NBPTS).~~

(7) ~~((Provided, as per RCW 28A.410.278(2) beginning September 1, 2016, in-service training, continuing education, or professional growth plans shall incorporate professional development on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates. Applications for certificate renewal dated September 1, 2019, and beyond for all teachers, principals, program administrators, and superintendents with continuing or professional certificates must document completion of at least fifteen continuing education credit hours, or at least one goal from an annual professional growth plan, related to knowledge and competency of the teacher and principal evaluation criteria or system. This requirement is considered to be met by holders of a valid National Board Certificate issued by the National Board for Professional Teaching Standards (NBPTS;)) **Suicide prevention training requirement.** Renewal of continuing and professional certificates for school counselors, school psychologists, school nurses, and school social workers requires completion of suicide prevention training per RCW 28A.410.226.~~

Beginning September 1, 2020, renewal of initial and residency certificates for school counselors, school psychologists, school nurses, and school social workers will require completion of suicide prevention training per RCW 28A.410.226.

Approved trainings meeting this suicide prevention training requirement will be as published by the professional educator standards board. The training program must be at least three hours in length. The professional educator stan-

dards board will consider these training programs as continuing education credit hours.

(8) **Behavior analyst certificate.** Hours used to maintain a valid Board Certified Behavior Analyst (BCBA) certificate from the Behavior Analyst Certification Board (BACB), or other national certificate as approved by the professional educator standards board, will be considered by the professional education standards board as continuing education credit hours, and may be used towards the continuing education credit hour requirement for renewal.

Holding a valid Board Certified Behavior Analyst (BCBA) certificate from the Behavior Analyst Certification Board (BACB), or other national certificate as approved by the professional educator standards board, is required for renewal of initial and continuing behavior analyst certificates.

(9) **Washington state licenses.** Holding a valid department of health license as a physical therapist in Washington state is required for renewal of an initial or continuing physical therapist certificate. Holding a valid department of health license as an occupational therapist in Washington state is required for renewal of an initial or continuing occupational therapist certificate. Holding a valid department of health license as a registered nurse (RN) in Washington state is required for renewal of an initial or continuing school nurse certificate.

WSR 19-15-111

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed July 22, 2019, 4:23 p.m., effective August 22, 2019]

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

Purpose: This proposed set of rule changes is the result of agency staffed workgroup recommendations regarding clock hours, continuing education units and approved in-service education agencies. This includes professional growth plans and clock hours for paraeducator certificates. The purpose [proposed] recommendations are the result of targeted stakeholder engagement and input.

Statutory Authority for Adoption: Chapters 28A.410, 28A.413 RCW.

Adopted under notice filed as WSR 19-12-120 on June 19 [5], 2019.

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 the Request of a Non-governmental 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: July 16, 2019.

Justin Montermini
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-17-015, filed 8/2/18, effective 9/2/18)

WAC 181-85-033 Activity-based continuing education credit hours~~(— Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National Board for Professional Teaching Standards assessment—Supervisors—First peoples' language, culture and oral tribal traditions.)~~ (1) ~~((Notwithstanding any provisions of this chapter to the contrary,))~~ **Eligibility period.** Individuals are eligible for the continuing education credit hours described in this section for up to seven years following the completion date of the indicated activity.

(2) Professional growth team.

(a) A professional growth team for the purpose of certificate renewal means a team comprised of the individual renewing the certificate and a minimum of one colleague, who holds a valid Washington state educator certificate under Title 181 WAC, or paraeducator certificate under Title 179 WAC, chosen by the individual.

(b) ~~For consultation and collaboration ((as a member of an approved professional growth team, as defined by WAC 181-78A-010 and 181-79A-030)),~~ members of a professional growth team, excluding the candidate, are eligible for the equivalent of three continuing education credit hours. The team member may not receive more than the equivalent of six continuing education credit hours, as defined by this section, during the period beginning July 1st of one year and ending June 30th of the following year.

~~((2))~~ (3) **School accreditation site visit team.** A person holding a valid educational certificate ~~((pursuant to))~~ under RCW 28A.410.010 is eligible for the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

~~((3))~~(a) ~~Notwithstanding any provisions of this chapter to the contrary,))~~ (4) **Field experience supervisors and mentors.**

(a) Individuals officially designated as a supervisor by a college~~((/))~~ or university, school district, educational service district, an approved private school, a state agency providing educational services to students or the superintendent of public instruction, a person holding a valid educational certificate ~~((pursuant to))~~ under RCW 28A.410.010 is eligible for the equivalent of thirty continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of thirty continuing education credit hours during a school year period.

(b) The term "supervisor" shall mean individuals officially designated as a supervisor or mentor by a college/university,

school district, educational service district, an approved private school, a state agency providing educational services to students, or the office of superintendent of public instruction for supervising the training of teacher interns, administrative interns, educational staff associate interns, and paraprofessionals.

~~((4))~~ (5) **National board certification from the National Board for Professional Teaching Standards (NBPTS):**

(a) Individuals who submitted at least one component of an initial NBPTS national board certification process in 2017 or earlier, and who hold a valid educational certificate ~~((pursuant to))~~ under RCW 28A.410.010, are eligible for the equivalent of forty-five continuing education credit hours for submission of a complete portfolio of four components of the National Board for Professional Teaching Standards certification process. Completion of a national board certification process shall be defined as published by the professional educator standards board. Upon achieving national board certification, the individual is eligible for the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per national board certificate. Beginning January 1, 2022, all individuals submitting complete components as part of an initial NBPTS national board certification process are eligible for continuing education credit hours as described in WAC 181-85-033 (4)(b).

(b) Individuals who first submitted a component of an initial NBPTS national board certification process in 2018 or later, and who hold a valid educational certificate ~~((pursuant to))~~ under RCW 28A.410.010, are eligible for the equivalent of fifty continuing education credit hours per submission of a complete national board component, for a total of two hundred continuing education credit hours per submission of a complete national board certification portfolio. Completion of a national board component shall be defined as published by the professional educator standards board.

(c) Individuals who submit a complete NBPTS national board renewal portfolio in 2018 or later, and who hold a valid educational certificate ~~((pursuant to))~~ under RCW 28A.410.010, are eligible for the equivalent of two hundred continuing education credit hours. Completion of a national board renewal portfolio shall be defined as published by the professional educator standards board.

~~((5))~~ ~~Notwithstanding any provisions of this chapter to the contrary,))~~ (6) **External assessment for professional certification.** Teachers who achieve the professional certification through the external assessment ~~((per))~~ under WAC 181-79A-206 are eligible for the equivalent of one hundred fifty continuing education credit hours.

~~((6))~~ ~~Notwithstanding any provision of this chapter to the contrary,))~~ (7) **First peoples' language, culture and oral tribal traditions.** In-service training or continuing education ~~((according to RCW 28A.415.020(6)))~~ in first peoples' language, culture and oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section.

~~((7) Notwithstanding any provision of this chapter to the contrary,))~~ **(8) Scorers for the Washington teacher performance assessment.** Individuals who serve as scorers for the Washington teacher performance assessment are eligible for the equivalent of ten continuing education credit hours for each four assessments scored, provided that an individual may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period. Additionally, individuals who receive initial training as scorers for the Washington teacher performance assessment are eligible for the equivalent of ten continuing education credit hours.

~~((8) Notwithstanding any provision of this chapter to the contrary,))~~ **(9) Scorers for the Washington ProTeach Portfolio assessment.** Individuals who serve as scorers for the Washington ProTeach Portfolio assessment are eligible for the equivalent of ten continuing education credit hours for completing one full scoring session during a calendar year, provided that an individual may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period. Individuals who receive initial training as scorers for the Washington ProTeach Portfolio assessment are eligible for the equivalent of ten additional continuing education credit hours. Continuing education credit hours under this subsection are available through December 31, 2027.

(10) Professional growth plans.

(a) Educator individualized professional growth plan means the document which identifies the formalized learning opportunities and professional development activities that relate to the specific competencies, knowledge, skills and experiences needed to meet the standards at the "career level" benchmarks as published by the professional educator standards board, or other standards for the role as published by the professional educator standards board.

(b) Only one professional growth plan may be completed each year. Professional growth plans will be completed during the period beginning July 1st of one year and ending June 30th of the following year. Completion of the professional growth plan will include review by the professional growth team, as defined in subsection (2) of this section.

(c) Individuals may apply their focused evaluation professional growth activities from the evaluation system towards the professional growth plan for certificate renewal under RCW 28A.405.100 (12)(c)(vi).

(d) Until June 30, 2018, individuals who complete the requirements of the annual professional growth plan are eligible for thirty continuing education credit hours. Beginning July 1, 2018, individuals who complete an annual professional growth plan are eligible for twenty-five continuing education credit hours.

(e) For educators holding multiple certificates as described in Title 179 or 181 WAC, a professional growth plan for teacher, administrator, education staff associate, or paraeducator shall meet the requirements of a professional growth plan for all certificates held by an individual.

(11) Paraeducator certificates.

(a) Individuals who complete the paraeducator fundamental course of study as described in chapter 179-09 WAC are eligible for the number of continuing education credit

hours completed up to twenty-eight continuing education credit hours unless they are issued these continuing education credit hours by a state approved in-service education agency.

(b) Individuals who complete the course work for the English language learner subject matter certificate as described in chapter 179-13 WAC are eligible for the number of continuing education credit hours completed up to twenty continuing education credit hours unless they are issued these continuing education credit hours by a state approved in-service education agency.

(c) Individuals who complete the course work for the special education subject matter certificate as described in chapter 179-15 WAC are eligible for the number of continuing education credit hours completed up to twenty continuing education credit hours unless they are issued these continuing education credit hours by a state approved in-service education agency.

WSR 19-15-112

PERMANENT RULES

**PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed July 22, 2019, 4:36 p.m., effective August 22, 2019]

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

Purpose: This proposed set of rule changes is the result of agency staffed workgroup recommendations regarding clock hours, continuing education units and approved in-service education agencies. This includes professional growth plans and clock hours for paraeducator certificates. This final rule set is the result of targeted stakeholder engagement and input.

Statutory Authority for Adoption: Chapters 28A.410, 28A.413 RCW.

Adopted under notice filed as WSR 19-12-123 on June 19 [5], 2019.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 18, 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: July 16, 2019.

Justin Montermini
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-21-070, filed 10/11/18, effective 11/11/18)

WAC 181-77-003 Definitions. The following definitions shall apply to terms used in this chapter:

(1) "Approved program" for training career and technical education (~~((teachers and career and technical education counselors))~~) educators shall be defined as any program approved by the professional educator standards board which complies with chapter 181-77A or 181-78A WAC.

(2) "Career and technical education educator training" shall mean those career and technical education programs, courses, seminars and workshops offered for the purpose of career and technical education certification in compliance with chapter 181-85 WAC.

(3) "General safety" shall mean course work approved by the professional educator standards board and/or its designee that is designed to provide skill and knowledge common to all career and technical education instructors in safety.

(4) "Specific safety requirements" shall mean completion of course work approved by the professional educator standards board and/or its designee which is designed to provide the career and technical education instructor with the specific skill and knowledge of safety for the occupation he or she is to teach.

(5) "Learning period" shall mean the amount of time required prior to becoming gainfully employed at the journey level in the occupation being taught. In any case, this shall be no less than one year.

(6) "Management experience" shall mean work as a supervisor or manager in the occupational area in which the person will instruct.

(7) "Occupational experience" shall mean (~~((paid or unpaid volunteer work))~~) documented industry experience in the (~~(career field to be taught.~~

(8) "~~One year of occupational experience" shall equal two thousand hours of employment.~~

(9) "~~Professional education" shall mean those programs, courses, seminars and workshops that are designed to improve teaching ability.~~

(10) "~~Professional experience" shall mean employment in career and technical education in the discipline and/or specialty for which the application has been submitted.~~

(11) "~~Quarter hours or the equivalent" shall mean one quarter credit, two thirds semester credit, ten clock hours or one hundred hours of occupational experience.~~

(12) "~~Technical education/upgrading" shall mean those career and technical education programs, courses, seminars and workshops which are designed to improve the skills and/or knowledge in the discipline in which the application is being made.~~

(13)) area for which certification is sought.

(8) "Professional growth plan" is as described in WAC (~~(181-79A-030))~~ 181-85-033.

AMENDATORY SECTION (Amending WSR 18-21-070, filed 10/11/18, effective 11/11/18)

WAC 181-77-005 Types of career and technical education certificates. The following types of career and technical education certificates shall be issued:

(1) **Teacher.** The teacher certificate authorizes service as a teacher in the school district(s) or skills center(s) and shall be issued in one of the following (~~((categories and/or in a specific subcategory of the major category))~~) areas as approved by the professional educator standards board and/or its designee:

(a) Broad area endorsements:

(i) Agriculture education;

~~((b))~~ (ii) Business and marketing education;

~~((c))~~ (iii) Family and consumer sciences education;

~~((d))~~ (iv) Technology education(;

~~(e) Trade and industrial;~~

~~(f) Health occupations;~~

~~(g))~~.

(b) Specialty areas as published by the professional educator standards board, including health occupations;

(c) Career choices;

~~((h))~~ (d) Coordinator for worksite learning; (~~(or~~

~~(i) Categories which may be added to a continuing career and technical education certificate are:~~

~~(ii))~~ (e) Mathematics applied(~~(. To add this category, the candidate shall:~~

(A) Hold a continuing career and technical education certificate based on WAC 181-77-041;

(B) Hold a baccalaureate degree or higher in a math-related area such as engineering from a regionally accredited college or university pursuant to WAC 181-79A-030(5);

(C) Be fully contracted as a teacher or long-term substitute teacher by a Washington public school;

(D) Pass the mathematics subject knowledge test approved by the professional educator standards board; and

(E) Document a minimum of one year teaching experience in technology education or skilled and technical science courses.

~~(ii))~~;

(f) Science applied, biology applied, chemistry applied, physics applied, or earth and space science applied. (~~(To add these categories, the candidate shall:~~

(A) Hold a continuing career and technical education certificate based on WAC 181-77-041;

(B) Hold a baccalaureate degree or higher in a science-related area such as engineering or in a medical field from an accredited college or university pursuant to WAC 181-79A-030;

(C) Be fully contracted as a teacher or long-term substitute by a Washington public school;

(D) Pass the appropriate science, biology, chemistry, physics, or earth and space science subject knowledge test approved by the professional educator standards board; and

(E) Document a minimum of one year teaching experience in agriculture education, health occupations, or skilled and technical science courses.))

(2) **Director.** The director certificate authorizes service as a career and technical education director, as an assistant director, or as a career and technical education supervisor in the school district(s) or skills center(s);

(3) (~~(Counselor.))~~ Career guidance specialist. The career (~~(and technical education counselor))~~ guidance specialist certificate authorizes service in the role of career (~~(and technical education))~~ guidance (~~(and counseling))~~ specialist;

~~(4) ((Occupational information specialist. The occupational information specialist certificate authorizes service in the role as an occupational information specialist.)) Nothing within this chapter authorizes practice by a career and technical education educator which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations adopted by the appropriate licensure board or agency.~~

NEW SECTION

WAC 181-77-010 Mathematics applied and science applied areas. Areas which may be added to a continuing career and technical education certificate are:

(1) **Mathematics applied.** To add this area, the candidate shall:

(a) Hold a continuing career and technical education certificate under WAC 181-77-041;

(b) Hold a baccalaureate degree or higher in a math-related area such as engineering from an accredited college or university under WAC 181-79A-030;

(c) Be in the role as a teacher or substitute in a Washington public school;

(d) Pass the mathematics content knowledge test approved by the professional educator standards board; and

(e) Document a minimum of one year teaching experience in technology education or skilled and technical science courses.

(2) **Science applied, biology applied, chemistry applied, physics applied, or earth and space science applied.** To add these areas, the candidate shall:

(a) Hold a continuing career and technical education certificate based on WAC 181-77-041;

(b) Hold a baccalaureate degree or higher in a science-related area such as engineering or in a medical field from an accredited college or university under WAC 181-79A-030;

(c) Be in the role as a teacher or substitute in a Washington public school;

(d) Pass the appropriate science, biology, chemistry, physics, or earth and space science content knowledge test approved by the professional educator standards board; and

(e) Document a minimum of one year teaching experience in agriculture education, health occupations, or skilled and technical science courses.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-012 Levels of career and technical education instructional certificates. The following levels of career and technical education certificates may be issued~~((+))~~. These certificates allow the holder to assume independent responsibility for working with students in career and technical education programs.

~~(1) Initial~~((-~~The initial certificate allows the holder to assume independent responsibility for working with students in career and technical education programs~~)).~~~~

~~(2) Initial renewal~~((-~~The initial renewal certificate allows the holder to assume independent responsibility for working with students in career and technical education programs~~)).~~~~

~~(3) Continuing~~((-~~The continuing certificate allows the holder to assume independent responsibility for working with students in career and technical education programs~~)).~~~~

~~(4) Continuing renewal~~((-~~The continuing renewal certificate allows the holder to assume independent responsibility for working with students in career and technical education programs~~)).~~~~

AMENDATORY SECTION (Amending WSR 18-21-070, filed 10/11/18, effective 11/11/18)

WAC 181-77-014 Requirements for limited certification. Conditional career and technical education certificate.

(1) **Intent:** The intent of the conditional career and technical education certificate is to fill teacher positions given specific circumstances where no regularly certificated career and technical education instructor is available.

(2) **Role:** The certificate is valid only for the teaching areas specified on the certificate.

(3) **Request requirements:**

(a) The conditional career and technical education certificate may be issued under specific circumstances set forth below for limited service. The ~~((issuance of the))~~ conditional career and technical education certificate may be issued only to:

(i) Persons qualified and experienced in the knowledge and occupational skills of the career and technical education program to be certified; or

(ii) Persons who meet the occupational experience requirements for career and technical education certification; or

(iii) Persons enrolled in a career and technical education preparation program as verified by an approved career and technical education program provider; or

(iv) Persons who will be employed in new and emerging occupations as identified by the professional educator standards board and/or its designee.

(b) The certificate is issued to individuals who are screened by the local career and technical education administrator and school district superintendent or designee. The local career and technical education administrator or superintendent will verify that the following criteria have been met when requesting the conditional career and technical education certificate:

(i) No person with career and technical education certification in the field is available as verified by the local career and technical education administrator or superintendent; and

(ii) The individual is being certified for a limited assignment and responsibility in a specified career and technical education program area; and

(iii) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority and the duration of the assignment; and

(iv) The career and technical education administrator and a local ~~((program))~~ advisory committee will indicate the basis on which he/she has determined that the individual is competent for the assignment; and

(v) A written training plan is on file with the employing district. The career and technical education administrator and

the candidate will mutually develop this plan. The plan must be approved by ~~((the))~~ a local ~~((school district))~~ career and technical education ~~((program))~~ advisory committee to which the candidate is assigned. The plan will provide for the career and technical education instructor to develop competencies in the following:

- (A) Issues related to legal liability;
- (B) The responsibilities of career and technical education educators;
- (C) The lines of authority in the employing school district and/or building;
- (D) Career and technical education methods, including those described in RCW 28A.700.010, WAC 181-77-041 (1)(b), and 181-77A-165;
- (E) General and specific safety.

(4) **Minimum requirements:** The career and technical education teacher will complete fifty continuing education credit hours subsequent to the issuance of the certificate, and prior to the reissuance of the certificate. The district will verify that this continuing education credit hour requirement has been met prior to the reissuance of the certificate. The continuing education credit hours must relate to the areas listed in subsection (3)(b)(v) of this section. This continuing education credit hour requirement may be completed through credit hours earned while enrolled in a program.

(5) **Validity:** The certificate is valid for two years or less, and only for the teaching area specified on the certificate. The certificate may be reissued on district application and evidence that requirements continue to be met.

AMENDATORY SECTION (Amending WSR 18-21-070, filed 10/11/18, effective 11/11/18)

WAC 181-77-031 Requirements for candidates seeking career and technical education certification who have completed approved ~~((college/university))~~ teacher preparation programs in a career and technical education endorsement area. Candidates shall complete the following requirements in addition to those set forth in WAC 181-79A-150~~((;))~~ and 181-79A-155~~((, 181-82-322, and))~~. Candidates shall complete preparation programs under the standards in chapter 181-78A WAC.

(1) **Initial.**

(a) Candidates for the initial certificate shall hold a baccalaureate degree from an accredited college or university which includes a minimum of forty-five quarter hours of study in the specific career and technical education subject area for which certification is sought.

(b) Candidates for the initial certificate shall demonstrate competency in one or more of the career and technical education broad areas: Agriculture education, business and marketing education, family and consumer sciences education, and technology education, as listed in WAC 181-77-005.

(c) Candidates for the initial certificate shall complete a state approved career and technical education teacher training program ~~((through an accredited college or university))~~ which shall include completion of student teaching in the relevant career and technical education subject area.

(d) Candidates for the initial certificate shall provide documentation of ~~((one year of paid))~~ two thousand hours

occupational experience ~~((two thousand hours))~~ in the ~~((specific career and technical education field))~~ broad area for which certification is sought. If all or part of the two thousand hours is more than ~~((six))~~ ten years old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience. The candidate must also apply for the residency teacher certificate or add the subject area to their ~~((basic education))~~ teacher certificate in their subject area, take and pass the content knowledge test(s) for subject area, be issued the ~~((residency))~~ teacher certificate before the CTE initial can be issued.

(e) In addition, candidates for initial certification in career choices or coordinator of worksite learning shall demonstrate competency in knowledge and skills described in WAC 181-77A-180.

(2) **Initial renewal.** Candidates for renewal of the initial certificate must complete one hundred continuing education credit hours in the subject area certified to teach since the initial certificate was issued, or four professional growth plans as defined in WAC ~~((181-79A-030))~~ 181-85-033. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((clock))~~ continuing education credit hours.

Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current certificate.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application, or by completing four professional growth plans. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((clock))~~ continuing education credit hours.

An expired certificate may be renewed by presenting evidence to the superintendent of public instruction of completing the continuing education credit hours or professional growth plan requirement within the five years prior to the date of the renewal application.

(3) **Continuing.**

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least fifteen quarter hours or one hundred fifty ~~((clock))~~ continuing education credit hours of career and technical education educator training in the career and technical education subject area to be certified completed subsequent to the conferral of the baccalaureate degree.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the career and technical education subject area certified to teach with an authorized employer (i.e., school district(s) or skills center(s)).

(4) **Continuing certificate renewal.** Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate:

(a) Ten quarter hours or one hundred ~~((clock))~~ continuing education credit hours of career and technical education educator training, or four professional growth plans as

defined in WAC ~~((181-79A-030))~~ 181-85-033. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((one))~~ continuing education credit hours.

Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current certificate.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application, or by completing four professional growth plans. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((one))~~ continuing education credit hours.

An expired certificate may be renewed by presenting evidence to the superintendent of public instruction of completing the continuing education credit hours or professional growth plan requirement within the five years prior to the date of the renewal application.

(b) Continuing education or professional growth plans for teachers at the elementary and secondary levels in STEM-related subjects must include a specific focus on the integration of science, mathematics, technology, and engineering instruction as per RCW 28A.410.2212. This renewal requirement applies to career and technical education endorsement areas. This STEM continuing education requirement for certificate renewal is as described in WAC 181-85-075(6)(~~;~~)

~~((c) Per RCW 28A.410.278(2), in-service training, continuing education, or professional growth plans shall incorporate professional development on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates. This continuing education requirement related to the teacher and principal evaluation system is as described in WAC 181-85-075(7)).~~

AMENDATORY SECTION (Amending WSR 18-21-070, filed 10/11/18, effective 11/11/18)

WAC 181-77-041 Requirements for candidates seeking career and technical education certification on the basis of business and industry work experience. Candidates ~~((for certification who have not completed approved programs set forth in chapter 181-78A WAC))~~ seeking career and technical education certification on the basis of business and industry work experience shall complete the following requirements in addition to those set forth in WAC 181-79A-150 (1) and (2) and 181-79A-155 (1) and (2).

(1) **Initial.**

(a) Candidates for the initial certificate shall provide documentation of ~~((paid))~~ occupational experience in the ~~((specific career and technical education subcategory))~~ specialty area for which certification is sought ~~((; Provided, That))~~. Individuals seeking the initial certification for the sole purpose of instruction of American sign language who are deaf, hard of hearing per RCW 43.20A.720, or whose primary method of communication is American sign language, may have the requirements for interpreter experience waived

by the certification office of the superintendent of public instruction.

(i) ~~((Three years))~~ Six thousand hours ~~((;))~~ is required.

(ii) ~~((One year))~~ Two thousand hours ~~((;))~~ must be within the past ~~((six))~~ ten years. Candidates may use up to four thousand hours of teaching experience in the specialty area they are experienced in and the remaining two thousand hours must be from ~~((industry))~~ nonteaching occupational experience ~~((; nonteaching))~~. For STEM, candidate may use all six thousand hours of teaching experience in science, technology, engineering and/or math in lieu of ~~((industry))~~ occupational experience. For biomedical and biotechnology, candidates may use all six thousand hours of teaching experience in biology in lieu of ~~((industry))~~ occupational experience.

(iii) If all or part of the two thousand hours is more than ~~((six))~~ ten years old, an additional three hundred hours of recent (occurring in the last two years) occupational experience is required.

(iv) Individuals seeking this certification solely for teaching American sign language must also hold or earn the national interpreter certification, certified deaf interpreter certificate, the American sign language teachers association certificate, the American sign language performance interview, or meet the standard required of interpreters for the deaf per RCW 28A.410.271.

(b) Candidates for the initial certificate shall complete a professional educator standards board approved program under WAC 181-77A-029 ~~((in which they demonstrate competence in the general standards for all career and technical education teacher certificate candidates pursuant to WAC 181-77A-165, which include but are not limited to knowledge and skills in the following areas:~~

~~((i) General and specific safety;~~

~~((ii) Career and technical education teaching methods;~~

~~((iii) Occupational analysis;~~

~~((iv) Course organization and curriculum design;~~

~~((v) Philosophy of vocational education;~~

~~((vi) Personal student development and leadership techniques.~~

~~((c) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:~~

~~((i) School law;~~

~~((ii) Issues related to abuse as specified in WAC 181-77A-165(7).~~

~~((d))~~.

(c) In addition, candidates for initial certification in career choices or coordinator of worksite learning shall demonstrate competency in knowledge and skills described in WAC 181-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete ten quarter hours of credit or one hundred ~~((one))~~ continuing education credit hours of career and technical education educator training in the subject matter certified to teach since the initial certificate was issued or renewed, or four professional growth plans as defined in WAC 181-79A-030. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((one))~~ continuing education credit hours.

Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current certificate.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application, or by completing four professional growth plans. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credit hours needed to be the equivalent of one hundred ~~((one))~~ continuing education credit hours.

An expired certificate may be renewed by presenting evidence to the superintendent of public instruction of completing the continuing education credit hours or professional growth plan requirement within the five years prior to the date of the renewal application.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least one of the following:

(i) Fifteen quarter hours or one hundred fifty ~~((one))~~ continuing education credit hours of career and technical education educator training in the career and technical education subject matter to be certified completed subsequent to the issuance of the initial certificate; or

(ii) Hold a valid national board certificate issued by the National Board for Professional Teaching Standards in any certificate area.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years full-time equivalency (FTE) of teaching/coordination in the career and technical education subject matter certified to teach with an authorized employer (i.e., school district(s) or skills center(s)).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued:

(i) Ten quarter hours or one hundred ~~((one))~~ continuing education credit hours of career and technical education educator training, or four professional growth plans as defined in WAC 181-79A-030. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((one))~~ continuing education credit hours.

(ii) Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current certificate.

(iii) Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application, or by completing four professional growth plans. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((one))~~ continuing education credit hours.

(iv) An expired certificate may be renewed by presenting evidence to the superintendent of public instruction of completing the continuing education credit hours or professional

growth plan requirement within the five years prior to the date of the renewal application.

(b) Continuing education or professional growth plans for teachers at the elementary and secondary levels in STEM-related subjects must include a specific focus on the integration of science, mathematics, technology, and engineering instruction as per RCW 28A.410.2212. This renewal requirement applies to career and technical education endorsement areas. This STEM continuing education requirement for certificate renewal is as described in WAC 181-85-075(6).

~~(c) ((Per RCW 28A.410.278(2) in-service training, continuing education, or professional growth plans shall incorporate professional development on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates. This continuing education requirement related to the teacher and principal evaluation system is as described in WAC 181-85-075(7)).~~

~~(d))~~ Beginning January 2018, renewal of continuing certificates under this section specifically for teaching American sign language will require the national interpreter certification, certified deaf interpreter certificate, the American sign language teachers association certificate, or meet the standard required of interpreters of the deaf per RCW 28A.410.271.

AMENDATORY SECTION (Amending WSR 18-21-070, filed 10/11/18, effective 11/11/18)

WAC 181-77-071 Initial certification of career and technical education administrative personnel. (1) Initial certificate.

(a) Beginning September 1, 2014, a candidate is eligible for the initial career and technical education administrator certification if meeting one or more of the following:

(i) Currently holds a valid residency, continuing or professional administrator certificate; or

(ii) Completion of three years of experience as a certificated career and technical education supervisor, career and technical education instructor, career and technical education counselor, or occupational information specialist; and

(b) In addition, the candidate must meet one or more of the following:

(i) Completion of the state authorized career and technical education administrator internship program; or

(ii) Completion of a state approved ~~((college))~~ program for career and technical education administration.

(c) The career and technical education administrator certificate role standards are as published by the professional educator standards board.

(d) The initial career and technical education administrator certificate is valid for five years.

(2) Initial certificate renewal.

(a) In order to renew the initial career and technical education administrator certificate completion of at least ten quarter hours of college credit or one hundred continuing education credit hours or four professional growth plans in five years since the initial certificate was issued or renewed is required. Individuals completing fewer than four annual professional growth plans must complete the necessary continu-

ing education credit hours needed to be the equivalent of one hundred ~~((clock))~~ continuing education credit hours.

Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current certificate.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application, or by completing four professional growth plans. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((clock))~~ continuing education credit hours.

An expired certificate may be renewed by presenting evidence to the superintendent of public instruction of completing the continuing education credit hours or professional growth plan requirement within the five years prior to the date of the renewal application.

(b) The initial renewal certificate is valid for five years and may be renewed.

(3) **Continuing certificate.** The continuing career and technical education administrator certificate is valid for five years.

(a) In order to receive the continuing career and technical education administrator certificate, in addition to the requirements for the initial certificate, at least fifteen quarter hours of college credit course work or one hundred fifty continuing education credit hours completed subsequent to the conferral of the initial certificate is required; or, the individual may hold a valid national board certificate issued by the National Board for Professional Teaching Standards in any certificate area.

(b) Individuals shall provide as a condition for the issuance of a continuing certificate documentation of two years full-time equivalency (FTE) of career and technical administration with an authorized employer (i.e., school district(s) or skill center(s)).

(4) **Continuing certificate renewal.** The continuing career and technical education administrator certificate shall be renewed with the completion of ten quarter credits of college credit course work or the equivalent of one hundred continuing education credit hours in career and technical education, or supervisory or managerial subjects, or four professional growth plans, prior to the lapse date of the first issue of the continuing certificate and during each five-year period between subsequent lapse dates. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((clock))~~ continuing education credit hours.

Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current certificate.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application, or by completing four professional growth plans. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit

hours needed to be the equivalent of one hundred ~~((clock))~~ continuing education credit hours.

(5) ~~((Per RCW 28A.410.278(2) in-service training, continuing education, or professional growth plans shall incorporate professional development on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates. This continuing education requirement related to the teacher and principal evaluation system is as described in WAC 181-85-075(7).))~~

(6)) **Previously issued certificate.** Any person with a valid career and technical education administrator certificate issued prior to September 1, 2014, under previous standards of the professional educator standards board shall meet requirements of, and may apply for, the continuing career and technical education administrator certificate by the expiration date of the original certificate held. Upon issuance of the continuing career and technical education administrator certificate such person will be subject to continuing certificate renewal requirements of subsection (4) of this section.

AMENDATORY SECTION (Amending WSR 19-03-108, filed 1/16/19, effective 2/16/19)

WAC 181-77-081 Requirements for certification of career guidance specialist. Career guidance specialists must meet the following requirements in addition to those set forth in WAC 181-79A-150 (1) and (2) and 181-79A-155:

(1) **Probationary certificate.**

(a) Beginning July 1, 2018, a candidate is eligible for the probationary career guidance specialist certification if meeting one or more of the following:

(i) Completion of three years of experience as a certificated career and technical education administrator, career and technical education instructor, or career and technical education counselor, at the initial or continuing certificate level; or

(ii) Hold a valid educational staff associate - Counselor certificate as provided in WAC 181-79A-221; or

(iii) Provide documentation of ~~((three years))~~ six thousand hours ~~((of full-time paid))~~ of occupational experience of which two ~~((years))~~ thousand hours shall have been in the last ~~((six))~~ ten years, dealing with employment, personnel or with placement and evaluation of workers, or experience providing career guidance, employment or career counseling services.

(b) Such a certificate may be issued upon recommendation by the employing school district according to the following:

(i) The candidate shall have developed a written training plan in cooperation with the career and technical education administrator. The plan must be approved by a ~~((district))~~ local career and technical education advisory committee.

(ii) The plan shall develop procedures and timelines for the candidate to meet the requirements for the initial certificate.

(c) The probationary certificate is valid for two years and is renewable one time for two additional years upon recommendation of the employing district if the individual has completed the procedures outlined for the first year in the

written training plan and has made additional progress in meeting the requirements for the initial certificate.

(2) Initial certificate.

(a) The initial career guidance specialist certificate is valid for five years.

(b) Candidates must meet the eligibility requirements for the probationary certificate outlined in this section.

(c) Candidates for the initial certificate shall demonstrate competence through a course of study from a state approved program provider or state approved continuing education provider in the general standards for career guidance specialist which include, but are not limited to, knowledge and skills in the following areas as approved by the professional educator standards board:

(i) Individual and group career guidance skills;

(ii) Individual and group career development assessment;

(iii) Information and resources in providing career guidance;

(iv) Career guidance program planning, implementation, and management;

(v) Diverse populations;

(vi) Student leadership development;

(vii) Ethical/legal issues;

(viii) Technology;

(ix) History and philosophy of career and technical education.

(d) In order to teach worksite learning and career choices courses, candidates must successfully complete requirements per WAC 181-77A-180.

(3) Initial certificate renewal.

(a) Candidates for renewal of the initial career guidance specialist certificate must complete at least ten quarter hours of college credit, one hundred ~~((~~one~~))~~ continuing education credit hours, or four professional growth plans since the initial certificate was issued or renewed. At least two quarter credits or fifteen ~~((~~one~~))~~ continuing education credit hours must be related to the knowledge and skills areas listed in subsection (2)(c) of this section. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((~~one~~))~~ continuing education credit hours.

Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current certificate.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application, or by completing four professional growth plans. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((~~one~~))~~ continuing education credit hours.

An expired certificate may be renewed by presenting evidence to the superintendent of public instruction of completing the continuing education credit hours or professional growth plan requirement within the five years prior to the date of the renewal application.

(b) The initial renewal certificate is valid for five years.

(4) Continuing certificate.

(a) Candidates for the continuing career guidance specialist certificate shall have in addition to the requirements for the initial certificate at least fifteen quarter hours of college credit or one hundred fifty ~~((~~one~~))~~ continuing education credit hours completed subsequent to the issuance of the initial certificate; or hold a valid national board certificate issued by the National Board for Professional Teaching Standards in any certificate area.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years full-time equivalency (FTE) as a career guidance specialist with an authorized employer (i.e., school district(s) or skills center(s)).

(c) The continuing career guidance specialist certificate is valid for five years.

(5) Continuing certificate renewal. The continuing career guidance specialist certificate shall be renewed with the completion of ten quarter hours of college credit, the equivalent of one hundred ~~((~~one~~))~~ continuing education credit hours, or four professional growth plans prior to the lapse date of the first issuance of the continuing certificate and during each five-year period between subsequent lapse dates. At least four quarter credits or thirty ~~((~~one~~))~~ continuing education credit hours must be related to the knowledge and skills areas listed in subsection (2)(c) of this section. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((~~one~~))~~ continuing education credit hours.

Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current certificate.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application, or by completing four professional growth plans. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credit hours needed to be the equivalent of one hundred ~~((~~one~~))~~ continuing education credit hours.

An expired certificate may be renewed by presenting evidence to the superintendent of public instruction of completing the continuing education credit hours or professional growth plan requirement within the five years prior to the date of the renewal application.

(6) Certificates issued under previous standards.

(a) Any person with a valid one-year occupational information specialist, or career and technical education counselor, certificate issued prior to July 1, 2018, under previous standards of the professional educator standards board may apply for the initial career guidance specialist certificate, and will be considered to have met the requirements to obtain an initial career guidance specialist certificate in subsection (2) of this section.

Holders of expired one-year occupational information specialist, or one-year career and technical education counselor certificates, may apply for the initial career guidance specialist certificate, and will be considered to have met the requirements to obtain an initial career guidance specialist

certificate with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application.

These holders of expired one-year certificates must present evidence to the superintendent of public instruction of completing the continuing education credit hours within the five years prior to the date of the renewal application.

(b) Any person with a valid three-year or five-year occupational information specialist, or career and technical education counselor, certificate issued prior to July 1, 2018, under previous standards of the professional educator standards board may apply for the continuing career guidance specialist certificate by the expiration date of the original certificate held, and will be considered to have met the requirements to obtain a continuing career guidance specialist certificate in subsection (4) of this section.

Holders of expired three-year or five-year occupational information specialist, or three-year or five-year career and technical education counselor certificates, may apply for the initial career guidance specialist certificate, and will be considered to have met the requirements to obtain an initial career guidance specialist certificate with completion of one hundred continuing education credit hours within the previous five years from the date of the renewal application.

These holders of expired three-year or five-year certificates must present evidence to the superintendent of public instruction of completing the continuing education credit hours within the five years prior to the date of the renewal application.

(c) Upon issuance of the probationary initial or continuing career guidance specialist certificate, individuals addressed in this subsection will be subject to certificate renewal requirements of this section.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-77-110 Career and technical education instructor certification reciprocity. The superintendent of public instruction will recognize community and technical college instructors certified under WAC 131-16-091 through 131-16-095 when these individuals provide instruction to high school students. These instructors must maintain their certification in good standing and, when employed to provide services within a public common school shall be required to have completed and have on file:

- (1) Documentation of completion of the issues of abuse requirement ~~((pursuant to))~~ under RCW 28A.410.035; and
- (2) A background check as defined in WAC 181-79A-150(2) and RCW 28A.410.010; and
- (3) Evidence of good moral character as required in WAC 181-79A-155.

AMENDATORY SECTION (Amending WSR 18-21-070, filed 10/11/18, effective 11/11/18)

WAC 181-77-120 Out-of-state candidates. Out-of-state applicants shall be eligible for Washington career and technical education certificates if they meet the standards in chapter 181-77 WAC or as follows: Candidates who apply for a career and technical education certificate who have not

successfully completed course work or an in-service program ~~((including a minimum of ten clock hours of instruction))~~ on issues of abuse as described in WAC 181-79A-030, must complete such course work or in-service program as a condition of the issuance of a career and technical education certificate. ~~((The content of the course work or in-service program is as described in WAC 181-79A-030.))~~

(1) **Initial certificate.** The initial certificate shall be issued by the superintendent of public instruction to a candidate who has two thousand hours of ~~((paid))~~ occupational experience and who meets one of the following:

- (a) Qualifies under provisions of the interstate compact;
- (b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state-approved preparation program ~~((at an accredited college or university))~~ in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 181-79A-150(4);

(c) Holds an appropriate career and technical education certificate issued by another state and had practiced at the P-12 level in that respective role outside the state of Washington for three years and has completed competency-based teacher training.

(2) **Continuing certificate.** The continuing certificate shall be issued on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-77A-003 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the professional educator standards board to establish, publish, and enforce rules and regulations determining eligibility and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.410.-210 (1) and (2) which authorizes the professional educator standards board to approve educator preparation programs ~~((in institutions of higher education)).~~

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-004 Overview. These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (1209) which will enable educators to implement the Washington state student learning goals and essential academic learning requirements. These rules also provide a framework for consistency and quality preparation of career and technical education teacher certification candidates using industry or business work experience.

Specifically, this chapter describes the procedures and standards for colleges/universities and other agencies or institutions to be approved as providers of preparation programs for career and technical education teacher certification based on business and industry work experience. ~~((In addition to colleges and universities, programs may be provided by community and technical colleges, school districts, educational service districts, or any combination of the above.))~~

Finally, this chapter identifies the general standards which must be demonstrated by all successful applicants for career and technical education teacher certification based on business and industry work experience and the specific standards which will be demonstrated by those applying for certification in specialty areas.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-025 Program approval. All programs leading to career and technical education certification based on business and industry work experience offered in Washington state to prepare career and technical education teachers shall be approved ~~((pursuant to))~~ under the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-77A-029 Procedures for ~~((initial))~~ approval and review of a career and technical education teacher preparation program for candidates applying under WAC 181-77-041. ~~((Using the criteria published by the office of the superintendent of public instruction as a guideline, each program provider, which shall be a college or university, community or technical college, school district, educational service district, or any combination of the above, desiring to establish a career and technical education teacher preparation program for candidates applying under WAC 181-77-041 shall comply with the following:~~

~~(1) Advise the professional educator standards board of the desire to establish the career and technical education teacher preparation program, identifying the agencies involved and the administrator of the program.)~~ (1) A prospective provider desiring to establish a career and technical education teacher preparation program for candidates applying under WAC 181-77-041 shall comply with the policy established for program approval and review in chapter 181-78A WAC.

(2) Establish and maintain a representative program education advisory ~~((committee))~~ board including career and technical education teachers from the discipline, at least one first-year teacher (if applicable) who has completed the respective program, career and technical education administrators, and industry and/or community representatives.

The purpose of the program education advisory ~~((committee))~~ board is to advise, validate, and review the integrity of the respective career and technical education teacher education program.

~~((3) Describe the planned process that the approved career and technical education teacher preparation program will use to assess, in multiple ways, over time, its career and technical education teacher candidates knowledge and skills as required by WAC 181-77A-165, including, where appropriate, evidence related to positive impact on student learning.~~

~~(4) Describe the plan for assuring that adequate resources will be provided to support the program and that faculty will have the appropriate qualifications and work experience for the roles assigned.~~

~~(5) Present the plan to the professional educator standards board.)~~

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-77A-080 Substitute pay for members of ~~((program))~~ professional education advisory ~~((committee))~~ boards. Service on ~~((program))~~ professional education advisory ~~((committee))~~ boards by certificated employees is deemed by the professional educator standards board as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of RCW 28A.300.035, shall make payments to school districts for needed substitutes.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-165 General standards for all career and technical education teacher certification based on business and industry work experience. In addition to the career and technical education teacher role standards as published by the professional educator standards board, all candidates shall demonstrate competence in the following standards:

(1) State learning goals~~((—))~~—The teacher is able to apply and integrate the state's learning goals and essential academic learning requirements in program implementation and assessment.

(2) Learning environments~~((—))~~—The teacher is able to create and sustain safe learning environments which prepare diverse students for the workplace, advanced training, and continued education.

(3) Student characteristics and related instructional strategies~~((—))~~—The teacher is able to identify the diverse needs of students and implement programs and strategies which promote student competency development and success.

(4) Personal and professional attributes~~((—))~~—The teacher models personal and professional attributes and leadership skills which reflect productive life and work roles.

(5) Partnerships~~((—))~~—The teacher implements and maintains collaborative partnerships with students, colleagues, community, business, industry, and families, which maximize resources and promote student self-sufficiency.

(6) Law~~((—))~~—The teacher understands school law and educational policy.

(7) Issues of abuse~~((—))~~—The ~~((teacher))~~ educator understands issues ~~((related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention))~~ of abuse as described in WAC 181-79A-030.

(8) Candidates shall also demonstrate knowledge and skills in the following areas:

(a) General and specific safety;

(b) Career and technical education teaching methods;

(c) Occupational analysis;

(d) Course organization and curriculum design;

(e) Philosophy of vocational education;

(f) Personal student development and leadership techniques.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-77A-175 Work experience program standards. Individuals obtaining certification on the basis of business and industry work experience in the major categories of trade and industrial, health occupation, or any of the ~~((subcategories))~~ areas approved by the professional educator standards board for WAC 181-77-005 shall be assessed on the basis of the requirements pursuant to WAC 181-77-041 and 181-77A-165.

AMENDATORY SECTION (Amending WSR 08-15-142, filed 7/22/08, effective 8/22/08)

WAC 181-77A-180 Career and technical education teacher preparation specialty standards. In addition to the standards identified in WAC ~~((+82-82-332-0#))~~ 181-77A-175, individuals obtaining certification in the areas of coordinator of worksite learning or career choices must demonstrate competency in the following standards.

(1) Coordinator of worksite learning.

(a) The worksite learning coordinator demonstrates the knowledge and ability to develop, implement, manage, and evaluate a diversified worksite learning program that utilizes local resources.

(b) The worksite learning coordinator models ethical behavior and demonstrates the ability to facilitate, supervise, and evaluate student leadership activities.

(c) The worksite learning coordinator demonstrates the ability to team with career and technical education teachers and prospective employers to relate worksite learning with school-based learning and to measure student performance.

(d) The worksite learning coordinator demonstrates a commitment to professional development.

(e) The worksite learning coordinator demonstrates a current knowledge of the essential academic learning requirements and skills for entry level workers and uses a variety of methods to insure that students master the essential academic learning requirements.

(2) Career choices.

(a) The career choices teacher demonstrates competency in the areas of career exploration, employment acquisition, job retention, resource management (personal, community, workplace technology, and consumerism), economic systems (entrepreneurship, economics), basis skills development, and leadership development.

(b) The career choices teacher demonstrates the ability to link classroom learning with the world of work and coordinate worksite learning which prepares students for the world of work.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 181-77A-030	Length of time for which a career and technical education teacher program based on business and industry work experience shall be approved.
WAC 181-77A-033	Probationary status for a career and technical education teacher preparation program based on business and industry work experience.
WAC 181-77A-037	Procedures for reestablishment of approval status for a career and technical education teacher preparation program based on business and industry work experience.
WAC 181-77A-040	Responsibilities of the designated program administrator.
WAC 181-77A-057	Approval of a career and technical education teacher preparation program based on business and industry work experience offered by an out-of-state provider within the state applicable to certification.
WAC 181-77A-195	Course work/internship waiver.

WSR 19-15-114

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed July 23, 2019, 9:05 a.m., effective August 23, 2019]

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

Purpose: The department of revenue is repealing WAC 458-20-236 because there is no longer a statutory authority for the rule. In 2010, the legislature amended RCW 82.04.-460 and enacted RCW 82.04.462 which resulted in a change to the apportionment method used by businesses engaged in apportionable activities and have nexus in Washington. As a result of these statutory changes, WAC 458-20-236 is no longer accurate or necessary.

Citation of Rules Affected by this Order: Repealing WAC 458-20-236 Baseball clubs and other sport organizations.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 19-10-065 on April 30, 2019.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 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: July 23, 2019.

Atif Aziz
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-20-236 Baseball clubs and other sport organizations.

WSR 19-15-117
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 2019, 10:26 a.m., effective August 23, 2019]

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

Purpose: The department of labor and industries (L&I) is adopting changes to the electrical rules in chapter 296-46B WAC, Electrical safety standards, administration, and installation. The department performed a review of the rules to update and clarify existing rules, implement new legislation, adopt new safety codes by reference with an effective date, and make housekeeping and other changes. Stakeholders were invited to submit proposals for changes to the rules.

This rule making will:

- Adopt new safety code requirements. This includes:
 - Adopting the 2020 edition of the National Electrical Code (NEC) National Fire Protection Agency (NFPA) (NFPA 70-2020 including Annex A, B, and C) on July 1, 2020, to replace the 2017 edition; and
 - Allowing the acceptance of International Electrotechnical Commission standards for electric motors, as these standards for motors are similar to National Electrical Manufacturer's Association standards.
- Adopt changes to existing rules to align with NEC requirements and to eliminate redundancy and rule conflicts, such as:
 - Eliminating obsolete language for service and feeder conductor clearance over residential covered porch roofs, as NEC 230.24(A) exception no. 5 has a similar allowance for a roof that is guarded or not readily accessible;
 - Eliminating requirements regarding location of emergency disconnecting means for fuel dispensers as NEC 514.11 now eliminates the need for the rule; and
- Creating a new requirement to clarify that NEC 410.56 does not apply to branch circuits, as branch circuit conductor installation requirements are specified in NEC, Chapter 3.
- Adopt language for consistency with statutory requirements. This includes:
 - Adding the effective date of SSB 6126 (chapter 249, Laws of 2018) that passed the legislature in 2018, and notice of coming requirements for apprenticeship or training school registration for those seeking to become journey-level electricians;
 - Providing an appeal process to the electrical board for decisions issued by a city pursuant to ESHB 1952 (chapter 240, Laws of 2018) that passed the legislature in 2018; and
 - Eliminating the inactive status for trainees that have not completed the basic trainee classes prior to renewal with an effective date to align with RCW 19.28.161(2).
- Adopt proposals requested by stakeholders. This includes:
 - Allowing projects that result in the same load (not reduced) to be exempt from plan review;
 - Allowing reciprocal agreements for licensing of electricians with other states and require a fee for reciprocal electrician certificates that will be necessary per statute for reciprocal agreements;
 - Adding an exception to allow HVAC/R specialty to replace a disconnect switch mounted on HVAC/R equipment when doing a replacement; and
 - Creating a new requirement to streamline the process of verification for Canadian Red Seal electricians who received equivalent training and experience to that required in Washington.
- Adopt rules for clarity and consistency, such as:
 - Extending the timeline for trainees to submit their affidavits of experience from thirty days after renewal to one hundred eighty days after expiration of the certificate;
 - Amending the definition of "household appliance" to clarify a confusing sentence and that water heaters are household appliances;
 - Clarifying the exception requirements for rod, pipe, and plate electrodes to eliminate rule conflicts;
 - Clarifying that individual isolation of fuel dispensers including the neutral is required for maintenance and service of dispensing equipment;
 - Clarifying that field evaluation is an allowable option for electric sign certification;
 - Clarifying that five percent increase in load is an increase of five percent of the rated capacity of the equipment for the purpose of plan review requirements;
 - Clarifying all associated low-voltage wiring, including new low-voltage wiring to a new heat pump or A/C unit is included in the same Class B label;
 - Clarifying that on-site electrical assembly, installation, removal, or replacement of a product is not allowed under the exemption for manufacturers of electrical/telecommunications products;

- Clarifying that certificates must be displayed by supervising electricians while supervising trainees;
- Clarifying that electrician examinations are given in multiple parts as well as administration and master exams;
- Clarifying that electrical contractors and administrators can be suspended for incompetence;
- Clarifying that using or allowing the use of a fraudulent license or certificate makes this violation eligible for higher penalty amounts and possible suspension or revocation of license or certificate; and
- Eliminating the definitions for "service drop," "service entrance conductors, overhead system," "service entrance conductors, underground system," and "service lateral," as these definitions are now clear in NEC and no longer needed in the rules.
- Adopt rules to align with other Washington state rules and requirements. This includes:
 - Aligning the rules with department of health requirements for sewage disposal systems; and
 - Creating a new rule to align elevator disconnecting means requirements with existing rules of L&I's elevator program.
- Incorporate the existing policies of the department into rule. This includes:
 - Establishing a new definition for "new building" to clarify that property owners or leaseholders cannot install wiring for a mobile or manufactured home then offer it for rent, sale, or lease without electrical contractor licensing and worker certification;
 - Excluding one- and two-family dwelling service up to four hundred amperes from conductor ampacity marking requirements;
 - Allowing GFCI protection for personnel to not be required for receptacles used for recreational vehicle supply equipment or for attachment of a mobile home supply cord other than 125-volt, single phase, 15- or 20-ampere receptacles;
 - Adding language to clarify grounding and bonding requirements for supply-side interconnections. Supply-side interconnections for alternate power production sources are similar to an additional service, but NEC requirements regarding grounding and bonding are not clear; and
 - Clarifying air conditioning and refrigerating equipment requirements for disconnecting means for split-systems.
- Adopt requirements for identification plates, excluding one- or two-family dwelling feeders rated up to four hundred amperes, showing the ampacity of conductors to be installed on equipment if the feeder conductors have a lesser ampacity than the equipment rating that they terminate in or on.
- Increase penalty amounts for unlicensed contractors, as penalty amounts have not increased for over thirty years.
- Adopt a permit exemption for animal containment fences which is already allowed as a telecommunications system, but the change eliminates confusion.
- Adopt a new section to relocate some service requirements to a more appropriate location in the rules for

applicability of requirements for installation of panels and sub panels.

- Make general housekeeping, reformatting and relocating of certain sections, grammatical and reference corrections, section title changes, etc.

Citation of Rules Affected by this Order: New WAC 296-46B-408 and 296-46B-620; and amending WAC 296-46B-010, 296-46B-100, 296-46B-210, 296-46B-215, 296-46B-225, 296-46B-230, 296-46B-250, 296-46B-410, 296-46B-430, 296-46B-440, 296-46B-501, 296-46B-514, 296-46B-600, 296-46B-690, 296-46B-700, 296-46B-705, 296-46B-900, 296-46B-901, 296-46B-906, 296-46B-908, 296-46B-909, 296-46B-915, 296-46B-920, 296-46B-925, 296-46B-940, 296-46B-942, 296-46B-945, 296-46B-960, 296-46B-990, and 296-46B-995.

Statutory Authority for Adoption: Chapter 19.28 RCW, Electricians and electrical installations including RCW 19.28.031 and 19.28.251.

Adopted under notice filed as WSR 19-10-082 on May 1, 2019.

A final cost-benefit analysis is available by contacting Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-5244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, web site www.Lni.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 3, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 30, 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 30, Repealed 0.

Date Adopted: July 23, 2019.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-010 General.

Adopted standards.

(1) The 2017 edition of the National Electrical Code (NFPA 70 - 2017) including Annex A, B, and C; Commercial Building Telecommunications Cabling Standard (ANSI/TIA-568-C series, February 2009); Commercial Building Standard for Telecommunications Pathway and Spaces (TIA-569-B, October 2004); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI-TIA-607-B, August 2011); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-B-2004); and the

National Electrical Safety Code (NESC (~~C2-2012~~)) C2-2017 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter.

On July 1, 2020, the 2020 edition of the National Electrical Code (NFPA 70-2020 including Annex A, B, and C is hereby adopted by reference as part of this chapter and replaces the 2017 edition.

This chapter will be followed where there is any conflict between this chapter and the above adopted standards.

The National Electrical Code will be followed where there is any conflict between the National Electrical Code and, ANSI/TIA/EIA 568-C, ANSI/TIA/EIA 569-B, ANSI/TIA/EIA 607-B, ANSI/TIA/EIA 570-B, or the NESC C2.

Inspections - General.

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(3) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department or the city that has electrical inspection jurisdiction when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector or to the city that has electrical inspection jurisdiction. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in chapter 296-46B WAC, Part C.

(4) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to allow the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter with the exception of not more than 8 feet of electrical conduit in a foundation of a one- or two-family dwelling or residential outbuilding for use as service entrance raceway.

(5) All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(6) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector and, where siding nails or fasteners which penetrate into the wall cavity are to be used, all siding must be installed; or

(b) All wiring and device boxes must be a minimum of 2 1/2 inches from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1/16 inch thick and of appropriate width and height installed to cover the area of the wiring or box.

(7) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable electrical product standards recognized by the department, be listed, or field evaluated. For any equipment that requires an amusement operating permit under chapter 67.42 RCW, the operating permit is prima facie evidence of an appropriate standard. Other than as authorized by the chief electrical inspector or a city authorized to do electrical inspection, equipment must not be energized until such standards are met.

(8) The state department of transportation is recognized as the inspection authority for telecommunications systems installations within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction, and of materials, devices, appliances, and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection move on buildings and structures.

(9) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(10) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(11) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "suitable for use as service equipment" will be considered to be approved as "suitable for use only as service equipment."

(ii) CSA listed panelboards used as panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Wiring methods for designated building occupancies.

(12) Wiring methods in educational or institutional facilities as defined in this chapter must be metallic or nonmetallic raceways, MI, MC, or AC cable. Places of assembly located within these facilities must comply with NEC 518.4(A).

(13) Assisted living facility generator systems may be wired and installed per NEC 517.

(14) Lawfully installed existing electrical installations that do not comply with the provisions of this chapter and remain in compliance with the code at the time of the installation, will be permitted to be continued without change (i.e., without circuitry or occupancy change). Additions, alterations, modifications, or repairs to the electrical system must conform to the current requirements of this chapter.

(15) See WAC 296-46B-406R for tamper-resistant receptacle requirements in psychiatric patient care facilities.

Traffic management systems.

(16) The department or city authorized to do electrical inspections will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

(a) Traffic illumination systems;

(b) Traffic signal systems;

(c) Traffic monitoring systems;

(d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system; and

(e) Signalization system(s) necessary for the operation of a light rail system.

A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(17) The department or city authorized to do electrical inspections recognizes that traffic signal conductors, pole and bracket cables, signal displays, traffic signal controllers/cabinets and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW provided they conform with the following standards or are listed on the Washington state department of transportation (WSDOT) qualified products list.

(a) WSDOT/APWA standard specifications and plans;

(b) WSDOT *Design Manual*;

(c) International Municipal Signal Association (IMSA);

(d) National Electrical Manufacturer's Association (NEMA);

(e) Federal Standards 170/Controller Cabinets;

(f) Manual for *Uniform Road, Bridge, and Municipal Construction*;

(g) Institute of Transportation Engineers (ITE); or

(h) Manual of *Uniform Traffic Control Devices (MUTCD)*.

(18) Associated induction detection loop or similar circuits will be accepted by the department or city authorized to do electrical inspections without inspection.

(19) For the licensing requirements of chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for another jurisdiction(s) under a valid interlocal agreement, as permit-

ted by chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the department or city authorized to do electrical inspections prior to work being performed for this provision to apply.

(20) Jurisdictions, with an established electrical inspection authority, and WSDOT may perform electrical inspection on their rights of way for each other by interlocal agreement. They may not perform electrical inspection on other rights of way except as allowed in chapter 19.28 or 39.34 RCW.

(21) Underground installations.

(a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

(b) The department or city authorized to do electrical inspections will conduct inspections in open trenching within its jurisdiction. The electrical work permit purchaser must coordinate the electrical inspection. A written request (e.g., letter, email, fax, etc.) for inspection, made to the department or city authorized to do electrical inspections office having the responsibility to perform the inspection, must be made a minimum of two working days prior to the day inspection is needed (e.g., two working days 10:00 a.m. Tuesday request for a 10:00 a.m. Thursday inspection, excluding holidays and weekends).

If, after proper written request, the department or city authorized to do electrical inspections fails to make an electrical inspection at the time requested, underground conduit may be covered after inspection by the local government jurisdiction's project inspector/designee. Written documentation of a local government jurisdiction inspection must be provided to the department or city authorized to do electrical inspections when requested. Written documentation will include:

- (i) Date and time of inspection;
- (ii) Location;
- (iii) Installing firm;
- (iv) Owner;
- (v) Type of conduit;
- (vi) Size of conduit;
- (vii) Depth of conduit; and
- (viii) Project inspector/designee name and contact information.

(22) Identification of traffic management system components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (17) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(23) Conductors of different circuits in same cable, enclosure, or raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, pro-

vided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-100 General definitions. All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter and chapter 19.28 RCW. The definitions in this section apply to all parts of this chapter. Some sections may have definitions specific to that section.

"Accreditation" is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

"Administrative law judge" means an administrative law judge (ALJ) appointed pursuant to chapter 34.12 RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

"ANSI" means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

"Appeal" is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

"Appellant" means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

"Appliance" means household appliance.

"ASTM" means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

"AWG" means American Wire Gauge.

"Basement" means that portion of a building that is partly or completely below grade plane. A basement will be considered as a story above grade plane and not a basement where the finished surface of the floor above the basement is:

- (a) More than 6 feet above grade plane;
- (b) More than 6 feet above the finished ground level for more than 50% of the total building perimeter; or
- (c) More than 12 feet above the finished ground level at any point. Also see "mezzanine" and "story."

"Board" means the electrical board established and authorized under chapter 19.28 RCW.

"Category list" is a list of manufacturing safety standards or product types determined by the department.

A "certified electrical product" is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

A "certification mark" is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

"Certificate of competency" includes the certificates of competency for master journey level electrician, master specialty electrician, journey level, and specialty electrician.

A laboratory "certification program" is a specified set of testing, inspection, and quality assurance procedures, includ-

ing appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

A "complete application" includes the submission of all appropriate fees, documentation, and forms.

"Chapter" means chapter 296-46B WAC unless expressly used for separate reference.

"Construction," for the purposes of chapter 19.28 RCW, means electrical construction.

"Coordination (selective)" as defined in NEC 100 must be determined and documented by a professional engineer registered under chapter 18.43 RCW.

"Department" means the department of labor and industries of the state of Washington.

"Director" means the director of the department, or the director's designee.

"Egress - Unobstructed (as applied to NEC 110.26 (C)(2)(a))" means an egress path that allows a worker to travel to the exit from any other area in the room containing the equipment described in NEC 110.26 (C)(2) without having to pass through that equipment's required working space.

"Electrical equipment" includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.006 (9). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

An "electrical products certification laboratory" is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

An "electrical products evaluation laboratory" is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

"Field evaluated" means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

"Field evaluation mark" is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

A "field evaluation program" is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

The "filing" is the date the document is actually received in the office of the chief electrical inspector.

"Final judgment" means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

"Fished wiring" is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

"Household appliance" means utilization equipment installed in a dwelling unit that is built in standardized sizes or types and is installed or connected as a unit to perform one

or more household functions such as (~~cooking and other equipment~~) food preparation, cooking, and cleaning. Includes appliances typically installed in a dwelling unit kitchen, clothes (~~drying, clothes~~) washing, drying, and water heating appliances, portable room air conditioning units and portable heaters, etc. Fixed electric space-heating equipment covered in NEC 424 (furnaces, baseboard and wall heaters, electric heat cable, etc.) and fixed air-conditioning/heat pump equipment (NEC 440) are not household appliances. Household appliance does not mean any utilization equipment that:

(a) Supplies electrical power, other than Class 2, to other utilization equipment; or

(b) Receives electrical power, other than Class 2, through other utilization equipment.

HVAC/refrigeration specific definitions:

(a) "HVAC/refrigeration" means heating, ventilation, air conditioning, and refrigeration.

(b) "HVAC/refrigeration component" means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, air monitoring devices, zone control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) "HVAC/refrigeration control panel" means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) "HVAC/refrigeration control system" means a network system regulating and/or monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to the monitoring and control of a HVAC/refrigeration system(s).

(e) "HVAC/refrigeration equipment" means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) "HVAC/refrigeration system" means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, filtered, refrigerated, or conditioned air. This definition excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems).

"IBC" means the International Building Code. Copies of the IBC are available from the International Code Council.

An "individual" or "party" or "person" means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

An "installation" includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925. An installation is not the passive testing or operational programming of an electrical system, component, equipment, or wire. See "passive testing."

An "identification plate" is suitable for the environment and is a printed or etched adhesive label approved by the department or a phenolic or metallic plate or other similar material engraved in block letters at least 1/4 inch high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, permanent adhesive, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

"Job site" means a specific worksite having a single address or specific physical location (e.g., a single-family residence, a building, a structure, a marina, an individual apartment building with a specific address, etc.).

"Journey level electrician" means a person who has been issued a journey level electrician certificate of competency by the department. The terms "journey level" and "journey-person" in chapter 19.28 RCW are synonymous.

"Labeled" means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

A "laboratory" may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

A "laboratory operations control manual" is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

"License" means a license required under chapter 19.28 RCW.

"Like-in-kind" means having the same overcurrent protection requirements and similar characteristics such as voltage requirement, current draw, short circuit characteristics, and function within the system and being in the same location. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

For the purpose of WAC 296-46B-940, a "lineworker" is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineworker's apprenticeship course; or

(b) Are currently registered in a department-approved lineworker's apprenticeship course and are working under the direct one hundred percent supervision of a journey level electrician or a graduate of a lineworker's apprenticeship course approved by the department. The training received in the lineworker's apprenticeship program must include training in applicable articles of the currently adopted National Electrical Code.

"Listed" means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

"Low voltage" means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.121(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.121(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

"Member of the firm" means the member(s) on file with the department of licensing for sole proprietorships/partnerships or with the secretary of state for corporations.

"Mezzanine" is the intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. Also see "basement" and "story."

"NEC" means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

"NEMA" means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

"NESC" means National Electrical Safety Code. Copies of the NESC are available from the Institute of Electrical and Electronics Engineers, Inc.

"NETA" means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

"NFPA" means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

"NRTL" means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 C.F.R. 1910.7.

A "new building" for the purposes of RCW 19.28.261 includes the setting of a manufactured, mobile, or modular building.

"Passive testing" (e.g., pressing of test buttons, use of testing equipment like voltage testers, clamp-on meters, removal of a device head where the wiring is terminated on a separate base plate, etc.) means testing that does not require any:

(a) Physical modification to the electrical system wiring; or

(b) Wiring to be disconnected or terminated, except as necessary for an approved electrical testing laboratory or approved engineer performing an equipment evaluation.

"Point of contact" or "point of connection" means the service point.

"Proceeding" means any matter regarding an appeal before the board including hearings before an administrative law judge.

"Public area or square" is an area where the public has general, clear, and unrestricted access.

A "quality control manual" is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test

method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

"RCW" means the Revised Code of Washington. Copies of electrical RCW are available from the department and the office of the code reviser.

"Readily accessible" means the definition as defined in NEC 100. In addition, it means that, except for keys, no tools or other devices are necessary to gain access (e.g., covers secured with screws, etc.).

~~((Service specific definitions replacing those found in NEC Article 100:~~

~~(a) "Service drop" means the overhead service conductors from the service point to the connection to the service-entrance conductors at the building or other structure.~~

~~(b) "Service-entrance conductors, overhead system" means the service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop or service point.~~

~~(c) "Service-entrance conductors, underground system" means the service conductors between the terminals of the service equipment and the point of connection to the service lateral or service point. Where the service equipment is located outside the building walls, there may be no service-entrance conductors or they may be entirely outside the building.~~

~~(d) "Service lateral" means the underground service conductors from the service point to the point of connection to the service-entrance conductors in a terminal box, meter, or other enclosure. Where there is not a terminal box, meter, or other enclosure, the point of connection is the point of entrance of the service conductors into the building.~~

~~A "stand-alone amplified sound or public address system" is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.))~~

"Service" or "served" means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

A "sign," when required by the NEC, for use as an identification method (e.g., legibly marked, legible warning notice, marked, field marked, permanent plaque/directory, etc.) means "identification plate."

A "stand-alone amplified sound or public address system" is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.

"Story" is that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Next above means vertically and not necessarily directly above. Also see "basement" and "mezzanine."

"Structure," for the purposes of this chapter and in addition to the definition in the NEC, means something constructed either in the field or factory that is used or intended

for supporting or sheltering any use or occupancy as defined by the IBC.

"Supervision" for the purpose of supervising electrical trainees, means that the appropriately certified supervising electrician is on the same job site as the trainee being supervised. The trainee is not considered to be on the same job site if the supervising electrician and the trainee are working:

(a) In separate buildings at a single address (e.g., a campus, multibuilding industrial complex, multibuilding apartment complex, etc.) except for a single-family residence; or

(b) On an outdoor project (e.g., irrigation system, farm, street lighting, traffic signalization, etc.) where the trainee is more than 1000 feet from the supervising electrician or where the trainee is more than 200 feet from the supervising electrician and out of sight.

"System design review" means a set of design documents that include the manufacturer's installation information, a legible one-line diagram of the system design, and calculations used to determine voltage and current within the system. The one-line diagram must show the system equipment, devices, overcurrent protection, conductor sizing, grounding, ground fault protection if required, and any system interconnection points. The review must be available to the inspector during all inspections.

A "telecommunications local service provider" is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

"TIA/EIA" means the Telecommunications Industries Association/Electronic Industries Association which publishes the TIA/EIA Telecommunications Building Wiring Standards. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

A "training school" is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

"Under the control of a utility" for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

"UL" means Underwriters Laboratory.

"Utility" means an electrical utility.

"Utility system" means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact and is defined in section 90.2 (b)(5) of the National Electrical Code, 1981 edition (see RCW 19.28.010(1)).

"Utilization voltage" means the voltage level employed by the utility's customer for connection to lighting fixtures,

motors, heaters, or other electrically operated equipment other than power transformers.

"Variance" is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

"WAC" means the Washington Administrative Code. Copies of this chapter of the WAC are available from the department and the office of the code reviser.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-210 Wiring and protection—Branch circuits.

008(A) Dwelling units GFCI requirements.

(1) In a garage or unfinished basement, a red receptacle, with a red cover plate, supplying a fire alarm system is not required to have ground-fault circuit-interrupter protection. The receptacle must be identified for use only with the fire alarm system by an identification plate or engraved cover with letters at least 1/4 inch high.

(2) All fixed electrical equipment with exposed grounded metal parts within an enclosed shower area or within 5 feet of the top inside edge of a bathtub must have ground fault circuit interrupter protection.

008(B) Other than dwelling units - GFCI requirements.

(3) GFCI requirements. GFCI protection for personnel will not be required for:

(a) Three-phase receptacles unless specifically required elsewhere in the NEC; or

(b) Receptacles used for recreational vehicle supply equipment or for attachment of a mobile home supply cord other than 125-volt, single phase, 15- or 20-ampere receptacles.

For the purposes of NEC 210.8(B), kitchen means any area where utensils, dishes, etc., are cleaned or where food or beverages are prepared or cooked.

011 Branch circuits.

(4) A raceway system or one dedicated 15-ampere minimum, 120 volt circuit must be taken to all unfinished space areas adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. One circuit or raceway is required for each 480 square feet or less of unfinished space area. If the total adjacent unfinished space area is less than 480 square feet, the circuit can be an extension of an existing circuit. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit panelboard must have adequate space and capacity for the intended load(s).

013 Ground fault protection of equipment.

(5) Equipment ground fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's per-

formance testing instructions and a written performance acceptance test record signed by the person performing the test must be available at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

025 Common area branch circuits.

(6) For the purpose of NEC 210.25, loads for septic or water well systems that are shared by no more than two dwelling units may be supplied from either of the two dwelling units if approved by the local building official and local health department.

052 (A)(2) Dwelling unit receptacle outlets.

(7) For the purpose of NEC 210.52 (A)(2)(1), "similar openings" include the following configurations that are a permanent part of the dwelling configuration or finish:

(a) Window seating; and

(b) Bookcases or cabinets that extend from the floor to a level at least 5 feet 6 inches above the floor.

Any outlets eliminated by such window seating, bookcases, or cabinets must be installed elsewhere within the room.

052(C) Countertops.

(8) A receptacle in a wall countertop space shall be permitted to serve as the receptacle for a peninsular countertop space where the spaces are contiguous and the receptacle is located within 8 feet of the outside edge of the peninsular countertop.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-215 Wiring and protection—Feeders.

002 Minimum rating and size.

(1) For other than one- or two-family dwelling feeders rated up to 400 amperes, if the feeder conductors have a lesser ampacity than the equipment rating that they terminate in or on, an identification plate showing conductor ampacity stating: "Feeder conductor ampacity: _____" must be installed on the equipment at the load end of the feeder conductors.

005 Diagrams of feeders.

((+)) (2) Other than plan review projects, the installer must provide a one-line diagram showing the service and feeder details for the project before the initial inspection can be approved for all nondwelling services or feeders:

(a) Larger than 400 amperes; or

(b) Over 600 volts.

The diagram must be signed and dated by the project owner if the owner is doing the work, the assigned administrator or master electrician if an electrical contractor is doing the work, or stamped with an engineer's mark and signature who is registered under chapter 18.43 RCW. The diagram must show:

(c) All services including: Wire size(s), wire type(s), service size(s) (e.g., voltage, phase, ampacity), overcurrent protection, available symmetrical fault current at the service point, equipment short-circuit rating, total load before and after demand factors have been applied including any

demand factors used, and a panel schedule where multiple disconnecting devices are present; and

(d) All feeders including: Wire size(s), wire type(s), feeder size(s) (e.g., voltage, phase, ampacity), overcurrent protection, total calculated load before and after demand factors have been applied including any demand factors used, and a panel schedule(s) where multiple disconnecting devices are present.

If the installer deviates, in any way, from the service/feeder design shown on the diagram, a supplemental diagram must be supplied to the inspector showing the most recent design before inspection can proceed. Load reductions and moving branch circuit locations within a panelboard do not require a supplemental diagram. Written documentation must also be provided to the inspector that the supplemental diagram was provided to the project owner at the time of submission to the inspector.

The diagram must be available on the job site during the inspection process.

010 Ground fault protection testing.

~~((2))~~ (3) Equipment ground fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all system feeders unless the installer can demonstrate, in a manner acceptable to the inspector, that there are no grounded conductor connections to the feeder(s). A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be available at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

AMENDATORY SECTION (Amending WSR 13-03-128, filed 1/22/13, effective 3/1/13)

WAC 296-46B-225 Wiring and protection—Outside branch circuits and feeders.

019 Clearances from buildings for conductors.

(1) Add the following exception to NEC 225.19(A): Where the voltage between conductors does not exceed 300 and the roof area is guarded or isolated, a reduction in clearance to 3 feet shall be permitted.

030 Number of supplies.

~~((1))~~ (2) For the purposes of NEC 225.30(A) and this section, a building/structure that is supplied from a remote service, may be supplied by no more than six feeders originating from the service equipment and with each feeder terminating in a single disconnecting means at the building/structure. The service equipment must contain overcurrent protection appropriate to each feeder. The building disconnecting means required by NEC 225.32 must be grouped, within sight, and all be within 10' of each other.

032 Location of outside feeder disconnecting means.

~~((2))~~ (3) The disconnecting means required by NEC 225.32 must be provided to disconnect all ungrounded conductors that supply or pass through a building/structure in

accordance with the requirements of NEC 225.32 with the following exceptions.

(a) Outside location: A feeder disconnecting means, including that required by NEC 700, 701, or 702 for a generator, is considered in the building if installed on the outside of the building/structure or within sight and within fifteen feet of the building/structure. The building disconnecting means may supply only one building/structure unless the secondary building(s)/structure(s) has a separate building disconnecting means meeting the requirements of the NEC and this subsection. The disconnecting means must have an identification plate with at least one-half-inch high letters identifying:

(i) The building/structure served; and

(ii) Its function as the building/structure main disconnect(s).

(b) Inside location: The feeder disconnecting means may be installed anywhere inside a building or structure when there is a feeder disconnecting means, located elsewhere on the premises, with overcurrent protection sized for the feeder conductors.

~~((2))~~ **036 Suitable for use as service equipment.**

(4) A generator disconnecting means installed per subsection ~~((2))~~ (3)(a) or (b) of this section, is not required to be suitable for use as service equipment.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-230 Wiring and protection—Services.

001 General service requirements.

(1) The owner, the owner's agent, or the electrical contractor making the installation must consult the serving utility regarding the utility's service entrance requirements for equipment location and meter equipment requirements before installing the service and equipment. Provisions for a meter and related equipment, an attachment of a service drop, or an underground service lateral must be made at a location acceptable to the serving utility. The point of contact for a service drop must permit the clearances required by the NEC.

(2) A firewall must have a minimum two-hour rating as defined by the local building official to be considered a building separation in accordance with Article 100 NEC.

(3) The height of the center of the service meter must be as required by the serving utility. Secondary instrument transformer metering conductor(s) are not permitted in the service raceway.

028 Service or other masts.

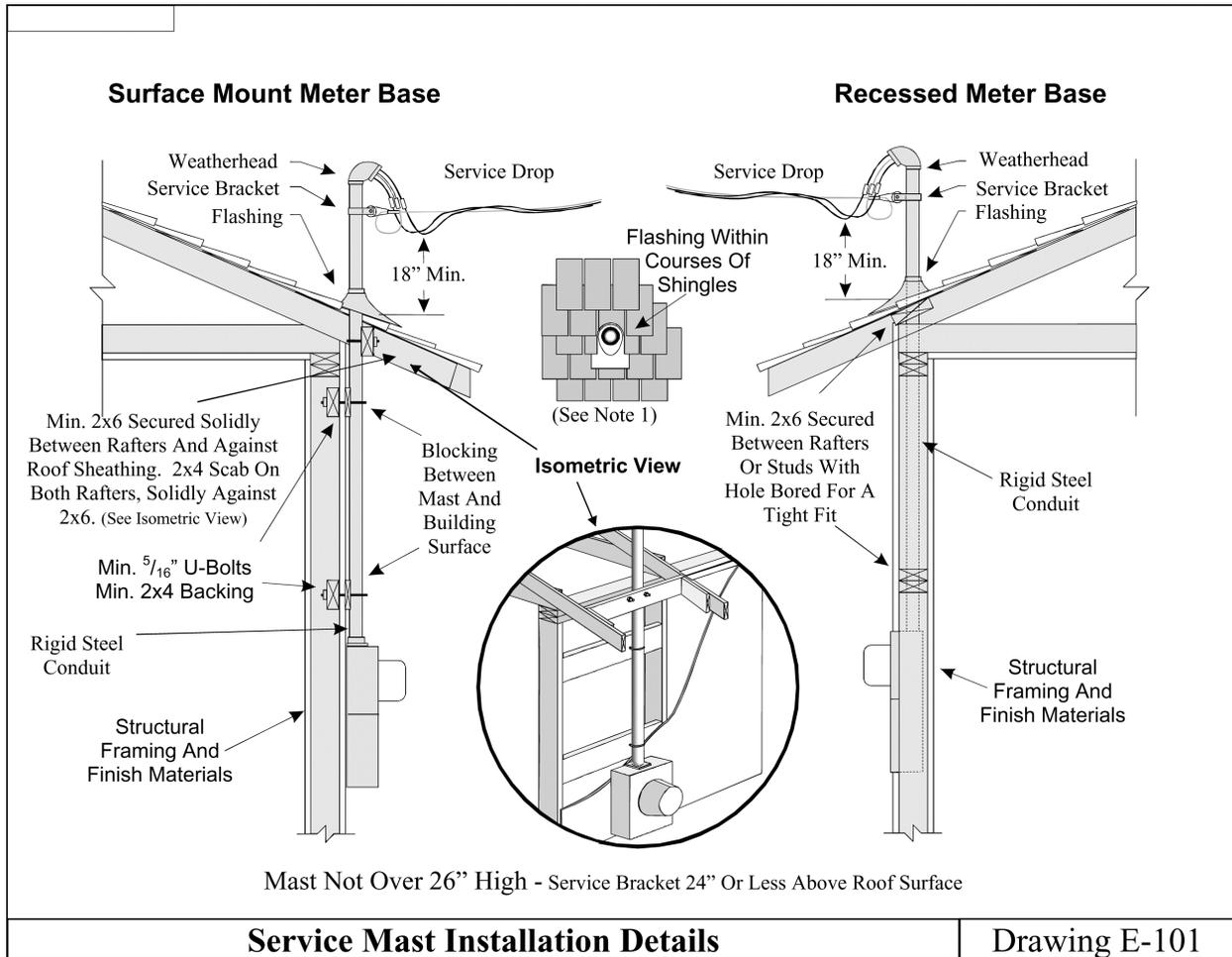
(4) Conduit extended through the roof to provide means of attaching:

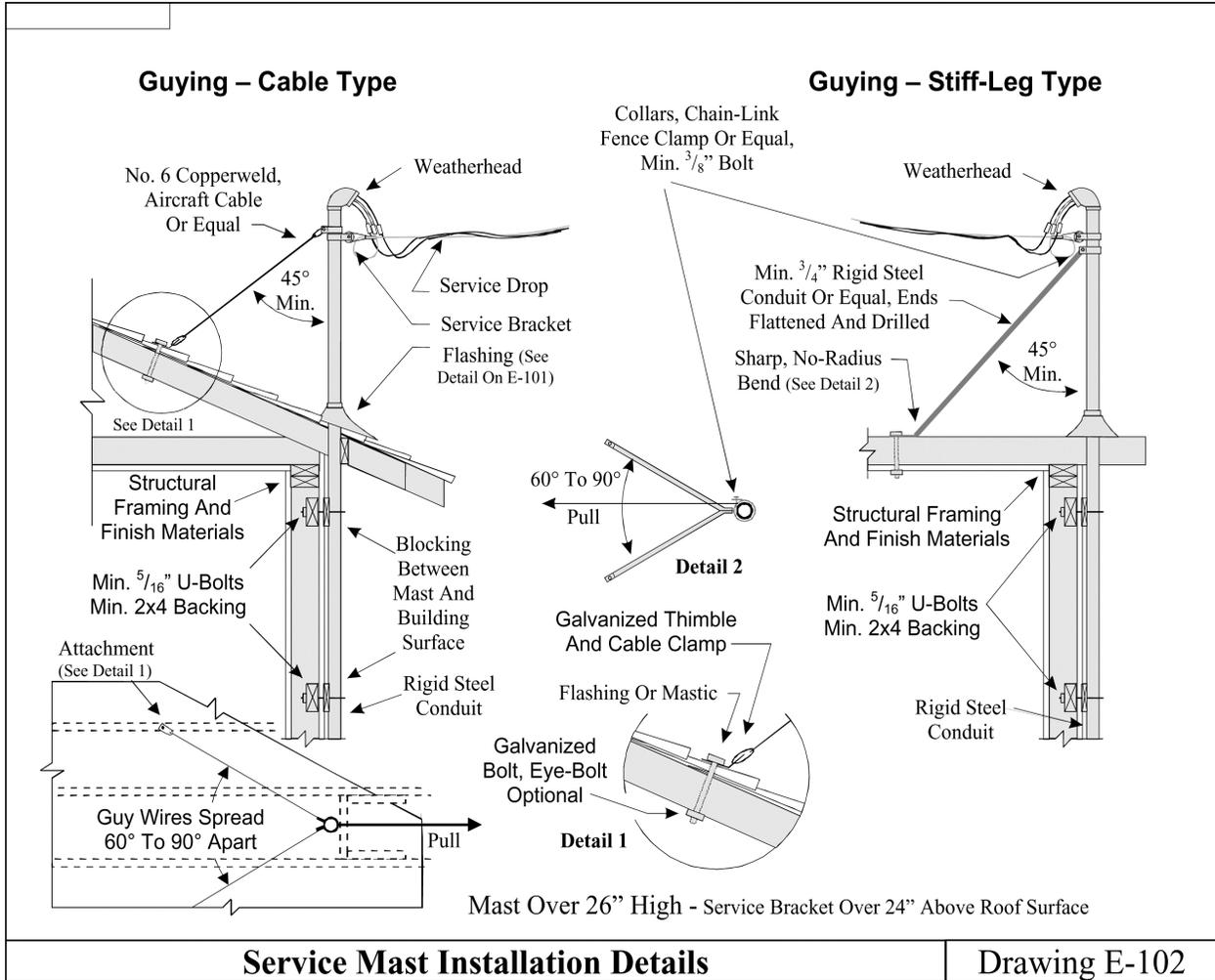
(a) All overhead drops for service, feeder, or branch circuits exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than 2 inches.

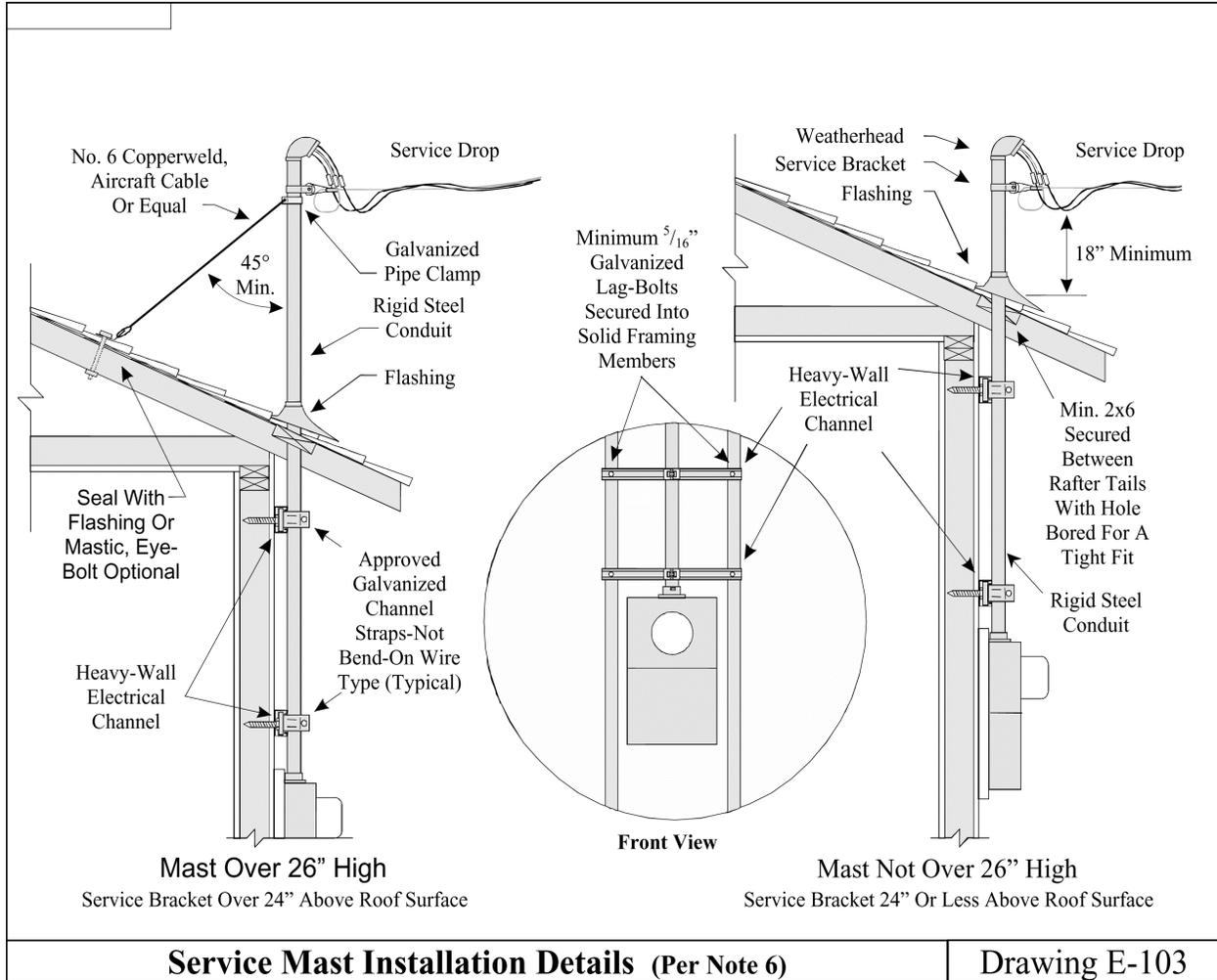
(b) All overhead drops for service, feeder or branch circuits not exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than 1 1/4 inches. The installation must comply with drawings E-101 and/or E-102, or must provide equivalent strength by other approved means. Masts for altered or relocated installations will be permitted to comply with drawing E-103.

((e) For the purposes of NEC 225.19 and 230.24, a residential patio cover, that is not over one story and not over 12 feet in height and is used only for recreation or outdoor living purposes and not as a carport, garage, storage room or habit-

able room as described in Appendix Chapter 1 in the IBC and Appendix Chapter H in the IRC, is not considered a roof. Overhead conductor spans must maintain a minimum 36 inches clearance above these covers.)







Notes to drawings E-101, E-102, and E-103

- (1) An approved roof flashing must be installed on each mast where it passes through a roof. Plastic, nonhardening mastic must be placed between lead-type flashings and the conduit. Neoprene type flashings will also be permitted to be used.
- (2) Masts must be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.
- (3) Utilization of couplings for a mast is permitted only below the point the mast is braced, secured, or supported. There must be a minimum of two means of support above any couplings used. A properly installed cable or stiff leg type support qualifies as one of the two required means of support.
- (4) Except as otherwise required by the serving utility, service mast support guys must be installed if the service drop attaches to the mast more than 24 inches above the roof line or if the service drop is greater than 100 feet in length from the pole or support. Masts for support of other than service drops must comply with this requirement as well.

- (5) Intermediate support masts must be installed in an approved manner with methods identical or equal to those required for service masts.
- (6) For altered services, where it is impractical to install U bolt mast supports due to interior walls remaining closed, it will be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material that is secured to two or more wooden studs with 5/16 inch diameter or larger galvanized lag bolts.
- (7) Conductors must extend at least 18 inches from all mast-heads to permit connection to the connecting overhead wiring.

040 Service conductors - Two-family and multiple-occupancy buildings.

(5) Two-family and multiple-occupancy buildings. A second or additional service drop or lateral to a building having more than one occupancy will be permitted to be installed at a location separate from other service drops or laterals to the building provided that all the following conditions are complied with:

(a) Each service drop or lateral must be sized in accordance with the NEC for the calculated load to be served by the conductors;

(b) Each service drop or lateral must terminate in listed metering/service equipment;

(c) Each occupant must have access to the occupant's service disconnecting means;

(d) No more than six service disconnects may be supplied from a single transformer;

(e) All service drops or laterals supplying a building must originate at the same transformer or power supply;

(f) A permanent identification plate must be placed at each service disconnect location that identifies all other service disconnect locations in or on the building, the area or units served by each, the total number of service disconnecting means on the building/structure and the area or units served. If a structure consists of multiple buildings (i.e., by virtue of fire separation), all service disconnects in or on the entire structure must be labeled to identify all service disconnects in or on the structure; and

(g) A permanent identification plate must be placed at each feeder disconnecting means identifying the area or units served if the feeder disconnecting means is remote from the area or unit served.

042 Service conductor - Size and rating.

(6) For other than one- or two-family dwelling services rated up to 400 amperes, if the service conductors have a lesser ampacity than the overcurrent protection, permitted by NEC 230.90 or NEC 310.15, or the equipment rating that they terminate in or on, an identification plate showing the ampacity of the conductors stating: "Service conductor ampacity: _____" must be installed on the service equipment.

043 Wiring methods for 1000 volts, nominal or less.

(7) The installation of service conductors not exceeding 1000 volts, nominal, within a building or structure is limited to the following methods: Galvanized or aluminum rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; minimum schedule 40 rigid polyvinyl chloride conduit; cablebus; or mineral-insulated, metal-sheathed cable (type MI).

(8) Electrical metallic tubing must not be installed as the wiring method for service entrance conductors inside a building. Existing electrical metallic tubing, installed prior to October 1984, which is properly grounded and used for service entrance conductors may be permitted to remain if the conduit is installed in a nonaccessible location and is the proper size for the installed conductors.

(9) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

070 Service equipment - Disconnecting means.

(10) ~~(In addition to the requirements of NEC 230.70(A), service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in clothes closets, toilet rooms, or shower rooms. All indoor service equipment and subpanel equipment must have adequate working space and be adequately illuminated.~~

~~((H))~~) The service disconnecting means must be installed at a readily accessible location in accordance with (a) or (b) of this subsection.

(a) Outside location: Service disconnecting means will be permitted on the building or structure or within sight and within fifteen feet of the building or structure served. The building disconnecting means may supply only one building/structure. The service disconnecting means must have an identification plate with one-half-inch high letters identifying:

(i) The building/structure served; and

(ii) Its function as the building/structure main service disconnect(s).

(b) Inside location: When the service disconnecting means is installed inside the building or structure, it must be located so that the service raceway extends no more than fifteen feet inside the building/structure.

095 Ground-fault protection of equipment.

~~((I2))~~ (11) Equipment ground-fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all service voltage feeders unless the installer can demonstrate, in a manner acceptable to the department, that there are no grounded conductor connections to the feeder(s). A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be available for the inspector at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

200 Wiring methods exceeding 1000 volts.

~~((I3))~~ (12) The installation of service conductors exceeding 1000 volts, nominal, within a building or structure must be limited to the following methods: Galvanized rigid metal conduit, galvanized intermediate metal conduit, schedule 80 polyvinyl chloride conduit, metal-clad cable that is exposed for its entire length, cablebus, or busways.

~~((H4))~~ (13) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-250 Wiring and protection—Grounding and bonding.

028 (D)(3) Separately derived system with more than one enclosure.

(1) NEC 250.28 (D)(3) is amended to read: Where a separately derived system supplies more than a single enclosure, the system bonding jumper for each enclosure shall be sized in accordance with 250.28 (D)(1) based on the largest ungrounded feeder/tap conductor serving that enclosure, or a single system bonding jumper shall be installed at the source and sized in accordance with 250.28 (D)(1) based on the equivalent size of the largest supply conductor determined by

the largest sum of the areas of the corresponding conductors of each set.

052 Grounding electrodes.

(2) Except for mobile/manufactured homes, a concrete encased grounding electrode must be installed and used at each new building or structure that is built upon a permanent concrete foundation. The electrode must comply, with NEC 250.52 (A)(3). Inspection of the electrode may be accomplished by the following methods:

(a) At the time of inspection of other work on the project, providing the concrete encased electrode is accessible for a visual inspection;

(b) At the time of the service inspection providing the installer has provided a method so the inspector can verify the continuity of the electrode conductor along its entire length, with a minimum 20 foot linear span between testing points (e.g., attaching a length of copper wire to one end of the electrode that reaches the location of the grounding electrode conductor that will enable the inspector to measure the resistance with a standard resistance tester). The concrete encased electrode does not have to be accessible for a visual inspection; or

(c) Other method when prior approval, on a job site basis, is given by the inspector.

If a special inspection trip is required to inspect a grounding electrode conductor, a trip fee will be charged for that inspection in addition to the normal permit fee.

Exception: If the concrete encased grounding electrode is not available for connection, a ground ring must be installed per NEC 250 or other grounding electrode installed per NEC 250 verified to measure 25 ohms or less to ground. Resistance verification testing must be performed by an independent firm having qualified personnel and proper equipment. A copy of the testing procedures used and a written resistance test record signed by the person performing the test must be available at the time of inspection. The resistance test record must include test details including, but not limited to, the type of test equipment used, the last calibration date of the test equipment, and all measurements taken during the test.

053 (A)(2) Resistance of rod, pipe, and plate electrodes.

(3) For rod, pipe, and plate electrodes other than those installed in accordance with the exception in subsection (2) of this section, if a ground resistance test is not performed to ensure a resistance to ground of 25 ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of 6 feet apart. A temporary construction service is not required to have more than one made electrode.

(4) For services only, when multiple buildings or structures are located adjacent, but structurally separate from each other, any installed rod, pipe, or plate electrodes used for those services must be installed so that each building's or structure's electrodes are not less than 6 feet apart from the adjacent building's or structure's electrodes.

064 Grounding electrode conductor installation - Physical protection.

(5) Grounding electrode conductors will be considered to be not exposed to physical damage when the conductor(s) are:

(a) Buried more than 12 inches deep in the earth outside the building's footprint;

(b) Encased or covered by 2 inches of concrete or asphalt;

(c) Located inside the building footprint and protected by the building's structural elements or when inside and determined, by the inspector, to not be subject to physical damage; or

(d) Enclosed by a metal or nonmetallic raceway or enclosure. The raceway or enclosure must be approved to protect from severe physical damage if it is not protected by appropriate physical barriers from contact with vehicles, lawn mowers, and other equipment that might damage the conductor or enclosure.

068 Accessibility.

(6) The termination point of a grounding electrode conductor tap to the grounding electrode conductor must be accessible unless the connection is made using an exothermic or irreversible compression connection.

090 Bonding.

(7) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

(8) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

104(B) Bonding - Other metal piping.

(9) For flexible metal gas piping, installed new or extended from an existing rigid metal piping system, either:

(a) Provide a copy of the manufacturer's bonding instructions to the inspector at the time of inspection and follow those instructions; or

(b) The bonding conductor for the gas system must:

(i) Be a minimum 6 AWG copper; and

(ii) Terminate at:

(A) An accessible location at the gas meter end of the gas piping system on either a solid iron gas pipe or a cast flexible gas piping fitting using a listed grounding connector; and

(B) Either the service equipment enclosure, service grounding electrode conductor or electrode, or neutral conductor bus in the service enclosure.

184 Solidly grounded neutral systems over 1000 volts.

(10) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

- A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2011 NETA maintenance test specifications; and
- A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

NEW SECTION

WAC 296-46B-408 Equipment for general use—Switchboards, switchgear, and panelboards. In addition to the requirements of NEC 230.70(A), service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in clothes closets, toilet rooms, or shower rooms.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-410 Equipment for general use—Luminaires.

010 Luminaires.

(1) All luminaires within an enclosed shower area or within five feet of the waterline of a bathtub must be enclosed, unless specifically listed for such use; these luminaires, with exposed metal parts that are grounded, must be ground fault circuit interrupter protected.

042 Exposed luminaire (fixture) parts.

(2) Replacement luminaires that are directly wired or attached to boxes supplied by wiring methods that do not provide a ready means for grounding and that have exposed conductive parts will be permitted only where the luminaires are provided with ground-fault circuit-interrupter protection and marked "no equipment ground."

056 Protection of conductors and insulation.

(3) Requirements for stranded conductors in NEC 410.56(E) do not apply to branch-circuit conductors.

062 Flexible cord connection of electric discharge luminaires.

~~((3))~~ (4) A ground-type attachment plug cap and receptacle connection at the source junction box is not required when the flexible cord complies with NEC 410.62 and the following:

(a) Connection to a source junction box must utilize an approved cable connector or clamp;

(b) The maximum length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device above the pendant luminaire must not exceed 6 feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;

(f) The flexible cord must be hard or extra hard usage; and

(g) A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

AMENDATORY SECTION (Amending WSR 08-24-048, filed 11/25/08, effective 12/31/08)

WAC 296-46B-430 Motors, motor circuits, and controllers.

007 Marking on motors and multimotor equipment.

Except as required by the National Electrical Code, there is no requirement for motors to be identified for use or listed/field evaluated by a laboratory. All motors must be manufactured according to National Electrical Manufacturer's Association (NEMA), or International Electrotechnical Commission (IEC) standards for motors except motors that:

(1) Are a component part of equipment listed or field evaluated by a laboratory; or

(2) Are a component part of industrial utilization equipment approved by the department per WAC 296-46B-903.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-440 Air conditioning and refrigerating equipment.

014 Disconnecting means.

In one- and two-family dwelling units, a disconnecting means is required for the indoor unit(s) of a split system HVAC/R system, unless the outside unit's disconnecting means is lockable, disconnects the indoor ~~unit(s)~~ unit(s), identifies the location of all indoor units, and an indoor disconnecting means is not required by the manufacturer.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

WAC 296-46B-501 Special occupancies NEC Class I locations.

001 Sewage disposal systems.

(1) Pumping chambers for sewage, effluent, or grinder pumps in on-site and septic tank effluent pump (S.T.E.P.) disposal systems will be considered unclassified when not more than five residential units are connected to the system, residential units are connected to a utility sewage system, or when nonresidential systems have residential loading characteristics and all of the following general installations requirements are complied with:

(a) The pumping chamber must be adequately vented. Venting may be accomplished through the building or structure plumbing vents where the system venting has been approved by the local jurisdiction authority or by a direct two-inch minimum vent to the atmosphere;

(b) Equipment that in normal operation may cause an arc or spark must not be installed in any pumping chamber;

(c) Float switches installed in a pumping chamber must be hermetically sealed to prevent the entrance of gases or vapors;

(d) Junction boxes, conduits and fittings installed in the septic atmosphere must be of a noncorrosive type, installed to prevent the entrance of gases or vapors;

(e) Where a conduit system is installed between the pumping chamber and the control panel, motor disconnect, or power source, an approved sealing method must be installed to prevent the migration of gases or vapors from the pumping chamber, and must remain accessible; and

(f) Wire splices in junction boxes installed in pumping chambers must be suitable for wet locations.

(2) Residential wastewater loading characteristics in a nonresidential installation:

(a) For systems that process less than three thousand five hundred gallons of wastewater per day may be certified by:

(i) An on-site wastewater designer licensed under chapter 18.210 RCW; or

(ii) A professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

(b) For systems that process three thousand five hundred gallons or more of wastewater per day may be certified by a professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

Written documentation must be signed and stamped by the designer or engineer and provided to the electrical inspector prior to inspection.

(3) Any residential or nonresidential system that has building or structure floor drains being discharged into the system is classified as Class I Division 1. Drains from any commercially made tub, shower, basin, sink, or toilet are not considered floor drains.

(4) Pumping chamber access covers can be covered by gravel, light aggregate, or noncohesive granulated soil, and must be accessible for excavation. Access covers that are buried must have their exact location identified at the electrical

panel or other prominent location by an identification plate. The authority having jurisdiction for performing electrical inspections must approve the identification plate location.

(5) Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not required to meet the requirements of this section, except for the venting requirements in subsection (1)(a) of this section. Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not classified systems as described in Article 500 NEC.

(6) Secondary treatment effluent pumping chambers such as sand filters are unclassified, and require no special wiring methods.

(7) Inspection approval is required prior to covering or concealing any portion of the septic electrical system, including the pump. New septic and effluent tanks containing electrical wires and equipment must be inspected and approved prior to being loaded with sewage.

(8) On-site sewage disposal systems using pumps must have audible and visual alarms designed to alert the resident of a malfunction. The alarm must be placed on a circuit independent of the pump circuit.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-514 Special occupancies—Motor fuel dispensing facilities.

001 General.

(1) In addition to the scope included in NEC 514.1, Article 514 NEC must be complied with for all liquefied flammable gas storage or transfer facilities.

003 Classifications of locations.

(2) For the purposes of NEC 514.3 (D)(2), delete Exception No. 1 and No. 2 and replace with:

Dock, pier, or wharf sections that do not support fuel dispensers and may abut a section(s) that supports a fuel dispenser(s) are permitted to be unclassified where documented air space between the sections is provided and where flammable liquids or vapors cannot travel to these sections. See NEC 500.4(A) for documentation requirements.

011 Emergency disconnecting means - Dispensing and service stations.

(3) An emergency disconnecting means or operator must be provided to disconnect the pump or dispensing equipment serving gasoline, volatile flammable liquids, or liquefied flammable gases. The emergency disconnecting means or operator must disconnect all conductors of the circuit supplying all station dispensers and/or pumps (including the grounded conductor) simultaneously from the source(s) of supply.

(4) For installations with only one dispensing device, the emergency disconnecting means/operator may be used to satisfy subsection (3) of this section.

(5) For multicircuit installations, an electrically held normally open contactor operated by a push-button may serve as the disconnecting means to satisfy subsection (3) of this section. If a disconnecting pushbutton is used, the pushbutton may not function as the resetting mechanism for the electrically held contactor. The resetting means must be:

- (a) Located at least 15 feet or out of sight from the disconnecting pushbutton;
- (b) Installed behind a cover or guard; and
- (c) Identified with an identification plate that is substantially black in color.

(6) The disconnecting means satisfying subsection (3) of this section must be labeled with an identification plate, with letters at least 1 inch high, as the emergency disconnecting means. The disconnecting means or operator must be

- ~~(a)) substantially red in color(;~~ and
- ~~(b) For attended facilities—Must be readily accessible and must be located outdoors and within sight of the pump or dispensing equipment it controls; or~~
- ~~(c) For unattended facilities—Must be readily accessible and must be located within sight, but at least 20 feet from the pump or dispensing equipment it controls).~~

013 Maintenance and service of dispensing equipment.

(7) The means to remove all external voltage sources for maintenance and service of dispensing equipment required by NEC 514.13 must be capable of isolating each dispenser individually from all external voltage sources including the grounded conductor, while all other dispensers remain operational.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-600 Special equipment—Electric signs and outline lighting.

001 Electrical signs - General.

(1) All electrical signs and outline lighting, regardless of voltage, must be listed or field evaluated by a testing laboratory accredited by the department to the applicable ANSI UL Standard. Installations will be inspected for compliance with installation instructions and the NEC.

(2) Luminaires in outdoor awnings must be suitable for wet locations and be connected by a wiring method suitable for wet locations.

(3) Fluorescent luminaires must be located at least 6 inches from the awning fabric. Incandescent lamps or luminaires must be located at least 18 inches from the awning fabric. A disconnecting means must be installed per Article 600 NEC.

(4) Listed awning signs must be installed in compliance with the manufacturer's instructions and the NEC.

(5) Retrofitting signs. When listed signs or listed outline lighting are retrofitted to an LED light source, a licensed (01) general electrical contractor or (04) sign contractor using properly certified individuals or properly supervised trainees may make the retrofit in place so long as all the retrofit components and retrofit kit are listed and installation instructions applicable to the sign for making the retrofit are available for the inspector's use at the time of the inspection and physical access is provided to allow the inspector access to all components of the retrofit kit.

004 Markings.

(6) In addition to the markings required by the NEC, retrofit signs and outline lighting shall be marked with a label, made of a background color contrasting to the listed product,

in a location visible during servicing near the listed retrofit subassembly that states, "This equipment contains a retrofit subassembly that may present a risk of electrical hazard. Replace parts only with same type and rating." The label's font must be Arial size 16 bold. This label may be an identification plate as described in WAC 296-46B-100 or an adhesive label approved by the electrical inspector. This label is in addition to any labeling required by the manufacturer's instructions or the UL Standard used to manufacture the retrofit kit.

007 Grounding and bonding.

(7) Remote metal parts of a section sign or outline lighting system only supplied by a remote Class 2 power supply that is listed or is a recognized component in a listed section sign or outline lighting is not required to be bonded to an equipment grounding conductor.

010 Portable or mobile outdoor electrical signs.

(8) A GFCI receptacle outlet that is weatherproof with the supply cord connected must be installed within 6 feet of each portable or mobile electrical sign.

(9) Extension cords are not permitted to supply portable outdoor signs.

(10) All portable outdoor electrical signs must be listed by a qualified electrical testing laboratory accredited by the department.

030 Neon tubing.

(11) NEC 600, Part II, Field-Installed Skeleton Tubing, will apply to the installation of all neon tubing and neon circuit conductors.

(12) Field-installed skeleton tubing is not required to be listed. Installations will be inspected for compliance with installation instructions and the NEC.

NEW SECTION

WAC 296-46B-620 Special equipment—Elevators.

051 Disconnecting means.

In accordance with WAC 296-96-02460, elevator section:

(1) The main line disconnect(s) must be located per NFPA 70, Article 620.51(C) and:

(a) Inside the machine room door on the strike side of the machine or control room door;

(b) Not more than twenty-four inches from the door to the operating handle; and

(c) Be at a height not less than thirty-six inches nor more than sixty-six inches above the finish floor as measured centerline to the disconnect handle.

(2) For multicar machine rooms the switches shall be grouped together as close as possible to that location.

(3) For machine rooms with double swing doors, the doors must swing out and the switch(es) shall be located on the wall adjacent to the hinge side of the active door panel.

(4) Shunt-trip breakers, where provided shall be located in the elevator machine room or control room.

(5) Where shunt-trip breakers are also being used as a main line disconnect, they shall comply with subsections (1) through (3) of this section.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-690 Solar photovoltaic systems.

002 Definitions.

(1) Building integrated means: Photovoltaic cells, modules, panels, or arrays that are integrated into the outer surface or structure of a building and serve as the outer protective surface of that building, such as the roof, skylights, windows, or facades.

004 Installation.

(2) Support structure or foundation. For the purposes of this section, those portions of the structure support or foundation that are exclusively mechanical and are not part of a bonding or grounding path will not be considered part of the photovoltaic system as defined by this section. Such structural support or foundation may be done by the owner, registered general contractor, or licensed electrical contractor without electrical permit or inspection.

(3) A photovoltaic system design review must be available at the time of the first inspection.

(4) The entity placing a building integrated cell, module, panel, or array is not subject to the requirements for electrical inspection, licensing, or certification so long as the work is limited to the placement and securing of the device and an electrical work permit has been previously obtained for the electrical work related to the equipment by an entity authorized to do that electrical work.

(5) All electrical work, including wiring installation, terminations, etc., necessary to complete the electrical installations must be completed by the entity authorized to do the electrical work (i.e., owner or appropriate electrical contractor).

007 Maximum voltage.

(6) The open-circuit voltage temperature coefficients supplied in the instructions of listed photovoltaic modules will be used to determine the maximum direct current photovoltaic system voltage. Otherwise the voltage will be calculated using Table 690.7 of the NEC. For the purposes of this calculation, a temperature correction factor of 1.25 will be used unless another factor can be justified and is approved by the authority having jurisdiction.

~~**(053 Direct current photovoltaic power sources.**~~

~~(7) All photovoltaic equipment and disconnecting means must be permanently identified as to their purpose, maximum voltages, and type of current within the system with an identification plate. All photovoltaic circuits must be identified at each overcurrent protection device(s) and panel directory(ies).)~~

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-700 Emergency systems.

001 Emergency systems - General.

(1) In all health or personal care facilities defined in this chapter, educational facilities, institutional facilities, hotels, motels, and places of assembly for one hundred or more persons, all exit and emergency lights must be installed in accordance with Article 700 NEC and located as required in stan-

dards adopted by the state building code council under chapter 19.27 RCW.

007 Signs.

(2) The sign(s) required in NEC 700.7 must be placed at the service disconnecting means and the meter base if the service disconnecting means and meter base are not located within sight and within 5 feet of each other.

~~**(009) 010 Emergency systems - Equipment identification.**~~

(3) All exit and emergency lights, whether or not required by the NEC, must be installed in accordance with Article 700 NEC.

(4) All boxes and enclosures, for Article 700 NEC systems, larger than 6 inches by 6 inches, including transfer switches, generators, and power panels for emergency systems and circuits must be permanently identified with an identification plate that is substantially orange in color, except in existing health care facilities the existing nameplate identification color scheme can be retained for transfer switches, generators, and power panels for existing emergency systems that are not being replaced or modified. All other device and junction boxes for emergency systems and circuits must be substantially orange in color, both inside and outside.

032 Coordination.

(5) The requirements for selective coordination described in NEC 700.32 are not required where the emergency system was installed prior to June 1, 2006. For new emergency systems that are supplied from an existing emergency system installed prior to June 1, 2006, the new portion of the emergency system must comply with NEC 700.32. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other overcurrent protective devices.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-705 Interconnected electric power production sources.

(1) For utility interactive systems, any person making interconnections between a power production source and the utility distribution network must consult the serving utility and is required to meet all additional utility standards.

031 Location of overcurrent protection.

(2) In addition to the requirements of NEC 705.31, electric power production source conductors connected to the supply side of the service disconnecting means must be installed using wiring methods specified for service conductors in WAC 296-46B-230(7). The disconnecting means providing overcurrent protection for the electric power production source conductors is not required to be grouped with the service disconnecting means for the building or structure. Grounding and bonding must be in accordance with all applicable requirements for an additional service disconnect.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-900 Electrical plan review.

Definition of occupancies.

(1) Occupancies are defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention or correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental, or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Enhanced service facility (ESF)" means a facility, or a portion of a facility, that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the depart-

ment to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues. For the purposes of this chapter, an enhanced services facility is not an evaluation and treatment facility certified under chapter 71.05 RCW.

(v) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, or operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, or other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association, or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital.

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, or operated specifically to provide beds, accommodations, facilities, or services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, or rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC: Ambulatory Health Care Occupancy.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review is not required.

(xiii) "Residential treatment facility" means a facility licensed and operated twenty-four hours per day to provide

health care to persons receiving services for a mental disorder or substance abuse.

(xiv) "Group care facility" means a facility other than a foster-family home maintained or operated for the care of a group of children on a twenty-four-hour basis.

Plan review for educational, institutional, or health care facilities/buildings.

(2) Plan review is a part of the electrical inspection process; its primary purpose is to determine:

(a) That service/feeder conductors are calculated and sized according to the proper NEC or WAC article or section;

(b) The classification of hazardous locations; and

(c) The proper design of emergency and standby systems.

(3) Electrical plan review.

(a) Electrical plan review is not required for:

(i) Low voltage systems;

(ii) Lighting specific projects that do not result in an electrical load (~~(reduction on each)~~) increase on any feeder involved in the project;

(iii) Heating and cooling specific retrofit projects that do not result in an electrical load (~~(reduction on each)~~) increase on any existing feeder involved in the project, provided there is not a corresponding increase in the available fault current in any feeder.

(iv) Stand-alone utility fed services that do not exceed 250 volts, 400 amperes where the project's distribution system does not include:

(A) Emergency systems other than listed unit equipment per NEC 700.12(F);

(B) An essential electrical system defined in NEC 517.2; or

(C) A required fire pump system.

(v) Modifications to existing electrical installations where all of the following conditions are met:

(A) Service or distribution equipment involved is rated not more than 400 amperes and does not exceed 250 volts or for lighting circuits not exceeding 277 volts to ground;

(B) Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);

(C) Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and

(D) Service or feeder loads (~~(calculations)~~) are not increased by (~~(5% or less)~~) more than 5% of the rated capacity of the electrical equipment supplying the modified load(s).

(vi) Electric power production source(s) such as solar photovoltaic, fuel cell, or wind electric system(s) with a total rating of 9600 watts or less.

(vii) For installations in (a)(ii), (iii), and (v) of this subsection to be considered, the following must be available to the electrical inspector before the work is initiated:

(A) A clear and adequate description of the project's scope;

(B) A load calculation(s);

(C) What the load changes are, providing both before and after panel schedules as needed; and

(D) Provide information showing that the service and feeder(s) supplying the panel(s) where the work is taking

place has adequate capacity for any increased load and has code compliant overcurrent protection for that supply.

(b) Electrical plan review is required for all other new or altered electrical projects in educational, institutional, or health care occupancies defined in this chapter.

(c) If a review is required, the electrical plan must be submitted for review and approval before the electrical work is begun.

(d) Electrical plans.

(i) The plan must be submitted for plan review prior to beginning any electrical inspection. If a plan is rejected during the plan review process, no electrical inspection(s) may proceed until the plan is resubmitted and a conditional acceptance is granted.

(ii) The submitted plan will receive a preliminary review within seven business days after receipt by the department or city authorized to do electrical inspections.

(iii) If the submitted plan:

(A) Is rejected at the preliminary review, no inspection(s) will be made on the project.

(B) Receives conditional acceptance, the permit holder may request a preliminary inspection(s) in writing to the department or city authorized to do electrical inspections. The request must note that the preliminary inspection(s) is conditional and subject to any alterations required from the final plan review process.

(iv) Once the submitted plan has preliminary plan review approval, a copy of the submitted plan must be available on the job site for use by the electrical inspector.

(v) The final approved plan must be available on the job site, for use by the electrical inspector, after it is approved, but no later than prior to the final electrical inspection.

(vi) If the final approved plan requires changes from the conditionally accepted plan, alterations to the project may be required to make the project comply with the approved plan.

(vii) If the installer deviates from the service/feeder design shown on the final approved plan, a supplemental plan must be submitted for review before inspection can proceed. Load reductions or moving branch circuit locations within a panelboard do not require resubmission.

(e) All electrical plans for educational facilities, hospitals, and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW, and chapters 246-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(f) Refer plans for review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460 or the city authorized to do electrical inspections.

(g) Plans for projects within cities that perform electrical inspections must be submitted to that city for review.

(h) Plans to be reviewed must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include all switchboard and panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation, and interrupting rating of equipment. Where existing

electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department or city authorized to do electrical inspections. Fees must be calculated based on the date the plans are received by the department or city authorized to do electrical inspections.

(i) The department may perform the plan review for new or altered electrical installations of other types of construction when the owner or electrical contractor makes a voluntary request for review. A city authorized to do electrical inspections may require a plan review of any electrical system.

(j) For existing structures where additions or alterations to feeders and services are proposed, NEC 220.87(1) may be used. If NEC 220.87(1) is used, the following is required:

(i) The date of the measurements.

(ii) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(iii) A diagram of the electrical system identifying the point(s) of measurement.

(iv) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with the demand peak clearly identified. Demand peak is defined as the maximum average demand over a fifteen-minute interval.

Notes to Tables 900-1 and 900-2.
1. A city authorized to do electrical inspections may require plan review on facility types not reviewed by the department.

**Table 900-1
Health or Personal Care Facilities**

Health or Personal Care Facility Type	Plan Review Required
Hospital	Yes
Nursing home unit or long-term care unit	Yes
Boarding home	Yes
Assisted living facility	Yes
Private alcoholism hospital	Yes
Private psychiatric hospital	Yes
Maternity home	Yes
Ambulatory surgery facility	Yes
Renal hemodialysis clinic	Yes
Residential treatment facility	Yes
Enhanced service facility	Yes
Adult residential rehabilitation center	Yes

**Table 900-2
Educational and Institutional Facilities,
Places of Assembly, or Other Facilities**

Educational, Institutional, or Other Facility Types	Plan Review Required
Educational	Yes
Institutional	Yes

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-901 General—Electrical work permits and fees.

General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is obtained and posted per subsection (5) of this section;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions are provided for the inspectors' use.

(2) Except as allowed for annual permits and two-family dwellings, an electrical work permit is valid for only one specific job site address.

Permit - Responsibility for.

(3) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed solely by that entity. When the original purchaser is replaced, another entity may request, in writing, written approval from the chief electrical inspector to take responsibility for the work of the original installing entity under the original permit. If permission is not granted the entity must obtain a new permit for the remaining work.

Two or more entities may never work under the same permit. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department or city that is authorized to do electrical inspections.

(4) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(5) Except as allowed for Class B permits, where an electrical work permit is required, the work permit must be obtained and posted at the job site or the electrical work permit number must be conspicuously posted and identified as the electrical work permit number on or adjacent to the electrical service or feeder panel supplying power to the work prior to beginning any electrical work and at all times until the electrical inspection process is completed.

Exceptions:

(a) For an owner, an electrical work permit for emergency like-in-kind repairs to an existing electrical system(s) must be obtained no later than the next business day after the work is begun.

(b) For an electrical contractor, in a city's jurisdiction where the city is authorized to do electrical inspections and does not have a provisional permit system, an electrical work permit for emergency like-in-kind repairs to an existing electrical system(s) must be obtained and posted, per the city's requirements at the job site no later than the next business day after the work is begun.

(6) Fees must be paid in accordance with the inspection fee schedule in Part C of this chapter. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review. In a city where the department is doing inspections as the city's contractor, a supplemental fee may apply.

Permit - Requirements for.

(7) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems or equipment except for:

(a) Travel trailers;

(b) Class A basic electrical work which includes:

(i) The **like-in-kind replacement** of lamps; a single set of fuses; a single battery smaller than 150 amp hour; contactors, relays, timers, starters, circuit boards, or similar control components; one household appliance; circuit breakers; single-family residential luminaires; a maximum of five snap switches, dimmers, receptacle outlets, thermostats, heating elements, luminaire ballasts or drivers/power supplies for single LED luminaires with an exact same ballast or driver/power supply; component(s) of electric signs, outline lighting, or skeleton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; one ten horsepower or smaller motor.

For the purposes of this section, "circuit breaker" means a circuit breaker that is used to provide overcurrent protection only for a branch circuit, as defined in NEC 100.

(ii) Induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices;

(iii) Heat cable repair; and

(iv) Embedding premanufactured heat mats in tile grout where the mat is listed by an approved testing laboratory and comes from the manufacturer with preconnected lead-in conductors. All listing marks and lead-in conductor labels must be left intact and visible for evaluation and inspection by the installing electrician and the electrical inspector.

(v) The disconnection of electrical circuits from their overcurrent protection device for the specific purpose of removing the electrical wiring or equipment for disposal.

Unless specifically noted, the exemptions listed do not include: The replacement of an equipment unit, assembly, or enclosure that contains an exempted component or combination of components (e.g., an electrical furnace/heat pump, industrial milling machine, etc.) or any appliance/equipment described in this section for Class B permits.

In the department's jurisdiction, a provisional electrical work permit label may be posted in lieu of an electrical work permit. If a provisional electrical work permit label is used, an electrical work permit must be obtained within two working days after posting the provisional electrical work permit label. See WAC 296-46B-907(2) for provisional label requirements.

(c) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

(i) Low-voltage thermocouple derived circuits;

(ii) Low-voltage circuits for residential garage doors and built-in ((residential)) vacuum systems;

(iii) Low-voltage circuits for underground: Landscape sprinkler systems(;

~~(iv) Low voltage circuits for underground landscape lighting; and~~

~~(v) Low-voltage circuits for residential garage doors)),~~ landscape lighting, and antennas for wireless animal containment fences.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(A) The power supplying the installation must be derived from a listed Class 2 power supply;

(B) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(C) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(D) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than

six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Inspection and approval.

(9) Requests for inspections.

(a) Requests for inspections must be made no later than three working days after an entity completes its electrical/telecommunications installation or one working day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours, weekend inspections, or temporary installations that will be energized for less than 48 hours must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(10) Inspections will not be made until all permit fees are paid in full.

Permit - Duration/refunds.

(11) Electrical work permits will expire one year after the date of purchase unless permission is granted by the chief electrical inspector or when the permit is closed or completed by the inspector. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permit fee items, within the department's jurisdiction, where the electrical installation has begun or an inspection requested for that work; or

(c) The first twenty-five dollars of each permit purchase - Application fee.

All refund requests must be made using the Request for Refund application form.

Permit - Annual telecommunications.

(12) The chief electrical inspector or city that is authorized to do electrical inspections can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit. Upon request, the chief electrical inspector may allow the annual permit to be used for multiple worksites or addresses.

Permit - Annual electrical.

(13) The chief electrical inspector or city that is authorized to do electrical inspections can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Upon request, the chief electrical inspector may allow the annual permit to be used for multiple worksites or addresses.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a plant or building location. This type of permit does not include new or increased service or new square footage.

Permit - Temporary construction project installations.

(14) For temporary electrical installations, the department will consider a permit applicant to be the owner per RCW 19.28.261 under the conditions below:

Any person, firm, partnership, corporation, or other entity registered as a general contractor under chapter 18.27 RCW will be permitted to install a single electrical service per address for the purposes of temporary power during the construction phase of a project, when all of the following conditions are met:

(a) The installation is limited to the mounting and bracing of a preassembled pole or pedestal mounted service, the installation of a ground rod or ground plate, and the connection of the grounding electrode conductor to the ground rod or plate;

(b) The total service size does not exceed 200 amperes, 250 volts nominal;

(c) The service supplies no feeders;

(d) Branch circuits not exceeding 50 amperes each are permitted, provided such branch circuits supply only recepta-

cles that are either part of the service equipment or are mounted on the same pole;

(e) The general contractor owns the electrical equipment;

(f) The general contractor has been hired by the property owner as the general contractor for the project;

(g) The general contractor must purchase an electrical work permit for the temporary service, request inspection, and obtain approval prior to energizing the service.

Posting of corrections.

(15) Electrical installations found to be not in compliance with approved standards must be corrected within fifteen calendar days of notification by the department as required in RCW 19.28.101(3). The notifications will be posted electronically on the electrical permit inspection results. A printed copy of the correction notification will be posted by the inspector at the job site for permits not purchased electronically.

AMENDATORY SECTION (Amending WSR 16-23-139, filed 11/22/16, effective 1/1/17)

WAC 296-46B-906 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) **Residential.**

(a) **Single- and two-family residential (New Construction).**

Notes:

- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
- (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
- (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
- (4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$94.20
Each additional 500 sq. ft. or portion of	\$30.10
(ii) Each outbuilding or detached garage - Inspected at the same time as a dwelling unit on the property	\$39.20
(iii) Each outbuilding or detached garage - Inspected separately	\$62.00
(iv) Each swimming pool - Inspected with the service	\$62.00
(v) Each swimming pool - Inspected separately	\$94.20
(vi) Each hot tub, spa, or sauna - Inspected with the service	\$39.20
(vii) Each hot tub, spa, or sauna - Inspected separately	\$62.00
(viii) Each septic pumping system - Inspected with the service	\$39.20
(ix) Each septic pumping system - Inspected separately	\$62.00

(b) **Multifamily residential and miscellaneous residential structures, services and feeders (New Construction).**

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$101.60	\$30.10
201 to 400	\$126.30	\$62.00
401 to 600	\$173.50	\$86.30
601 to 800	\$222.70	\$118.60
801 and over	\$317.60	\$238.20

(c) **Single or multifamily altered services or feeders including circuits.**

(i) Each altered service and/or altered feeder

Ampacity	Service/Feeder
0 to 200	\$86.30
201 to 600	\$126.30
601 and over	\$190.40

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$46.70

(d) **Single or multifamily residential circuits only (no service inspection).**

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

- (i) 1 to 4 circuits (see note above) \$62.00
- (ii) Each additional circuit (see note above) \$6.60

(e) **Mobile homes(±) and modular homes(~~mobile home parks, and RV parks~~).**

- (i) Mobile home or modular home service or feeder only \$62.00
- (ii) Mobile home service and feeder \$101.60

(f) **Mobile home park sites and RV park sites.**

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

- (i) First site service or site feeder \$62.00
- (ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$39.20

(2) **Commercial/industrial.**

(a) **New service or feeder, and additional new feeders inspected at the same time (includes circuits).**

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated using this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$101.60	\$62.00
101 to 200	\$123.70	\$79.00
201 to 400	\$238.20	\$94.20
401 to 600	\$277.60	\$110.80

Ampacity	Service/Feeder	Additional Feeder
601 to 800	\$359.10	\$151.00
801 to 1000	\$438.40	\$182.70
1001 and over	\$478.30	\$255.00

(b) Altered services/feeders (no circuits).

(i) Service/feeder

Ampacity	Service/Feeder
0 to 200	\$101.60
201 to 600	\$238.20
601 to 1000	\$359.10
1001 and over	\$398.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$86.30

(c) Circuits only.

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

- (i) First 5 circuits per branch circuit panel \$79.00
- (ii) Each additional circuit per branch circuit panel \$6.60
- (d) **Over 600 volts surcharge per permit.** \$79.00

(3) Temporary service(s).

Notes:

- (1) See WAC 296-46B-590 for information about temporary installations.
- (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections will be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service/Feeder	Additional Feeder
0 to 60	\$54.30	\$27.80
61 to 100	\$62.00	\$30.10
101 to 200	\$79.00	\$39.20
201 to 400	\$94.20	\$46.80
401 to 600	\$126.30	\$62.00
601 and over	\$143.30	\$71.30

(4) Irrigation machines, pumps, and equipment.

Irrigation machines.

- (a) Each tower - When inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$6.60
- (b) Towers - When not inspected at the same time as a service and feeder - 1 to 6 towers \$94.20
- (c) Each additional tower \$6.60

(5) Miscellaneous - Commercial/industrial and residential.

(a) **A Class 2 low-voltage thermostat** and its associated cable controlling a single piece of utilization equipment or a single furnace and air conditioner combination.

- (i) First thermostat \$46.80
- (ii) Each additional thermostat inspected at the same time as the first \$14.50

(b) Class 2 or 3 low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm, nurse call, energy management control systems, industrial and automation control systems, lighting control systems, and similar Class 2 or 3 low-energy circuits and equipment not included in WAC 296-46B-908 for Class B work.

- (i) First 2500 sq. ft. or less \$54.30
- (ii) Each additional 2500 sq. ft. or portion thereof \$14.50

(c) Signs and outline lighting.

- (i) First sign (no service included) \$46.80
- (ii) Each additional sign inspected at the same time on the same building or structure \$22.10

(d) Berth at a marina or dock.

Note:

Five berths or more will be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL above.

- (i) Berth at a marina or dock \$62.00
- (ii) Each additional berth inspected at the same time \$39.20

(e) Yard pole, pedestal, or other meter loops only.

- (i) Yard pole, pedestal, or other meter loops only \$62.00
- (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$14.50

(f) Inspection appointment requested for outside of normal working hours.

Regular fee plus surcharge of: \$118.60

(g) Generators.

Note:

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$86.30

(h) Electrical - Annual permit fee.

Note:

See WAC 296-46B-901(13).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$2,284.20
4 to 6 plant electricians	24	\$4,571.00
7 to 12 plant electricians	36	\$6,856.20
13 to 25 plant electricians	52	\$9,143.00
More than 25 plant electricians	52	\$11,429.80

(i) Telecommunications - Annual permit fee.

Notes:

- (1) See WAC 296-46B-901(12).
- (2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

2-hour minimum \$188.80

Each additional hour, or portion thereof, of portal-to-portal inspection time	\$94.20
(j) Permit requiring ditch cover inspection only.	
Each 1/2 hour, or portion thereof	\$46.80
(k) Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.	
(6) Carnival inspections.	
(a) First carnival field inspection each calendar year.	
(i) Each ride and generator truck	\$22.10
(ii) Each remote distribution equipment, concession, or gaming show	\$6.60
(iii) If the calculated fee for first carnival field inspection above is less than \$100.50, the minimum inspection fee will be:	\$118.60
(b) Subsequent carnival inspections.	
(i) First ten rides, concessions, generators, remote distribution equipment, or gaming show	\$118.60
(ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show	\$6.60
(c) Concession(s) or ride(s) not part of a carnival.	
(i) First field inspection each year of a single concession or ride, not part of a carnival	\$94.20
(ii) Subsequent inspection of a single concession or ride, not part of a carnival	\$62.00
(7) Trip fees.	
(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.)	\$94.20
(b) Submitter notifies the department that work is ready for inspection when it is not ready.	\$46.80
(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection.	\$46.80
(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work.	\$46.80
(e) Each trip necessary to remove a noncompliance notice.	\$46.80
(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted.	\$46.80
(g) Installations that are covered or concealed before inspection.	\$46.80
(8) Progress inspections.	
Note:	
The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.	
On partial or progress inspections, each 1/2 hour.	\$46.80
(9) Plan review.	
(a) Plan review fee is 35% of the electrical work permit fee as determined by WAC 296-46B-906.	35%
(b) Plan review submission fee .	\$79.00

(c) Supplemental submissions of plans per hour or fraction of an hour of review time.	\$94.20
(d) Plan review handling fee.	\$22.10
(10) Out-of-state inspections.	
(a) Permit fees will be charged according to the fees listed in this section.	
(b) Travel expenses:	
All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.	
(11) Other inspections.	
Inspections not covered by above inspection fees must be charged portal-to-portal per hour:	\$94.20
(12) Variance request processing fee.	
Variance request processing fee. This fee is nonrefundable once the transaction has been validated.	\$94.20
(13) Class B basic electrical work labels.	
(a) Block of twenty Class B basic electrical work labels (not refundable).	\$258.70
(b) Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour timed from leaving the previous inspection until the reinspection is completed). See WAC 296-46B-908(5).	\$46.80
(c) Reinspection of Class B basic electrical work because of a failed inspection of another Class B label (per 1/2 hour from previous inspection until the reinspection is completed). See WAC 296-46B-908(5).	\$46.80
(14) Provisional electrical work permit labels.	
Block of twenty provisional electrical work permit labels.	\$258.70

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-908 Class B permits.

Class B electrical work permit - Use.

(1) The Class B basic electrical random inspection process (Class B process) may only be used by:

(a) Licensed electrical/telecommunication contractors; or

(b) Health care, commercial, or industrial facilities using an employee(s) who is an appropriately certified electrician(s) after requesting, in writing, and receiving permission from the chief electrical inspector.

Each entity doing work must use a separate label.

(2) The Class B random inspection process is only available if the label is validated and the label or label number is posted before beginning the work.

(a) For Class B labels obtained after February 28, 2013:

(i) Prior to, or immediately upon posting the Class B label/number, the purchaser must use the department's online Class B system to enter the job site information for an unused Class B label obtained by the purchaser. If the posting occurs on a weekend or a federal/state holiday, the purchaser must use the online system to enter the information no later than the first business day after posting the label/number;

(ii) The person identified as the installer on the Class B label must post the Class B label or label number, in a conspicuous permanent manner, at the:

(A) Main service/feeder location supplying the structure or system; or

(B) Purchaser's equipment, or on the equipment conductors if the equipment is not in place.

(iii) The Class B label is valid immediately upon the purchaser completing the job site information in the department's online Class B system, and posting of the Class B label or label number per (a)(ii) of this subsection.

(b) For Class B labels obtained before March 1, 2013:

(i) The purchaser must fully enter the job site information on the job site and contractor portions of the Class B label.

(ii) The person identified as the installer on the Class B label must post the completed job site copy, in a conspicuous permanent manner, at the:

(A) Main service/feeder location supplying the structure or system;

(B) Purchaser's equipment, or on the conductors if the equipment is not available.

(iii) The purchaser must return the contractor copy to the Department of Labor and Industries, Electrical Section, Chief Electrical Inspector, P.O. Box 44460, Olympia, WA 98504-4460 within fifteen working days after the job site portion of the Class B installation label is affixed.

(iv) The Class B label is valid immediately upon posting on the job site.

(3) Class B labels will be sold in blocks and are non-refundable and nontransferable.

(4) Class B label installations will be inspected on a random basis as determined by the department.

(5) A progress inspection fee is required for any inspection required when a correction(s) is issued as a result of the inspection of a Class B label.

(6) Any entity using the Class B process may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

(7) A separate label is required for each line item listed below in subsection (10) of this section. For example, if the work includes an item under subsection (10)(a) and (b)(i) of this section, two labels are required.

(8) An entity using a Class B basic inspection label is restricted to using no more than two labels per week per job site.

(9) All Class B work must be completed within fifteen days after the label is validated. If the work is not completed, another Class B may be posted.

Except that, in a one- or two-family residential structure, a label is valid for ninety days after the label is validated, so long as all work described on the label is performed by the purchaser.

(10) Class B work includes the following:

(a) Extension of not more than one branch electrical circuit limited to 120 volts and 20 amps each where:

(i) No cover inspection is necessary. For the purposes of this section, cover inspection does not include work covered

by any surface that may be removed for inspection without damaging the surface; and

(ii) The extension does not supply more than two outlets as defined by the NEC.

(b) Single like-in-kind replacement of:

(i) A motor larger than 10 horsepower; or

(ii) The internal wiring of a furnace, air conditioner, refrigeration unit or household appliance; or

(iii) An electric/gas/oil furnace not exceeding 240 volts and 100 amps and associated Class 2 low voltage wiring (i.e., altered and/or new low-voltage control wiring from the furnace to an existing and/or new thermostat, heat pump, air conditioner, condenser, etc.), when the furnace is connected to an existing branch circuit. For the purposes of this section, a boiler is not a furnace; or

(iv) An individually controlled electric room heater (e.g., baseboard, wall, fan forced air, etc.), air conditioning unit, heat pump unit, or refrigeration unit not exceeding 240 volts, 40 minimum circuit amps and associated Class 2 low voltage wiring when the unit is connected to an existing branch circuit; or

(v) Circuit modification required to install not more than five residential load control devices in a residence where installed as part of an energy conservation program sponsored by an electrical utility and where the circuit does not exceed 240 volts and 40 amps; or

(vi) A single, line-voltage flexible supply whip associated with (b)(i), (iii), or (iv) of this subsection, not over 6 feet in length, provided there are no modifications to the branch circuit/feeder load being supplied by the whip. May be done on the same Class B label with the replacement unit if done at the same time.

(c) The following low voltage systems:

(i) Repair and replacement of devices not exceeding 100 volt-amperes in Class 2, Class 3, or power limited low voltage systems in one- and two-family dwellings; or

(ii) Repair and replacement of devices not exceeding 100 volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the NEC; or

(iii) The installation of Class 2 or 3 device(s) or wiring for thermostat, audio, security, burglar alarm, intercom, amplified sound, public address, or access control systems where the installation does not exceed twenty devices or five thousand square feet. This does not include fire alarm, nurse call, lighting control, industrial automation/control or energy management systems; or

(iv) Telecommunications cabling and equipment requiring inspection in RCW 19.28.470 where the installation does not exceed twenty devices or five thousand square feet;

(d) The replacement of not more than ten standard receptacles with GFCI or AFCI receptacles;

(e) The conversion of not more than ten snap switches to dimmers or occupancy sensors for the use of controlling a luminaire(s) conversion;

(f) The like-in-kind replacement of a maximum of twenty: Paddle fans, luminaires not exceeding 277 volts and 20 amperes; snap switches, dimmers, receptacle outlets, line

voltage thermostats, heating elements, luminaire ballasts, or drivers/power supplies for single LED luminaires;

(g) The replacement of not more than two luminaires with paddle fans if a listed fan box has been previously installed to support the luminaires;

(h) The replacement of not more than four batteries rated not larger than 150 amp hours each that supply power to a single unit of equipment (e.g., uninterruptable power supply, photovoltaic storage system, control panel, etc.);

(i) The installation or repair of equipment powered by a stand-alone solar photovoltaic source where the:

(i) Electrical equipment requires no field assembly except for the attachment and electrical connection of the solar photovoltaic source to the equipment, the installation and attachment to a grounding electrode, and the placement of the equipment on a pad, pole, or other structure;

(ii) Solar photovoltaic source and the equipment operates at less than 15 volts DC;

(iii) Solar photovoltaic source is the only source of external power; and

(iv) Equipment and the solar photovoltaic source are appropriately labeled as a single unit. The label must be by an approved electrical testing laboratory or for equipment used for traffic control labeled according to WAC 296-46B-010 (21).

(j) The installation or replacement of a single electric sign on an existing single 120-volt, 20-amp maximum branch circuit.

(11) Class B basic electrical work does not include any work in:

(a) Areas classified as Class I, Class II, Class III, or Zone locations per NEC 500; or

(b) Areas regulated by NEC 517 or 680; or

(c) Any work where electrical plan review is required; or

(d) Fire alarm, nurse call, lighting control, industrial automation/control or energy management systems.

AMENDATORY SECTION (Amending WSR 16-23-139, filed 11/22/16, effective 1/1/17)

WAC 296-46B-909 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, electrician certificate and examination, copy, and miscellaneous fees.

Notes: (1) The department will deny renewal of a license, certificate, or permit if an individual owes money as a result of an outstanding final judgment(s) to the department or is in revoked status. The department will deny application of a license, certificate, or permit if an individual is in suspended status or owes money as a result of an outstanding final judgment(s) to the electrical program.

(2) Certificates may be prorated for shorter renewal periods in one-year increments. Each year or part of a year will be calculated to be one year.

(3) The amount of the fee due is calculated based on the fee effective at the date payment is made.

(1) **General or specialty contractor's license per twenty-four month period. (Nonrefundable after license has been issued.)**

(a) **Initial application or renewal made in person, by mail, or by fax** \$277.60

(b) **Renewal fully completed using the online web process** \$240.10

(c) **Reinstatement of a general or specialty contractor's license after a suspension** \$56.20

(2) Master electrician/administrator/electrician/trainee certificate.

(a) Examination application (nonrefundable)

Administrator certificate examination application. \$34.70
(Required only for department administered examinations.) (Not required when testing with the department's contractor.)

(b) Examination fees (nonrefundable)

Note:

Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department. For written examinations administered by the department, use the following fee schedule.

(i) Master electrician or administrator first-time examination fee (when administered by the department) \$83.80

(ii) Master electrician or administrator retest examination fee (when administered by the department) \$98.20

(iii) Journey level or specialty electrician examination fee (first test or retest when administered by the department) \$63.10

(iv) Certification examination review fee \$129.90

(c) Original certificates (nonrefundable after certificate has been issued)

(i) Electrical administrator original certificate (except 09 telecommunication) \$125.60

(ii) Telecommunications administrator original certificate (for 09 telecommunications) \$83.50

(iii) Master electrician exam application (includes original certificate and application processing fee) **(\$34.70 is non-refundable after application is submitted)** \$160.60

(iv) Journey level ((09)), specialty, or reciprocal electrician application (includes original certificate and application processing fee) **(\$34.70 is nonrefundable after application is submitted)** \$90.00

(v) Training certificate

(A) Initial application made in person, by mail, or by fax \$44.10

(B) Initial application fully completed online using the online web process \$37.90

(C) 0% supervision modified training certificate. Includes trainee update of hours (i.e., submission of affidavit of experience) **(\$53.40 is nonrefundable after application is submitted)** \$80.30

(D) 75% supervision modified training certificate. \$53.40

(E) Unsupervised training certificate as allowed by RCW 19.28.161 (4)(b). \$26.40

(d) Certificate renewal (nonrefundable)

(i) Master electrician or administrator certificate renewal

(A) Renewal made in person, by mail, or by fax \$158.70

(B) Renewal fully completed using the online web process \$137.90

(ii) Telecommunications (09) administrator certificate renewal

(A) Renewal made in person, by mail, or by fax \$105.70

(B) Renewal fully completed using the online web process \$91.20

(iii) Late renewal of master electrician or administrator certificate	
(A) Renewal made in person, by mail, or by fax	\$317.50
(B) Renewal fully completed using the online web process	\$275.90
(iv) Late renewal of telecommunications (09) administrator certificate	
(A) Renewal made in person, by mail, or by fax	\$211.60
(B) Renewal fully completed using the online web process	\$182.50
(v) Journey level or specialty electrician certificate renewal	
(A) Renewal made in person, by mail, or by fax	\$83.50
(B) Renewal fully completed using the online web process	\$72.70
(vi) Late renewal of journey level or specialty electrician certificate	
(A) Renewal made in person, by mail, or by fax	\$167.20
(B) Renewal fully completed using the online web process	\$145.50
(vii) Trainee update of hours (outside of renewal period (i.e., submission of affidavit of experience outside of the timeline in WAC 296-46B-942 (8)(d))) submitted <u>more than 30 days after expiration of a training certificate</u>	\$53.40
(viii) Trainee certificate renewal	
(A) Renewal made in person, by mail, or by fax	\$53.40
(B) Renewal fully completed using the online web process when the affidavit of experience is submitted per WAC 296-46B-942 (8)(d)	\$46.60
(ix) Late trainee certificate renewal	
(A) Renewal made in person, by mail, or by fax	\$74.90
(B) Renewal fully completed using the online web process	\$65.20
(e) Certificate - Reinstatement (nonrefundable)	
(i) Reinstatement of a suspended master electrician or administrator's certificate (in addition to normal renewal fee)	\$56.20
(ii) Reinstatement of suspended journey level, or specialty electrician certificate (in addition to normal renewal fee)	\$26.40
(f) Assignment/unassignment of master electrician/administrator designation (nonrefundable)	\$41.60
(3) Certificate/license.	
(a) Replacement for lost or damaged certificate/license. (Nonrefundable.)	\$18.20
(b) Optional display quality General Master Electrician certificate.	\$29.60
(4) Continuing education courses or instructors. (Nonrefundable.)	
(a) If the course or instructor review is performed by the electrical board or the department	
The course or instructor review	\$53.50
(b) If the course or instructor review is contracted out by the electrical board or the department	
(i) Continuing education course or instructor submittal and approval (per course or instructor)	As set in contract
(ii) Applicant's request for review, by the chief electrical inspector, of the contractor's denial	\$130.20
(5) Copy fees. (Nonrefundable.)	
(a) Certified copy of each document (maximum charge per file):	\$59.10
(i) First page:	\$26.40
(ii) Each additional page:	\$2.10

(b) RCW or WAC printed document:	\$5.80
(6) Training school program review fees. Initial training school program review fee. (Nonrefundable.)	
(a) Initial training school program review fee submitted for approval. Valid for three years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$615.30
(b) Renewal of training school program review fee submitted for renewal. Valid for 3 years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$307.60

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-915 Civil penalty schedule.

Notes: Each day that a violation occurs on a job site may be a separate offense.

Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

In case of serious noncompliance or a serious violation of the provisions of chapter 19.28 RCW or as described in WAC 296-46B-990, the department may double the penalty amount, up to ten thousand dollars shown in subsections (1) through (13) of this section.

A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:

(a) That convey or utilize electrical current without having a valid electrical contractor's license; or

(b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	\$(500) <u>1,000</u>
Second offense:	\$(1,500) <u>2,000</u>
Third offense:	\$3,000
Each offense thereafter:	\$(6,000) <u>10,000</u>

(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.

First offense:	\$250
Each offense thereafter:	\$500

(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.

(a) Failing to visibly display a certificate (must possess a valid, active certificate).

First offense:	\$50
Each offense thereafter:	\$100

(b) Performing electrical work while not possessing a valid certificate or working outside the scope of a certificate.

First offense: \$250
 Each offense thereafter: \$500

(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense: \$250
 Each offense thereafter: \$500

(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense: \$250
 Each offense thereafter: \$500

(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.

First offense: \$50
 Second offense: \$250
 Each offense thereafter: \$500

(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.

First offense: \$500
 Second offense: \$1,500
 Third offense: \$3,000
 Each offense thereafter: \$6,000

(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.

First offense: \$500
 Second offense: \$1,000
 Each offense thereafter: \$2,000

Definition:

The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) Covering or concealing installations prior to inspection.

First offense: \$250
 Second offense: \$1,000
 Each offense thereafter: \$2,000

(10) Failing to make corrections within fifteen days of notification by the department.

Exception:

Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense: \$250
 Second offense: \$1,000
 Each offense thereafter: \$2,000

(11) Failing to get an inspection or obtain an electrical/telecommunications work permit or post a provisional electrical work permit label prior to beginning the electrical/telecommunications installation or alteration.

Exception:

In cases of emergency repairs, for owners, to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

(a) Standard/provisional permit offenses:

First offense: \$250
 Second offense: \$1,000
 Each offense thereafter: \$2,000

(b) Class B offenses:

Failure to post a Class B label or number for Class B eligible work:

First offense: \$100
 Second offense: \$250
 Each offense thereafter: \$1,000

(c) For other Class B offenses:

First offense: \$100
 Second offense: \$250
 Each offense thereafter: \$1,000

(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator or master electrician.

(a) Failing to be a member of the firm or a supervisory employee and must be available during working hours to carry out the duties of an administrator or master electrician.

First offense: \$1,000
 Second offense: \$1,500
 Each offense thereafter: \$3,000

(b) Failing to ensure that all electrical work complies with the electrical installation laws and rules of the state.

First offense: \$100
 Second offense: \$250
 Third offense: \$1,000
 Each offense thereafter: \$3,000

(c) Failing to ensure that the proper electrical safety procedures are used.

First offense: \$500
 Second offense: \$1,500
 Each offense thereafter: \$3,000

(d) Failing to ensure that inspections are obtained and that all electrical labels, permits, and certificates required to perform electrical work are used.

Standard/provisional permit offenses:

First offense: \$250
 Each offense thereafter: \$500

Class B offenses:

First offense: \$100
 Second offense: \$250
 Each offense thereafter: \$1,000

(e) Failing to ensure that all electrical licenses, required to perform electrical work are used (i.e., work performed must be in the allowed scope of work for the contractor).

First offense: \$500
 Second offense: \$1,500
 Third offense: \$3,000
 Each offense thereafter: \$6,000

(f) Failing to see that corrective notices issued by an inspecting authority are complied with within fifteen days.

Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(g) Failing to notify the department in writing within ten days if the master electrician or administrator terminates the relationship with the electrical contractor.

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$3,000

(13) Causing or failing to correct a serious violation.

A serious violation is a violation of chapter 19.28 RCW or 296-46B WAC that creates a hazard of fire or a danger to life safety.

First offense:	\$1,000
Second offense:	\$3,000
Each offense thereafter:	\$5,000

(14) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.

(a) RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.

First offense:	\$250
Each offense thereafter:	\$500

(b) All other chapter 19.28 RCW provisions and the rules developed pursuant to them.

First offense:	\$250
Second offense:	\$750
Each offense thereafter:	\$2,000

AMENDATORY SECTION (Amending WSR 18-03-158, filed 1/23/18, effective 2/23/18)

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work. (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations and minor plumbing under RCW 18.106.150. For the purposes of RCW 18.106.150, the like-in-kind replacement includes the appliance or any component part of the appliance (e.g., such as, but not limited to, the thermostat in a water heater).

Specialties.

(2) All specialties listed in this subsection may perform the electrical work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. Except for residential (02), the scope of work for these specialties does not include plumbing work regulated under chapter 18.106 RCW. See RCW 18.106.150 for plumbing exceptions for the residential (02) specialty. For the purposes of RCW 18.106.150, the like-in-kind replacement includes the appliance or any component part of the appliance (e.g., such as, but not limited to, the thermostat in a water heater). **Specialty** (limited) electrical licenses and/or certificates are as follows:

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings of types III, IV or

V construction when there are not more than six stories of multifamily dwellings of types III, IV or V construction above grade or above types I or II construction. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring of:

(A) Any portion of any occupancy of types I or II construction; or

(B) Occupancies defined in WAC 296-46B-900(1), or commercial occupancies such as: Motels, hotels, offices, assisted living facilities, or stores; or

(C) Services, generators, HVAC/refrigeration equipment, fire pumps or other equipment that serve other than one- and two-family dwellings, or multifamily dwellings of types III, IV, or V construction or ancillary structures; or

(D) Interconnected electric power production sources not connected to equipment that supplies one- and two-family dwellings, or multifamily dwellings of types III, IV or V construction, or ancillary structures; or

(E) Any portion of wiring for conveyances regulated under chapter 70.87 RCW serving more than one residential dwelling unit.

(iii) For the purposes of this section, classification of types of construction are as determined by the local building official.

(iv) See RCW 18.106.150 for plumbing exceptions for the residential (02) specialty.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic water systems and public water systems include but are not limited to pumps, pressurization, filtration, treatment, or other equipment and controls, and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection.

Also see RCW 18.106.010 (10)(c).

(c) **Domestic pump (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase input power, regardless of motor controller output or motor voltage/phase, used in residential potable water or residential sewage disposal systems. Domestic water systems and public water systems include but are not limited to pumps, pressurization, filtration, treatment, or other equipment and controls.

Also see RCW 18.106.010 (10)(c).

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related tele-

communications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, repair, or install retrofit kits within housings of existing exterior luminaires that are mounted on a pole or other structure with like-in-kind or retrofit kit components.

(i) Electrical licensing/certification is not required to:

(A) Clean the nonelectrical parts of an electric sign;

(B) Form or pour a concrete pole base used to support a sign;

(C) Operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) Assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to:

Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

(i) For the purposes of this section, when a line voltage connection is removed and reconnected to a replacement component located inside the control cabinet, the replacement must be like-in-kind or replaced using the equipment manufacturer's authorized replacement component. The line voltage circuit is limited to 120 volts 20 amps maximum and must have a means of disconnect.

(ii) The limited energy systems (06) specialty may repair or replace line voltage connections terminated inside the cabinet to power supplies internal to the low voltage equipment provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the circuit.

(iii) The limited energy systems (06) specialty may not replace or modify the line voltage circuit or cabling or alter the means of connection of the line voltage circuit to the power supply or to the control cabinet.

Limited energy electrical contractors may perform all telecommunications work under their specialty (06) electrical license and administrator's certificate.

(f) **HVAC/refrigeration systems:**

(i) See WAC 296-46B-100 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard;

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage cables. For the purposes of this section a short section cannot mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by non-metallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

Exception:

If HVAC/R equipment is being replaced, this specialty may remove and replace a disconnecting means enclosure mounted on the surface of the HVAC/R equipment with a like-in-kind disconnecting means enclosure rated not more than 20 amperes and 120 volts using the existing wiring method. When performing this work, this specialty may install up to ten feet of raceway to provide physical protection for nonmetallic cables, but the raceway may not terminate in a panelboard.

(B) Install, repair, replace, or maintain:

- Integrated building control systems, other than HVAC/refrigeration systems;

- Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

- Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air

device, lighting within a walk-in cooler/freezer used for personnel illumination);

- Raceway/conduit systems;
- Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the HVAC/refrigeration equipment being supplied are located within sight of each other; or

- Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) HVAC/refrigeration **(06A)**:

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

- Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three stories on/above grade; or

Regardless of the number of stories above grade if the installation:

- Does not pass between stories;
- Is made in a previously occupied and wired space; and
- Is restricted to the HVAC/refrigeration system;
- Repair, replace, and maintain HVAC/refrigeration:

Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of stories on/above grade.

- Install a bonding conductor for metal gas piping to an existing accessible grounding electrode conductor or grounding electrode only when terminations can be made external to electrical panelboards, switchboards, or other distribution equipment.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

(vi) HVAC/refrigeration - Restricted **(06B)**:

(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three stories on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

- The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or

- Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(g) **Nonresidential maintenance (07)**: Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors. This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential **(02)** specialty electrician examination.

(i) This specialty includes the installation and connections of temporary conductors and equipment for the purpose of load testing, not to exceed 600 volts.

(ii) This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection.

(h) **Nonresidential lighting maintenance and lighting retrofit (07A)**: Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new luminaires or branch circuits; moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B)**: This specialty is limited to residential dwellings as defined in WAC 296-46B-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing electrical utilization equipment, and all permit exempted work as defined in WAC 296-46B-901.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip. This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(j) **Restricted nonresidential maintenance (07C)**: This specialty may maintain, repair, or replace (like-in-kind) existing electrical utilization equipment, and all permit exempted work as defined in WAC 296-46B-901 except for the replacement or repair of circuit breakers.

This specialty is limited to equipment and circuits to a maximum of 277 volts and 20 amperes for lighting branch circuits only and/or maximum 250 volts and 60 amperes for other circuits.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire

supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection.

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(k) **Appliance repair (07D):** Servicing, maintaining, repairing, or replacing household appliances, small commercial/industrial appliances, and other small electrical utilization equipment.

(i) For the purposes of this subsection:

(A) The appliance or electrical utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and electrical utilization equipment include, but are not limited to: Ovens, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting

multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(C) Any plumbing work regulated under chapter 18.106 RCW.

(l) **Equipment repair (07E):** Servicing, maintaining, repairing, or replacing utilization equipment.

See RCW 19.28.095 for the equipment repair scope of work and definitions. This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(I) Customer satellite and conventional antenna systems receiving a telecommunications service provider's signal. All receiving equipment is on the customer side of the telecommunications network demarcation point.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment. Horizontal

cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lock-out switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

- There are no modifications to the characteristics of the branch circuit/feeder;
- The circuit/feeder does not exceed 600 volts, 20 amperes; and
- The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the (06) limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-925 Electrical/telecommunications contractor's license.

General.

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of each member(s) (see WAC 296-46B-100 definition for member), are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

The applicant, upon application and renewal, must provide the department with the Social Security number, date of birth, and legal address of each member(s).

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) See RCW 19.28.041(7) for a contractor doing domestic pumping work as defined in RCW 18.106.010 (10)(c).

(4) The department may deny application, renewal, change of assignment of administrator/master electrician, reinstatement, or issuance of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) under chapter 19.28 RCW.

Electrical/telecommunications contractor bond, cash or securities deposit.

(5) Bond, cash, or securities deposit.

(a) The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

(b) See RCW 19.28.041(7) for a contractor doing domestic pumping work as defined in RCW 18.106.010 (10)(c).

Telecommunications contractor insurance.

(6) To obtain a telecommunications contractor's license, the applicant must provide the department with an original

certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(7) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(8) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

(a) Built-in residential vacuum systems and garage doors; and

(b) Underground; Landscape sprinkler systems((;

~~(c) Underground landscape lighting; and~~

~~(d) Residential garage doors)), landscape lighting, and antennas for wireless animal containment fences.~~

For these types of systems and circuits to be considered exempt, the following conditions must be met:

~~((c))~~ (c) The power supplying the installation must be derived from a listed Class 2 power supply;

~~((d))~~ (d) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

~~((e))~~ (e) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

~~((f))~~ (f) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(9) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(10) Firms who install listed plug and cord connected utilization equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceeding 250 volt 60 ampere single phase. The plug and

cord can be field installed per the manufacturer's instructions and the product listing requirements. The utilization equipment must be a single manufactured unit, including the plug and cord, that does not require any electrical field assembly except for the installation of the plug and cord and is allowed to be plug and cord connected by the NEC. Firms who perform field electrical servicing, maintaining, or repairing of plug and cord connected utilization equipment other than household appliances are not included in this exemption.

(11) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(13) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. For the purposes of this section, electrical work associated with setting a manufactured, mobile, or modular building is considered electrical work on a new building. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(14) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(15) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

(16) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

(17) The licensing and certification requirements of chapter 19.28 RCW do not apply to persons or firms who remove electrical wiring and/or equipment for the purpose of disposal when all conductors, raceways, and equipment to be disposed of have been physically separated from the source of power by a properly certified electrician employed by a licensed electrical contractor, or person(s) meeting the exemptions listed in RCW 19.28.261. Removal of a component or only a portion of an equipment unit is considered electrical maintenance and does not qualify for this exemption.

Exemptions - Electrical utility and electrical utility's contractor.

(18) Electrical utility exemptions.

(a) Utility system exemption - RCW 19.28.010(1) and 19.28.091(1).

(i) Neither a serving electrical utility nor a contractor or subcontractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters or other apparatus used to measure the consumption of electricity.

(ii) Exemption from inspection. The work of a serving electrical utility and its contractor(s) on the work exempted by NEC 90.2 (b)(5), 1981 edition, is not subject to inspection.

(b) Street/area lighting exemption - RCW 19.28.091 (2)(a).

(i) On:

(A) Publicly owned streets, parks, athletic/play fields, beaches, and similar areas where the public has general, clear, and unrestricted access; or

(B) Outside area lighting installed on a utility owned pole(s) that is used to support the utility's electric distribution wiring or equipment that supplies a private property owner's property, the serving electrical utility is considered to be an owner and is not required to have an electrical contractor's license or electrical permit to install or work on wiring or equipment, owned by the utility and used in the lighting of those streets/areas.

(ii) On other privately or publicly owned property (e.g., private streets, parking lots, businesses, schools, etc.), the serving utility is not required to have an electrical contractor's license or electrical permit to install or work on outside street/area lighting where the light(s) is supplied directly from the utility system and installed according to the NESC or NEC.

This work is considered to be utility type work.

An electric utility is not allowed to install or work on street/area lighting:

(A) When the area is privately or publicly owned and the public does not have general, clear, and otherwise unrestricted access such as: Industrial property, residential property, or other property where the public's access is restricted in any manner.

(B) Where the lighting is supplied from a source of power derived from a customer-owned electrical system.

(C) Where the lighting or wiring is attached to a building or other customer-owned structure.

(D) If the utility does not directly perform the installation or work, it may only contract the work to an appropriately licensed electrical contractor(s). See RCW 19.28.091(3).

(c) Customer-owned equipment exemption - RCW 19.28.091 (2)(b). A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is ahead of the secondary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

If the utility does not directly perform the installation or work, it may only contract the work to an appropriately licensed electrical contractor(s). See RCW 19.28.091(3).

This work is considered to be utility type work.

The owner will provide the electrical work permit and be responsible for requesting inspections and for ensuring the work is installed per chapter 19.28 RCW and this chapter.

Exemptions - Electrical utility telecommunications transition equipment installations, maintenance and repair.

(19) No license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC will be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) #8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) #6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be

approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semiannually for conformance with the requirements of (a), (b) and (c) of this subsection but will not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption will be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - Independent electrical power production equipment exemption.

(20) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

(A) Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

(B) The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity must supply the chief electrical inspector a valid master business license issued by the department of licensing, state of Washington so that the entity's status as a revenue generating business can be confirmed.

(c) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(d) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(e) The electrical power production facility's generation capacity exceeds 100 KVA.

(f) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, wind generator tower circuits, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

(g) The generation equipment must not be mounted on or in any building or structure not required for generation of power (e.g., schools, offices, residences, apartment buildings, hospitals, etc.).

Exemptions - Telegraph and telephone utility and telegraph and telephone utility's contractor.

(21) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - Manufacturers of electrical/telecommunications products.

(22) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

(a) Provided the product:

(i) Has not been previously energized;

(ii) Has been recalled by the Consumer Product Safety Commission;

(iii) Is within the manufacturer's written warranty period, a period not to exceed one year from date of original installation of the new product; or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Except for the replacement of individual components, as allowed above, this exemption does not include the ~~((initial))~~ on-site assembly, installation, removal, or replacement of the electrical product. Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

Premanufactured electric power generation equipment assemblies and control gear.

(23) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure;

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(24) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(25) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption. For the purposes of RCW 19.28.091(8), the like-in-kind replacement includes the appliance or any component part of the appliance such as, but not limited to, the thermostat in a water heater.

(26) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

Photovoltaic equipment.

(27) See WAC 296-46B-690 for specific exemptions related to photovoltaic installations.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-940 Electrician/certificate of competency required.

General.

(1) The department will deny application, renewal, reinstatement, or issuance of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) under chapter 19.28 RCW.

(2) The scope of work for electricians is described in WAC 296-46B-920.

Electrician - Certificate of competency required.

(3) To work in the electrical construction trade, an individual must possess, wear, and visibly display on the front of the upper body, a current valid:

(a) Master journey level electrician certificate of competency issued by the department;

(b) Journey level electrician certificate of competency issued by the department;

(c) Master specialty electrician certificate of competency issued by the department;

(d) Specialty electrician certificate of competency issued by the department; or

(e) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journey level electrician, journey level electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

The certificate may be worn inside the outer layer of clothing when outer protective clothing (e.g., rain gear when outside in the rain, arc flash, welding gear, etc.) is required. The certificate must be worn inside the protective clothing so that when the protective clothing is removed, the certificate is visible. A cold weather jacket or similar apparel is not protective clothing.

The certificate may be worn inside the outer layer of clothing when working in an attic or crawl space or when operating equipment (e.g., drill motor, conduit threading machine, etc.) where wearing the certificate may pose an unsafe condition for the individual.

The certificate must be immediately available for examination at all times.

When working as a certified electrician, the electrician must not display a training certificate.

When supervising a trainee(s), the supervising electrician's certificate must be appropriate for the work being performed by the trainee(s). For the purposes of this section, supervising a trainee is considered to be working in the electrical construction trade.

Any person working as an electrician or trainee must also possess a government issued photo identification and immediately present that identification when requested by the inspector.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

- (a) General journey level **(01)**;
- (b) Specialties:
 - (i) Residential **(02)**;
 - (ii) Pump and irrigation **(03)**;
 - (iii) Domestic pump **(03A)**;
 - (iv) Signs **(04)**;
 - (v) Limited energy system **(06)**;
 - (vi) HVAC/refrigeration **(06A)**;
 - (vii) HVAC/refrigeration - Restricted **(06B)**;
 - (viii) Nonresidential maintenance **(07)**;
 - (ix) Nonresidential lighting maintenance and lighting retrofit **(07A)**;
 - (x) Residential maintenance **(07B)**;
 - (xi) Restricted nonresidential maintenance **(07C)**;
 - (xii) Appliance repair **(07D)**;
 - (xiii) Equipment repair **(07E)**; and
 - (xiv) Door, gate, and similar systems **(10)**.

Original certificates of competency.

(5) The department will issue an original certificate of competency to master, journey level, or specialty electricians who meet the eligibility requirements listed in:

- (a) RCW 19.28.191 (1)(a) or (b) and chapter 19.28 RCW; and
 - (i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and
 - (ii) Pay all appropriate fees, as listed in WAC 296-46B-909;
- (b) RCW 19.28.191 (1)(d) and (e);
 - (i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-909; or

(c) RCW 19.28.191 (1)(f) through (g);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-909.

(6) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

Renewal - Master electrician, journey level, and specialty electrician certificates of competency.

(7) An individual must apply for renewal of their electrician certificate of competency on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(8) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-909.

(9) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(10) All applicants for certificate of competency renewal must:

- (a) Submit a complete renewal application;
- (b) Pay all appropriate fees; and
- (c) Complete the continuing education requirements described in WAC 296-46B-970. Continuing education classes are only valid when all the requirements of WAC 296-46B-970 are completed.

Continuing education for pump and irrigation **(03)** and domestic pump **(03A)** electricians may be comprised of fifty percent electrical and fifty percent plumbing instruction.

(11) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the department, of the required continuing education. If the certificate renewal date occurs during the inactive period, the certificate must be renewed on or before the renewal date to allow the return to current status.

(12) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period. Before the suspended certificate of competency can be activated, the holder must pass the appropriate electrician or master electrician competency examination in accordance with RCW 19.28.211(2).

(13) An individual may not renew a revoked certificate of competency.

Exemptions - Lineworker.

(14) When performing the work described and allowed in WAC 296-46B-925 (18)(a) or (b)(i), when employed by the serving utility or its contractor or subcontractor(s), a lineworker is exempt from the requirements of chapter 19.28 RCW.

(15) When performing the work described and allowed in WAC 296-46B-925 (18)(b)(ii) or (c), when employed by the serving utility or its licensed electrical contractor or subcontractor(s), a lineworker must meet the requirements of RCW 19.28.261 (5)(b) or be an appropriately certified electrician. See the definition of a lineworker in WAC 296-46B-100.

Exemptions - Plumbers.

(16) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption. For the purposes of RCW 19.28.091(8), the like-in-kind replacement includes the appliance or any component part of the appliance such as, but not limited to, the thermostat in a water heater.

Reciprocal agreements between Washington and other states.

(17) The department may negotiate reciprocal agreements with states that have equivalent requirements for certification of journey level or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations. An individual may only apply for reciprocity from another state(s) one time in Washington.

(18) An individual will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the journey level or specialty category requested;

(b) The individual makes a complete application for a reciprocal certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a current, valid journey person or specialty electrician certificate or certified letter from the issuing state attesting to possession of such certificate by the applicant;

(A) Evidence from an apprenticeship training director that any journey level category applicant has successfully completed an apprenticeship program that is equivalent to an apprenticeship program approved under chapter 49.04 RCW approved by the department for the electrical construction trade in which the applicant worked in the electrical construction trade for a minimum of eight thousand hours; or

(B) Evidence that any journey level category applicant has worked in the electrical construction trade for a minimum of sixteen thousand hours.

(iii) All appropriate fees as listed in WAC 296-46B-909.

(c) The individual obtained the reciprocal state's certificate of competency as a journey level or specialty electrician

by examination and the individual held the reciprocal state's certificate for a period of at least one year.

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington electrician certificate of competency as required in RCW 19.28.211; or

(b) Has a similar Washington electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Owes money as a result of an outstanding final judgment(s) to the department; or

(d) Has ever taken and failed a Washington exam for the certificate being applied for; or

(e) Was a resident of the state of Washington at the time the examination was taken in the other state.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-942 Training certificate required.**General.**

(1) To work in the electrical construction trade as an electrical trainee, an individual must possess, wear, and visibly display a current valid electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journey level electrician, journey level electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

The trainee must meet all the requirements of WAC 296-46B-940 related to visibly displaying a current certificate and having a valid photo identification on his/her person.

Beginning July 1, 2023, unless working in a specialty, apprentices and individuals learning the electrical construction trade must have in their possession proof of apprenticeship or journey level training program registration. They must show their apprenticeship or training program registration documents to an authorized representative of the department at the representative's request.

(2) An active training certificate is required for all individuals throughout the individual's enrollment and matriculation in an approved construction electrician training school program described in RCW 19.28.191. A training certificate is required to work in the electrical construction trade if an individual does not:

(a) Possess a current journey level certificate of competency issued by the department;

(b) Possess a current specialty electrician certificate of competency issued by the department while working in that specialty's scope of work; or

(c) Is not working in exempt status as allowed by chapter 19.28 RCW.

(3) Trainees who have had their training certificates revoked or suspended (during the duration of the revocation or suspension) will not be issued a training certificate.

Original training certificates.

(4) The department will issue an original training certificate when the trainee applicant submits a complete training certificate application including:

(a) Date of birth, mailing address, Social Security number; and

(b) All appropriate fees as listed in WAC 296-46B-909.

All applicants for an electrical training certificate must be at least sixteen years of age. The original training certificate will be valid for two years. If an individual has previously held an electrical training certificate, then that individual is not eligible for a subsequent original training certificate.

Specialty specific - Zero percent and seventy-five percent supervision modified training certificates.

(5) For specialties as allowed in Table 945-1 (i.e., specialties with seven hundred twenty minimum hours of work experience required to be eligible for examination):

(a) The department will approve the trainee to take the appropriate specialty competency examination necessary to qualify for a zero percent supervision modified training certificate. To qualify, the trainee applicant must submit a complete zero percent supervision modified training certificate application including:

(i) Date of birth, mailing address, Social Security number;

(ii) Affidavit of experience fulfilling the minimum work experience hours required to qualify for the specialty examination described in Table 945-1; and

(iii) All appropriate fees as listed in WAC 296-46B-909.

Upon successful completion of the appropriate examination, the trainee will be issued a nonrenewable zero percent supervision modified training certificate for the appropriate specialty. The zero percent supervision modified training certificate will be restricted in duration to the time allowed in Table 945-1, note 2.

(b) Prior to the expiration of the zero percent supervision modified training certificate, the individual must submit a complete application for a seventy-five percent supervision modified training certificate for the appropriate specialty including:

(i) Seventy-five percent supervision training certificate application including: Date of birth, mailing address, Social Security number; and

(ii) All appropriate fees as listed in WAC 296-46B-909.

(c) A trainee may possess multiple (i.e., in different specialties) modified supervision training certificates for specialties where reduced supervision is allowed in Table 945-1. Combination training certificates will not be issued.

Renewal of training certificates.

(6) An individual must apply for renewal of their training certificate on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for two years.

(7) An individual may renew their training certificate after the expiration date if the individual pays the late renewal fee listed in WAC 296-46B-909.

(8) All applicants for training certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Complete the approved basic trainee classes required by WAC 296-46B-970. Basic trainee classes are only valid

when all the requirements of WAC 296-46B-970 are completed.

(d) Within ~~((thirty))~~ one hundred eighty days after ~~((renewing))~~ the expiration date of an electrical training certificate, the individual, if not enrolled in a department approved apprenticeship program, must submit a completed, signed, and notarized affidavit(s) of experience for all hours of experience gained since the individual's last training certificate was effective.

Employers are required to provide the necessary documentation and signed affidavit of experience to the trainee within twenty days after the trainee requests the affidavit. See WAC 296-46B-942(12). See WAC 296-46B-985(4) for the penalty for providing a false or inaccurate affidavit of experience. If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual. The affidavit of experience must accurately attest to:

(i) The electrical installation work performed for each employer the individual worked for in the electrical trade during the previous period;

(ii) The correct electrical category the individual worked in; and

(iii) The actual number of hours worked in each category under the proper supervision of a Washington certified, master journey level electrician, journey level electrician or appropriate master specialty electrician or specialty electrician under that specific training certificate. If a trainee possesses multiple training certificates, an affidavit must be submitted for each training certificate for the hours worked under that specific training certificate.

If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual.

(9) Until July 1, 2020, an individual who has not completed the required hours of basic trainee class education can renew a training certificate if the individual applies for renewal before the training certificate expires and pays the appropriate renewal fee. However, the training certificate will be placed in an inactive status. The inactive training certificate will be returned to current status upon validation, by the department, of the required basic trainee class education. Effective July 1, 2020, an individual may not renew a training certificate until the required hours of basic classroom education have been completed.

(10) An individual may renew a suspended training certificate by submitting a complete renewal application including obtaining and submitting the basic trainee class education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(11) An individual will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment under chapter 19.28 RCW.

(12) The individual should ask each employer and/or apprenticeship training director for an accurately completed,

signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request. If an individual is enrolled in an approved electrical construction trade apprenticeship program under chapter 49.04 RCW when the individual renews an electrical training certificate, the individual and their apprenticeship training director and/or each employer must give the department an accurately completed, signed, and notarized affidavit of experience accurately attesting to:

(a) The electrical installation work the individual performed in the electrical trade during the previous certification period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category under the proper supervision of a Washington certified master journey level electrician, journey level electrician or appropriate master specialty or specialty electrician for each employer. For apprentices enrolled in a registered apprenticeship program, the applicant and the training director are the only authorized signatures the department will accept on affidavits of experience.

(13) The individual and their employer(s) and/or apprenticeship training director(s) must sign and have notarized the affidavit of experience attesting to the accuracy of all information contained in the affidavit.

(14) The trainee, supervising electrician, contractor, and assigned administrator or master electrician are responsible for ensuring compliance with subsection (13) of this section. See WAC 296-46B-985 and 296-46B-990 (3)(c) and (f) for information about failing to submit or submitting false/fraudulent documents. Falsifying documents may be considered perjury and might result in criminal prosecution, civil penalty, or certificate revocation or suspension.

Trainees without supervision present on the job site.

(15) When the supervising electrician is found to not be present on the job site, the trainee may be given a form by the inspector that must be fully completed and returned or post-marked within twenty-four hours to the inspector. The supervising electrician must sign the statement for the trainee if appropriate supervision was provided. If the supervising electrician fails or refuses to assist the trainee in completing the form, the trainee must return the form with a signed and dated statement stating the supervising electrician's name and saying that the supervising electrician refused to assist.

Trainees seeking a journey level electrician certificate - Working with no supervision.

(16) Trainee seeking a general **(01)** journey level electrician certificate of competency. After review by the department, a trainee may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow the individual to work without supervision if the trainee:

(a) Has submitted a complete application for an unsupervised electrical training certificate;

(b) Has worked over seven thousand hours properly supervised not to include more than four thousand of specialty experience;

(c) Has successfully completed or is currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges;

(d) Has paid all appropriate training certificate fees listed in WAC 296-46B-909;

(e) Is currently working for and continues to work for a licensed electrical contractor that employs at least one certified journey level or specialty electrician in the appropriate specialty; and

(f) Has not previously failed a journey level electrician certificate of competency examination (see WAC 296-46B-960(11)).

Trainees seeking certain specialty electrician certificates - Working with reduced or no supervision.

(17) After review by the department, a trainee may be issued a nonrenewable zero percent supervision training certificate that will allow the individual to work without supervision if the trainee meets the requirements in subsection ~~((4))~~ (5) of this section.

(18) Electrical trainees may work unsupervised when installing HVAC/R thermostat cable when the HVAC/R system consists of a single thermostat in one- and two-family dwelling units where line voltage power has not been connected to the dwelling's electrical system.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-945 Qualifying for master, journey level, specialty electrician examinations. (1) General.

(a) All applicants must be at least sixteen years of age.

(b) All applicants, from in or out of state, must demonstrate the completion of basic trainee classes described in WAC 296-46B-970 (4)(c)(ii)(D).

(i) Twenty-four hours where two thousand or more; but less than four thousand hours of work experience is required.

(ii) Forty-eight hours where four thousand or more; but less than six thousand hours of work experience is required.

(iii) Seventy-two hours where six thousand or more; but less than eight thousand hours of work experience is required.

(iv) Ninety-six hours where eight thousand or more of work experience is required.

Qualifying for the master electrician examination.

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)(d) or (e).

Qualifying for the master electrician examination from out-of-state.

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journey level electrician competency examination.

(4) Until July 1, 2023, an individual may take the journey level electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one

certified master electrician, journey level, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journey level electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journey level electrician or journey level electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journey level or journey level electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journey level electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journey level electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Beginning July 1, 2023, to qualify to take the journey level electrician's certificate of competency examination, an individual must have successfully completed an apprentice-

ship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical construction trade in which the applicant worked in the electrical construction trade for a minimum of eight thousand hours. Four thousand of the hours must be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journey level electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience and apprenticeship graduation certificates used to verify eligibility for the examination.

Qualifying for a specialty electrician certificate of competency or examination.

(5) After review and approval by the department, an individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journey level electrician, journey level electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination ⁽⁴⁾⁽⁵⁾	Minimum Hours of Work Experience Required for Certification
Residential certificate (02)	4,000 ⁽³⁾	4,000
Pump and irrigation certificate (03)	4,000 ⁽³⁾	4,000
Domestic pump certificate (03A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Signs certificate (04)	4,000 ⁽³⁾	4,000
Limited energy system certificate (06)	4,000 ⁽³⁾	4,000
HVAC/refrigeration system certificate (06A)	4,000 ⁽³⁾	4,000 ⁽⁷⁾
HVAC/refrigeration - Restricted (06B)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Nonresidential maintenance certificate (07)	4,000 ⁽³⁾	4,000
Nonresidential lighting maintenance and lighting retrofit certificate (07A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Residential maintenance certificate (07B)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Restricted nonresidential maintenance certificate (07C)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Appliance repair certificate (07D)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Equipment repair certificate (07E)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Door, gate, and similar systems certificate (10)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾

- Notes:
- (1) Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.
- (2) The trainee may have only one zero percent supervision certificate in a specialty (valid for no more than two years). If the trainee has not gained the required work experience by the time the zero percent supervision certificate has expired, the trainee must get a seventy-five percent supervision certificate and work under supervision until all required work experience hours are gained and credited towards the minimum work experience requirement.
- (3) This specialty is not eligible for unsupervised trainee status as allowed in chapter 19.28 RCW.
- (4) The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.
- (5) Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1)(g)(ii).
- (6) Electrical construction training hours gained in specialties requiring two thousand hours or less for certification will not be credited towards qualification for journey level electrician or any of the four thousand hour specialties, except as allowed by (7), below.
- (7) The two thousand minimum hours of work experience required for certification as an HVAC/refrigeration-restricted (06B) specialty electrician may be credited as two thousand hours towards the four thousand minimum hours of work experience required for certification as an HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.
- (8) Experience hours may be coincidentally credited towards qualifying for electrician and plumber certifications. See RCW 19.28.191 (1)(g)(iv).

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(6) After review and approval by the department, an individual may be granted work experience credit to take the journey level/specialty electrician's competency examination when an original notarized letter of work experience accompanied by verifiable documentation is provided. - See subsection (7) of this section.

For the purposes of this section, exempt work does not include work performed on property owned, in whole or part, by the individual seeking credit.

All exempt individuals must have a valid electrical training certificate when working to gain electrical work experience.

Work experience requested by an individual for telecommunications work must be gained while working for (01) general electrical, (02) residential, or (06) limited energy system electrical contractors as allowed by those scopes of work. When the work was performed, the individual must have a valid training certificate, be under the supervision of an appropriately certified journey level, residential or limited energy electrician, and be in compliance with RCW 19.28.191.

General - Qualifying hours gained by applicants seeking work experience credit without a Washington electrician training certificate.

(7) The type of on-the-job work experience must be similar to the credit being applied for and lawfully gained in the state or other entity where the work was performed. The individual must submit verifiable documentation (e.g., payroll, time sheets, permits, supervision, etc.) that the department may use to ascertain the type of work performed and the number of hours worked for each type (i.e., specialty) of work.

Training hours credited for specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for general journey level electrician.

The documentation must include a complete description of the individual's usual duties with percentages attributed to each type (e.g., wiring, material handling, shop, low voltage, etc.)

The department may reduce the number of hours allowed if the:

- (a) Individual did not have supervision during the training period;
- (b) Training hours are not related to electrical construction;
- (c) Training hours are not related to the specialty being applied for;
- (d) Documentation submitted by the individual does not fully verify the requested work experience; or
- (e) Work credit was not lawfully gained.

Training school credit.

(8) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

See RCW 19.28.191 (1)(h) for training school credit allowed for journey level applicants.

See WAC 296-46B-971 for additional information on training schools.

Qualifying for the journey level/specialty electrician competency examination when work was performed in a state requiring electrician certification for the work performed.

(9) After review and approval by the department, an individual may be granted on-the-job work experience towards

qualifying to take the journey level/specialty electrician's competency examination for hours worked in the other state when the state certifies to the department:

(a) The type and number of hours of work performed within the state. Credit will not be allowed for work not done within the certifying state.

(b) That the work was legally performed under the other state's licensing and certification requirements; and

(c) The other state's certificate of competency was obtained by examination.

If the experience is for other than a new commercial or industrial installation, the individual must identify the specialty credit desired and provide verifiable documentation identifying the other state's allowed scope of work for the specialty, see subsection (7) of this section.

Qualifying for the journey level/specialty electrician competency examination when work was performed in a state that does not require electrician certification for the work performed.

(10) After review and approval by the department, an individual may be granted work experience credit to take the journey level/specialty electrician's competency examination when an original notarized letter of work experience accompanied by documentation, see subsection (7) of this section, that can be used to verify the individual has worked the hours being requested is provided by:

- (a) An appropriately state licensed electrical contractor;
- (b) Registered apprenticeship training director;
- (c) Nationally recognized contractor/labor organization;

or

- (d) The individual's lawful employer.

~~(Military/shipyard)~~ Military experience.

(11) After review and approval by the department, an individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journey level or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, shipyard, shipboard, radar, weapons, aeronautical experience, or similar experience may be acceptable for no more than fifty percent of the minimum required work experience for qualifying for electrician examination.

The department will evaluate and determine whether the submitted experience is related specifically to the electrical construction/maintenance trade regulated by chapter 19.28 RCW.

Experience in another country.

(12) After review and approval by the department, and if an individual has a journey level electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards

the qualification to take the Washington journey level electrician examination.

No more than two years of the required training to become a Washington journey level electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journey level electrician or journey level electrician.

Documentation substantiating the individual's out of country experience must be submitted in English.

(13) Out of country experience credit is not allowed toward a specialty electrician certificate.

(14) Canadian journeyperson construction electricians with at least four years of electrical construction training who have obtained a construction electrician Red Seal endorsement by successfully completing a Red Seal examination are eligible to take the examination for the journey level electrician certificate of competency if they have possessed a Red Seal endorsement for one year.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-960 Administrator and electrician certificate of competency examinations.

General.

(1) The minimum passing score on any examination or examination section is seventy percent. If examination is requested to be administered by the department, an application is required and the examination must be successfully completed within one year of application or the individual must submit a new application for exam including all appropriate fees.

(2) All examinations are open book.

(a) Candidates may use:

(i) Any original copyrighted material;

(ii) A silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations;

(iii) Copies of chapter 19.28 RCW and this chapter; or

(iv) A foreign language dictionary that does not contain definitions.

(b) Candidates may not use:

(i) Copies of copyrighted material;

(ii) Copies of internet publications, except for RCWs or WACs;

(iii) Personal notes; or

(iv) A personal computing device of any type other than the calculator in (a)(ii) of this subsection.

(3) Administrator, master electrician, and electrician examinations may consist of multiple sections. For all administrator examinations, all sections must be successfully completed within a one-year examination period after beginning the examination. For all master electrician and electrician examinations, all sections must be successfully completed within a one-year examination period beginning with the date of the examination approval. Within the one-year examina-

tion period, the candidate does not have to retake any sections successfully completed within the examination period. If all sections are not successfully completed within the one-year period, the candidate must begin a new examination period and retake all sections.

Special accommodations for examination.

(4) An applicant for an examination who, due to a specific physical, mental, or sensory impairment, requires special accommodation in examination procedures, may submit a written request to the chief electrical inspector for the specific accommodation needed.

(a) The applicant must also submit to the department a signed and notarized release, authorizing the specifically identified physician or other specialist to discuss the matter with the department representative. The applicant must also submit an individualized written opinion from a physician or other appropriate specialist:

- (i) Verifying the existence of a specific physical, mental, or sensory impairment;
- (ii) Stating whether special accommodation is needed for a specific examination;
- (iii) Stating what special accommodation is necessary; and
- (iv) Stating if extra time for an examination is necessary and if so, how much time is required. The maximum allowance for extra time is double the normal time allowed.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department at least six weeks in advance of the examination date and must be accompanied by a completed application and fees as described in WAC 296-46B-909.

(c) Only readers and interpreters provided from the administrative office of the courts and/or approved by the department may be used for reading or interpreting the examination. The applicant will be required to bear all costs associated with providing any reading or interpretive services used for an examination.

(d) Applicants who pass the examination with the assistance of a reader or interpreter will be issued a certificate with the following printed restriction: "Requires reading supervision for product usage." A competent reader or interpreter must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

Applicants who pass the examination with the assistance of a mechanical device (e.g., magnifier, etc.) will be issued a certificate with the following printed restriction: "Requires mechanical reading assistance for product usage." Appropriate mechanical reading assistance must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

If a candidate successfully retakes the examination without the assistance of a reader or translator, a new certificate will be issued without the restriction.

(5) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

Failed examination appeal procedures.

(6) Any candidate who takes an examination and does not pass the examination may request a review of the examination.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.

(7) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be made in writing to the chief electrical inspector and must be received within twenty days of the date of the examination and must request a rescore of the examination. The written request must include the appropriate fees for examination review described in WAC 296-46B-909.

(b) The following procedures apply to a review of the results of the examination:

- (i) The candidate will be allowed one hour to review their examination.
- (ii) The candidate must identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.
- (iii) Within fifteen days of the candidate's review, the department will review the examination and candidate's justification and notify the candidate in writing of the department's decision.

Failing an administrator certificate exam or electrician certificate of competency examination.

(8) Anyone failing an administrator or electrician competency examination may retake the examination by making arrangements with the testing agency and paying the retesting fee.

(9) If the individual makes a failing score, the individual must wait two weeks before being eligible to retake.

(10) If the individual fails a part of an electrician (~~examination or a part of an~~), administrator, or master electrician examination three times within a one-year period, the individual must wait three months to retake the failed portion of the examination.

(11) Anyone failing an electrician competency examination may continue to work in the electrical trade if they have a valid electrical training certificate and work under the direct supervision of a certified journey level or specialty electrician in the proper ratio, per RCW 19.28.161.

Cheating on an examination.

(12) Anyone found cheating on an examination, attempting to bribe a proctor or other agent involved in administering an examination, or using inappropriate materials/equipment during an examination will be required to wait at least eleven months before being allowed to reexamine. All such reexaminations will be administered by the department in Tumwater, Washington and the candidate will be required to apply and schedule for the examination with the chief electrical inspector. The department may also file a civil penalty action under chapter 19.28 RCW.

Examination confidentiality.

(13) All examination questions are confidential. Examination candidates and persons who have taken an examination are not allowed to copy or otherwise make note of or share examination content, in any manner, outside the individual's examination environment. Examination candidates must agree, prior to beginning an examination, to keep all examination content confidential. The department may also file a civil penalty action under chapter 19.28 RCW.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-990 Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws.

General.

(1) If the compliance officer or electrical inspector/auditor determines that an individual, employer, or employee has violated chapter 19.28 RCW or this chapter, the department will issue a citation that describes the violation.

Suspension or revocation - Of an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, or training certificate.

(2) The department may revoke or suspend, for such time as it determines appropriate, an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, or training certificate if:

(a) The license, certificate, or permit was obtained through error or fraud;

(b) The license, certificate, or permit holder is judged to be incompetent to work in the electrical construction trade as ((a)) an electrical contractor, administrator, master electrician, journey level electrician, specialty electrician, electrical technician, or electrical trainee;

(c) For serious noncompliance as described below. See RCW 19.28.241 and 19.28.341 for other grounds and procedures.

(d) The license or certificate holder incompletely or inaccurately reported continuing or basic trainee class education units on an application for renewal; or

(e) The certificate holder falsely, incompletely, or inaccurately reported previous work experience.

The department will deny an application for any license/certificate during the period of revocation or suspension of the same or another license/certificate under chapter 19.28 RCW.

(3) For the purposes of this section, serious noncompliance includes, but is not limited to, any of the following:

(a) Causing or failing to correct a serious violation. A serious violation is a violation of chapter 19.28 RCW or chapter 296-46B WAC that creates a hazard of fire or a danger to life safety. A serious violation is also a violation that presents imminent danger to the public. Imminent danger to the public is present when installations of wire and equipment that convey or utilize electric current have been installed in such a condition that a fire-hazard or a life-safety

hazard is present. Imminent danger to the public is also present when unqualified, uncertified, or fraudulently certified electricians or administrators; or unlicensed or fraudulently licensed contractors are continuously or repeatedly performing or supervising the performance of electrical work covered under chapter 19.28 RCW. For the purposes of this section, a certified electrician is considered qualified, provided the electrician is working within his or her certification;

(b) The license or certificate was obtained, used, or allowed to be used through error or fraud;

(c) Submitting a fraudulent document to the department;

(d) Continuous noncompliance with the provisions of chapter 19.28 RCW or this chapter. For the purposes of this section, continuous noncompliance will be defined as three or more citations demonstrating a disregard of the electrical law, rules, or regulations within a period of three years, or where it can be otherwise demonstrated that the contractor, master electrician, electrician, or administrator has continuously failed to comply with the applicable electrical standards;

(e) Failure to make any books or records, or certified copies thereof, available to the department for an audit to verify the hours of experience submitted by an electrical trainee;

(f) Making a false statement or material misrepresentation on an application, statement of hours, or signed statement required by the department;

(g) The certificate holder falsely or inaccurately reported continuing or basic trainee class education units on an application for renewal;

(h) Installing a shortened rod/pipe grounding electrode, improper splicing of conductors in conduits/raceways or concealed within walls, or installing a fake equipment grounding conductor;

(i) Refusing to present a government issued photo identification when requested by an electrical inspector while working as an electrician or trainee as required by WAC 296-46B-940(3);

(j) Cheating on an electrical certification examination.

For any act of serious noncompliance, the person, firm, partnership, corporation, or other entity may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

(4) Before a license or certificate is revoked or suspended, the certificate holder will be given written notice of the department's intention to suspend or revoke. Notification will be sent by registered mail to the certificate holder's last known address. The notification will list the allegations against the certificate holder, and provide the certificate holder with the procedures necessary to request a hearing before the electrical board as described in WAC 296-46B-995.

Confiscation - Of an electrical contractor's license, administrator certificate, electrician certificate of competency, or training certificate.

(5) The department may confiscate a license or certificate that is counterfeit, revoked, expired, suspended, or altered. The individual may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-995 Electrical board—Appeal rights and hearings.

General.

(1) Chapter 19.28 RCW provides the authority for the duties and responsibilities of the electrical board. Except as provided in chapter 19.28 RCW and this chapter, all proceedings will be conducted according to chapter 34.05 RCW, Administrative Procedure Act and chapter 10-08 WAC, Model rules of procedure. See chapter 34.05 RCW, Administrative Procedure Act for specific definitions not described in this chapter.

(2) See RCW 19.28.311 for the composition of the electrical board.

(3) The board adopts the current edition of the "*Roberts' Rules of Order, Newly Revised.*"

(4) The board will hold regular meetings on the last Thursday of January, April, July, and October of each year per RCW 19.28.311.

(5) The director or the chairperson of the board may call a special meeting at any time.

(6) Each board member must be notified in writing of the agenda, date, time, and place of each regular and special meeting. "Writing" includes by electronic mail, also known as "email," if the member has provided an email address for such notice.

(7) The board or department may elect to have an appeal heard by the office of administrative hearings either tape recorded or transcribed by a court reporter; and the board may so elect regarding hearings or board reviews heard by the board as a whole.

(8) A majority of the board constitutes a quorum for purposes of rendering any decision.

(a) If a majority does not attend a hearing or board review on an appeal, the board may either continue the hearing or board review to a date certain or may hear the testimony and arguments.

(b) If the board hears the testimony and arguments, the members of the board who are absent may make their decisions after hearing the tape recording or reading the transcript, of the hearing or board review.

(c) If the board selects the method in ~~((subsection (8)))~~(b) of this ~~((section))~~ subsection, at the time of the hearing, the board will set a date certain for the absent members to complete review of the record and for the board as a whole to vote on the decision. The vote in ~~((subsection (8)))~~(b) and (c) of this ~~((section))~~ subsection may occur by U.S. mail, facsimile or by electronic mail and will be determined by the board at the hearing; the members' votes will be public record.

(9) All filings and documents for any matter before the board must be submitted to the chief electrical inspector, as secretary to the board, 7273 Linderson Way, P.O. Box 44460, Olympia, WA 98504-4460. Twenty copies of filings and documents must be submitted by ordinary mail, certified or registered mail, or by personal delivery. Filings and documents must be received no later than forty-five days prior to the scheduled meeting. When filings or documents are received

after the deadlines, the filings and documents will be presented to the board at the second regularly scheduled board meeting.

(10) All hearings before the board as a whole will be held on regularly scheduled meeting dates, as listed in subsection (4) of this section, unless the board determines that an alternate date is necessary.

(11) All notices of appeal, with a certified check payable to the department in the amount specified in subsection (12), ~~((14,))~~ (15), ~~(16)~~, or ~~((17))~~ (18) of this section if required, must be received in the office of the chief electrical inspector, as secretary to the board, at least forty-five days before the regularly scheduled board meeting at which the hearing would occur. A separate appeal fee is required for each entity's appeal of a specific violation type (e.g., for a single entity, the designated administrator, multiple alleged violations of RCW 19.28.061 (5)(a) - Designated administrator not available, RCW 19.28.061 (5)(d) - Designated administrator fails to ensure proper permit is purchased, and RCW 19.28.061 (5)(e) - Designated administrator fails to ensure corrections are made would require three of the applicable appeal amounts; one for each specific violation type). The total appeal fee for each entity seeking an appeal hearing is one thousand dollars maximum for all violation types. For original appeals to the board, the appellant must submit twenty copies of any written argument, briefs, testimony, or documents for the board's consideration at least forty-five days prior to the scheduled hearing. When appeals, written argument, briefs, testimony, or documents are received after the deadlines, the appeals, written argument, briefs, testimony, or documents will be presented to the board at the second regularly scheduled board meeting.

Appeals

(12) Appeals of penalties issued by the department.

(a) A party may appeal a penalty issued by the department, pursuant to chapter 19.28 RCW and this chapter, to the board. The appeal will be assigned to the office of administrative hearings.

(b) The appeal must be filed within twenty days after the notice of the decision or penalty is given to the assessed party either by personal service or using a method by which the mailing can be tracked or the delivery can be confirmed, sent to the last known address of the assessed party and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars or ten percent of the penalty amount, whichever is less, but in no event less than one hundred dollars.

(13) Appeals of proposed decisions issued by the office of administrative hearings.

(a) A party may appeal a proposed decision issued by the office of administrative hearings pursuant to chapter 19.28 RCW to the board. The appeal must be filed within twenty days after service of the decision and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal of a proposed decision must be received in the office of the chief electrical inspector, as secretary to the board, at least forty-five days before a regularly

scheduled board meeting. If you want the board to consider written argument, briefs, testimony, or other documents, it must be submitted at least forty-five days prior to the scheduled hearing.

(14) Appeals of penalty decisions issued through an appellant process of a city or town.

(a) A party may appeal a decision pursuant to RCW 19.28.010(4) to the board. The appeal must be filed within twenty days after service of the decision and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal must be received in the office of the chief electrical inspector, as secretary to the board, at least forty-five days before a regularly scheduled board meeting. If you want the board to consider written argument, briefs, testimony, or other documents, it must be submitted at least forty-five days prior to the scheduled hearing.

(15) Appeals of suspension, revocation, or nonrenewal.

(a) An appeal of the suspension or revocation of a license or certificate of competency under RCW 19.28.241 and 19.28.341 or of nonrenewal of a license or certificate of competency under this chapter will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The appeal must be filed within twenty days after the notice of suspension or revocation is served on the subject of said action, either by personal service or using a method by which the mailing can be tracked or the delivery can be confirmed, sent to the last known address of the subject and must be filed by written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars or, for appeals of nonrenewal due to outstanding final judgments owed to the department, the amount shall be two hundred dollars or ten percent of the outstanding penalty amount, whichever is less, but in no event less than one hundred dollars.

((15)) (16) Appeals of decisions on installation.

(a) A party may seek board review for disputes relating to the interpretation and application of electrical/telecommunications installation or maintenance standards under RCW 19.28.111, 19.28.480, and 19.28.531. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. All parties must submit any written argument, briefs, testimony, or documents for the board's consideration at least twenty days prior to the scheduled hearing.

((16)) (17) Appeals of a continuing or basic trainee class or instructor for denials or revocations.

A party may appeal a decision issued by the department, pursuant to WAC 296-46B-970 (3)(e)(iv) to the superior court per RCW 34.05.542(3).

((17)) (18) Appeals pertaining to engineer approval or electrical testing laboratory recognition and accreditation.

(a) A party may appeal a decision issued by the department pursuant to WAC 296-46B-997 or 296-46B-999. The appeal will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars for appeals pertaining to engineer approval or recognition and accreditation of an electrical testing laboratory, must be filed within twenty days after the notice of the department's decision is served on the subject of said action, either by personal service or using a method by which the mailing can be tracked or the delivery can be confirmed, sent to the last known address of the subject and must be filed by written notice of appeal with the chief electrical inspector, as secretary to the board.

((18)) (19) Judicial review of final decisions of the board.

A party may seek judicial review of a final order of the board within thirty days after service of the decision. Appeals of final decisions and orders must be done in accordance with chapter 34.05 RCW.

((19)) (20) If appeal(s) according to ((subsections (12), (13), (15), and (16) of)) this section are not filed or the appeal is not filed timely, the proposed decision or action becomes final with no further action on the part of the department or the board.

((20)) (21) Appeals - General requirements.

(a) Appeals according to ((subsection (12), (15), or (16) of)) this section must specify the contentions of the appellant, and must for subsection (13) or (14) of this section specify to which conclusions of law and findings of fact the party takes exception. The appeal will be based on the record of the hearing. The board will not grant a hearing de novo.

(b) In appeals under subsections (13), (14), (15), ((and)) (16), and (17) of this section, the issues to be adjudicated must be made as precise as possible, in order that the board may proceed promptly to conduct the hearing on relevant and material matter only.

(c) In all appeals of chapter 19.28 RCW and this chapter heard before the office of administrative hearings or directly by the board, the department has the burden of proof by a preponderance of the evidence.

(d) In all appeals of a decision by the office of administrative hearings to the board, the party aggrieved by the decision of the office of administrative hearings has the burden of proof by a preponderance of the evidence.

Appearance and practice before board.

((21)) (22) No party may appear as a representative in proceedings other than the following:

(a) Attorneys at law qualified to practice before the supreme court of the state of Washington;

(b) Attorneys at law qualified to practice before the highest court of record of another state, if the attorneys at law of the state of Washington are permitted to appear as represen-

tatives before administrative agencies of the other state, and if not otherwise prohibited by Washington law; or

(c) An owner, officer, partner, or full-time employee of a firm, association, organization, partnership, corporation, or other entity who appears for the firm, association, organization, partnership, corporation or other entity.

~~((22))~~ (23) All persons appearing in proceedings as a representative must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If a person does not conform to these standards, the board may decline to permit the person to appear as a representative in any proceeding before the board.

WSR 19-15-118
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 2019, 10:30 a.m., effective September 1, 2019]

Effective Date of Rule: September 1, 2019.

Purpose: This rule making will adopt additional requirements from the 2015 American Society of Mechanical Engineers (ASME) A17.3 safety codes for existing elevators and escalators. The additional requirements include:

- ASME A17.3 requirement 2.7.6 Hoistway Emergency Door Contacts;
- ASME A17.3 requirement 3.3.5 Protection of Platforms Against Fire;
- ASME A17.3 requirement 3.10.7 Operating of Driving Machine;
- ASME A17.3 requirement 3.10.12 System to Monitor and Prevent Automatic Operation of the Elevator with Faulty Door Contact Circuits;
- ASME A17.3 requirement 3.11.3 Firefighter's Service;
- ASME A17.3 requirement 3.9.5 Piston Connections; and
- ASME A17.3 requirement 5.5.3 Adjacent Floor Surfaces.

The adopted rules also provide an extended time frame of two years to come into compliance with ASME A17.3 Requirements 2.7.6, 3.3.5, 3.10.7, 3.9.5, and 5.5.3 or to submit a written plan with a projected time frame for compliance and five years for compliance with ASME A17.3 Requirements 3.10.12 and 3.11.3.

The changes were originally proposed as part of the elevator rule changes that were adopted on August 31, 2018, WSR 18-12-103. The development of the proposed rules involved a technical advisory committee of diverse elevator stakeholder representatives and review and approval of the changes by the elevator safety advisory committee. During the 2018 process, stakeholders expressed concerns that elevator owners did not understand how the rule changes would affect them or the potential financial impacts. The department decided to adopt only those provisions of ASME A17.3 that were consistent with existing requirements and initiate this separate rule making specific to the changes to ensure building owners and other interested parties understand the

impacts of the requirements and to provide an additional opportunity for public comment.

Citation of Rules Affected by this Order: Amending WAC 296-96-00675 and 296-96-23000.

Statutory Authority for Adoption: Chapter 70.87 RCW, Elevators, lifting devices, and moving walks.

Adopted under notice filed as WSR 19-09-064 on April 16, 2019.

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 the Request of a Non-governmental 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: July 23, 2019.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-00675 Amendments to adopted standards. (1) Exclude all references to QEI certification in ASME A17.1/CSA B44 from code adoption.

(2) ASME A17.1/CSA B44, Section 1.2 Purpose and Exceptions amended as follows: The purpose of this code is to provide for the safety of life and limb, and to promote the public welfare. Compliance with these rules shall be achieved by:

(a) Conformance with the requirements in ASME A17.1/CSA B44 as amended by this chapter; or

(b) Conformance with a combination of requirements in ASME A17.1/CSA B44, this chapter, and ASME A17.7/CSA B44.7 with the following ASME A17.7/CSA B44.7 inclusions:

(i) All system or component certifications performed by an Accredited Elevator/Escalator Certification Organization (AECO) under ASME A17.7/CSA B44.7 shall be approved by the department before any such system or component is allowed to be permitted or installed in the state of Washington.

(ii) The applicant shall provide the certificate of certification for the device or system evaluated by an AECO.

(iii) The department has the final authority regarding acceptance of any item in ASME A17.7/CSA B44.7. The department may remove approval if a design has changed or unforeseen or undisclosed information is obtained.

(iv) The department will post the specific ASME A17.7/CSA B44.7 AECO certificate including exceptions agreed upon. At that time the certificate and exceptions become part

of the adopted rule in the state of Washington and not subject to a variance process. The installer shall include the certificate and exceptions and all required information on each conveyance installed utilizing the ASME A17.7/CSA B44.7 method in the Maintenance Control Program documentation.

(v) The department may charge an additional fee for each item in review based upon the variance fee table.

(c) Additions or modifications to adopted standards and/or this chapter shall require approval from the department.

(3) ASME A17.1/CSA B44, Section 5.8, Marine Elevators. This section only applies to elevators installed on board a marine vessel flying the Washington state flag and under one hundred gross metric tons.

(4) ASME A17.1/CSA B44, Section 5.11, Wind Turbine Elevator is not adopted.

(5) Periodic tests and inspections. Pursuant to ~~((Req.))~~ requirements 8.6.1.7 and 8.11.1.3, the department adopts ASME A17.1/CSA B44, Appendix N for the frequency of periodic tests. Pursuant to RCW 70.87.120 (2)(a) periodic inspections shall be performed annually.

(6) ASME A17.1/CSA B44 requirement 8.11.1.2 is not adopted. The department shall be permitted to witness periodic tests when the department deems necessary.

(7)~~(a)~~ ASME A17.1-2016/CSA B44-16, 8.6.11.1 Firefighters' Emergency Operation is amended as follows: All elevators provided with firefighters' emergency operation shall be subjected quarterly, by authorized personnel, to Phase I recall by use of the keyed switch, and a minimum of one-floor operation on Phase II. Deficiencies shall be corrected. A record of findings shall be available to elevator personnel and the authority having jurisdiction.

~~(b)~~ At least once each year, the fire alarm initiating devices associated with elevator recall and shunt trip initiating devices shall be tested to ~~((determine if))~~ ensure they are still properly interfaced with the elevator control.

~~((8))~~ ASME A17.3 requirement 2.7.6 Hoistway Emergency Door Contacts is not adopted.

~~(9)~~ ASME A17.3 requirement 3.3.5 Protection of Platforms Against Fire is not adopted.

~~(10)~~ ASME A17.3 requirement 3.10.7 Operating of Driving Machine with Hoistway Door Unlocked or Hoistway or Car Door Not in the Closed Position is not adopted.

~~(11)~~ ASME A17.3 requirement 3.10.12 System to Monitor and Prevent Automatic Operation of the Elevator with Faulty Door Contact Circuits is not adopted.

~~(12)~~ ASME A17.3 requirement 3.11.3 Firefighter's Service is not adopted.

~~(13)~~ ASME A17.3 requirement 3.9.5 Piston Connections is not adopted.

~~(14)~~ ASME A17.3 requirement 5.5.3 Adjacent Floor Surfaces is not adopted.))

AMENDATORY SECTION (Amending WSR 18-18-070, filed 8/31/18, effective 10/1/18)

WAC 296-96-23000 Compliance time frames. Time frames for compliance with Part D or ASME A17.3 (or combination thereof) as applicable.

(1) These time frames do not apply to maintenance and periodic testing as required by ASME A17.1/CSA B44, Section 8.6.

(2) Where a single unit is required to comply with multiple requirements or a group of units is required to comply with multiple requirements on one or more conveyances, the owner shall ~~((be granted sufficient time in order to comply without penalty.~~

~~((3))~~ ~~The owner shall~~);

(a) Have twenty-four months/two years in which to come into compliance; or

(b) Submit a written plan ((and)) within twenty-four months indicating the projected time frame ((for)) in which to comply.

~~((4))~~ (3) Where conveyances are targeted for alterations upon complying with subsection (2)(b) of this section, the owner may delay implementation of the requirements of Part D or ASME A17.3 (or combination thereof) until such time when the alteration is permitted by the department.

(4) The owner shall have a maximum of 60 months/5 years in which to come into compliance with the following:

(a) ASME A17.3 requirement 3.10.12 System to Monitor and Prevent Automatic Operation of the Elevator with Faulty Door Contact Circuits.

(b) Where Firefighters' Emergency Operation is required by ASME A17.3, requirement 3.11.3 (note: ASME A17.3, requirement 3.11.3 only pertains to elevators where Firefighters' Emergency Operation does not comply with the 1987 or later editions of ASME A17.1 or ASME A17.1/CSA B44. There is no requirement to add Firefighter's Emergency Operation (FEO) under ASME A17.3 if the elevator was not provided with FEO during the initial installation).

WSR 19-15-119

PERMANENT RULES DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed July 23, 2019, 10:32 a.m., effective August 23, 2019]

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

Purpose: The prevailing wage program reviewed the prevailing wage rules for housekeeping changes in order to further clarify the rules.

Changes include: Updated references to correct current statutes and addresses; changes to gender neutral language; and replacement of archaic terminology.

The prevailing wage program notified interested parties by letter of its intention to proceed with a housekeeping rule-making process and invited them to participate through prevailing wage advisory committee (PWAC) meetings or their independent communications with labor and industries. The program worked with PWAC, and its representation from business, labor, public agencies, as well as received participation from the public regarding development of the housekeeping rule changes, and consensus was obtained on the proposed changes.

Citation of Rules Affected by this Order: Amending WAC 296-127-010, 296-127-011, 296-127-019, 296-127-

026, 296-127-060, 296-127-061, 296-127-062, 296-127-170, 296-127-190, 296-127-200, 296-127-300, 296-127-310, 296-127-400, 296-127-410, 296-127-420, 296-127-430, 296-127-440, 296-127-450, and 296-127-460.

Statutory Authority for Adoption: Chapter 39.12 RCW.

Adopted under notice filed as WSR 19-12-089 on June 4, 2019.

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 the Request of a Non-governmental 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 19, 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: July 23, 2019.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 94-01-100, filed 12/16/93, effective 1/16/94)

WAC 296-127-010 Definitions for chapter 296-127

WAC. (1) "Department" means the department of labor and industries.

(2) "Director" means the director of the department or his or her duly authorized deputy or representative.

(3) "Industrial statistician" means the industrial statistician of the ~~((department's employment standards, apprenticeship, and crime victims (ESAC) division))~~ department.

(4) "Assistant director" means the assistant director of the ~~((employment standards, apprenticeship, and crime victims (ESAC)))~~ fraud prevention and labor standards (FPLS) division or his or her duly authorized deputy or representative.

(5) "Contractor" means:

(a) The prime contractor, and each and every subcontractor, required to be registered under chapter 18.27 RCW and/or licensed under chapter 19.28 RCW, that performs any work on a public works project site, and/or is required to pay industrial insurance premiums as a construction company.

(b) Employers engaged in shipbuilding and ship repair, building service maintenance, and any fabricator or manufacturer that produces nonstandard items specifically for a public works project.

(c) Employers that contract with contractors or subcontractors for the purpose of the production and/or delivery of materials pursuant to the terms of WAC 296-127-018.

(6) The term municipality shall include every city, county, town, district, political subdivision, or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking dis-

tricts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts, or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

(7)(a) The term "public work" shall include:

(i) All work, construction, alteration, enlargement, improvement, repair, and/or demolition that is executed by contract, purchase order, or any other legal agreement and that is executed at the cost of the state of Washington or of any municipality. The source of the funding shall not determine the applicability of the statute, and may include, but is not limited to, such sources as those payments made through contracts with insurance companies on behalf of the insured state or municipality;

(ii) All work, construction, alteration, enlargement, improvement, repair, and/or demolition which, by law, constitutes a lien or charge on any property of the state or of a municipality;

(iii) All work, construction, alteration, repair, or improvement, other than ordinary maintenance that the state or a municipality causes to be performed by a private party through a contract to rent, lease, or purchase at least fifty percent of the project by one or more state agencies or municipalities, pursuant to RCW 39.04.260;

(iv) Maintenance, except ordinary maintenance as defined by (b)(iii) of this subsection, when performed by contract. Maintenance is defined as keeping existing facilities in good usable, operational condition;

(v) Janitorial and building service maintenance as defined by WAC 296-127-023, when performed by contract, on public buildings and/or assets; and

(vi) The fabrication and/or manufacture of nonstandard items produced by contract specifically for a public works project as defined by (a)(i) through (v) of this subsection.

(b) The term "public work" shall not include:

(i) Work, construction, alteration, enlargement, improvement, repair, demolition, and/or maintenance for which no wage or salary compensation is paid, consistent with the requirements of RCW 35.21.278;

(ii) ~~((The construction, alteration, repair, or improvement of any municipal street railway system;~~

~~((iii)))~~ Ordinary maintenance ~~((which))~~ is defined as maintenance work ((not)) performed by ((contract and that is performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year), to service, check, or replace items that are not broken; or work not performed by contract that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary)) the regular employees of the state or any county, municipality, or political subdivision created by its laws.

(8) "Contract" means a contract, purchase order, or any other legal agreement in writing for public work to be performed for a fixed or determinable amount, which is duly awarded after advertisement and competitive bid. A contract

that is awarded from a small works roster, or under the emergency provisions of state law, need not be advertised.

(9) "Residential construction" means construction, alteration, repair, improvement, or maintenance of single family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including basement, when used solely as permanent residences. It does not include the utilities construction (water and sewer lines), or work on streets, or work on other structures (e.g., for recreation and business.)

AMENDATORY SECTION (Amending WSR 04-10-083, filed 5/4/04, effective 6/4/04)

WAC 296-127-011 Time for determining prevailing wage. (1) Prevailing wage rates for all public work contracts will be determined by the industrial statistician and published on the first business day of February and the first business day of August of each year. These rates shall become effective thirty days after the date of publication. However, the industrial statistician may revise an established prevailing wage rate in response to an administrative or judicial finding overturning the established rate, or at any time necessary to correct an error, with such revision becoming effective thirty days after the date of publication. However, in the event of an emergency as determined by the director of the department, such revised rate shall take effect upon publication.

(2) The department shall establish deadlines for the submission of:

- (a) Completed wage surveys, for inclusion of submitted data in the survey computations;
- (b) Newly ratified collective bargaining agreements for inclusion in the semiannual prevailing wage publication;
- (c) Notice of collectively bargained wage and benefit adjustments, and/or relevant contractual changes, for inclusion in the semiannual prevailing wage publication; and
- (d) Notice of changes in apprenticeship standards and incremental wage rates for inclusion in the semiannual prevailing wage publication.

(3) The applicable prevailing wage rates for a given public works contract will be determined as follows:

(a) For all public works contracts, except janitorial or building service maintenance contracts, the applicable prevailing wage rates shall be the rates that are in effect on the date when bids by prime contractors are due for submission to contract awarding agencies. These rates shall remain in effect for the duration of the contract.

(b) If contracts are not awarded within six months of the date bids are due, the applicable prevailing wage rates shall be those that are in effect on the date the contract is awarded. These rates shall remain in effect for the duration of the contract.

(c) For work orders issued under job order contracts pursuant to chapter ((301, Laws of 2003)) 39.10 RCW, the appropriate prevailing wage rates shall be the rates that are in effect on the date when the individual work order is issued.

(4) If a contract for public work is not awarded pursuant to bids, the applicable prevailing wage rates shall be those that are in effect on the date when the contract is executed.

These rates shall remain in effect for the duration of the contract.

(5) A schedule of the applicable prevailing wage rates must be included by:

- (a) Contract awarding agencies, in the bid specifications and contract documents for each contract.
- (b) Contractors, in the bid and/or contract documents provided to subcontractors.

AMENDATORY SECTION (Amending WSR 92-01-104, filed 12/18/91, effective 1/31/92)

WAC 296-127-019 Survey methodology. (1) The industrial statistician shall establish prevailing wage rates by:

- (a) Conducting wage and hour surveys for established trades and occupations;
- (b) Adopting the wage and benefit adjustments established in collective bargaining agreements for those trades or occupations where the most recently established prevailing wage rates were derived from a collective bargaining agreement; and/or
- (c) In instances when the procedures established in (a) and (b) of this subsection are not feasible, employing other methods deemed appropriate by the industrial statistician as set out in subsection (8) of this section.

(2) The department will determine the identity of employers to be surveyed for a specific trade or occupation by:

- (a) Mailing trade and occupation questionnaires to all contractors whose registration under chapter 18.27 RCW or license under chapter 19.28 RCW is active;
- (b) Mailing trade and occupation questionnaires to Washington state department of transportation prequalified contractors; and
- (c) Compiling and maintaining lists of employers that are not required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, but that employ workers in building service maintenance, in shipbuilding or ship repair, in the fabrication and/or manufacture of nonstandard items produced specifically for a public works project, and/or in the production and delivery of materials as defined in WAC 296-127-018. Trades and occupations utilized by the shipbuilding and ship repair industries shall not have their survey data combined with their construction counterparts, for the purpose of establishing prevailing wage rates for that industry.

(3)(a) Wage survey forms will be mailed to:

- (i) Those contractors and employers whose businesses currently are active and were active during the established survey period, and whose response to the trade and occupation questionnaire indicates that they employ one or more of the trades or occupations being surveyed; and
- (ii) Labor unions representing workers in the trades or occupations being surveyed.

(b) The department annually shall mail to statewide trade associations and statewide labor organizations a proposed schedule of trades intended to be surveyed during the upcoming fiscal year. In addition, the department shall notify those statewide trade associations and labor organizations, reasonably known to be affected, of the mailing of wage surveys.

(4) Data reported on survey forms may be verified by the department, and will be used only when submitted on behalf of or by:

(a) Individual contractors identified by a contractor registration number that currently is valid, and was valid during the established survey period;

(b) Employers that are not required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, that directly employ and supervise workers as employees in building service maintenance, in shipbuilding or ship repair, in the manufacture of nonstandard items specifically produced for a public works project, or in the production and delivery of materials, as defined in WAC 296-127-018;

(c) Labor unions submitting wage and hour data on behalf of contractors and/or employers who are signatory to those unions' collective bargaining agreements covering the trade or occupation being surveyed; or

(d) Interested parties providing wage and hour data by trade and occupation from certified payroll records and/or from hours reported by trade and occupation on affidavits of wages paid, according to guidelines established by the department.

(5) The department shall use affidavit forms that include a requirement that contractors report the actual number of hours worked by each trade and occupation utilized on the public works project for which the affidavit is filed.

(6) Valid data reported on wage surveys shall be calculated, as follows:

(a) If the majority of hours reported for a trade or occupation in the largest city in a county is paid at the same wage rate, then that rate shall be established as the prevailing wage rate.

(b) If the same wage rate is not reported to have been paid for the majority of hours reported in the largest city in a county for a trade or occupation, then the average wage rate shall be established as the prevailing wage rate, based on a weighted average of the hours, wages, and benefits reported in the largest city.

(c) If a statistically significant number of hours fails to be reported for the largest city in a county, then the average wage rate for the county is established as the prevailing wage, based on a weighted average.

~~((d) If there fails to be reported for an entire county, sufficient hours to validate the survey data, that county's hours shall be combined with those reported for other counties that are adjacent, until the established hours threshold for validation has been met.))~~

(7) Survey data will not be accepted if the data report the hours and wages of those who are exempt from the prevailing wage requirements of chapter 39.12 RCW, as defined in WAC 296-127-026.

(8)(a) The industrial statistician may utilize alternative methods to establish prevailing wage rates consistent with the terms of (b) of this subsection. These methods include, but are not limited to:

(i) The use of wage and hour data from the department of employment security;

(ii) The use of wage and hour data from the industrial insurance division of the department of labor and industries;

(iii) The use of data from surveys performed by the United States Department of Labor, wage and hour division; or

(iv) The use of wage and hour data reported to the department on affidavits of wages paid.

(b) These alternative methods will not be used for trades or occupations for which surveys had been completed as of the effective date of this section unless a subsequent survey produces insufficient data. In addition, these alternative methods may be used under circumstances that include, but are not limited to, the following:

(i) To establish prevailing wage rates for a new trade or occupation where a survey is not immediately feasible;

(ii) In response to an administrative or judicial determination of invalid wage rate or scope of work description;

(iii) In response to changes or additions in licensing, safety, or other requirements of other state agencies, departments or divisions; or

(iv) To establish rates for industries and trades and occupations generally not surveyed, in order to meet the requirement of having established wage rates for publication in contract or bid specifications as required by RCW 39.12.030.

(9) Any party that submits false information under this section shall, after a determination to that effect has been issued by the director after a hearing pursuant to chapter 34.05 RCW, forfeit as a civil penalty the sum of five hundred dollars.

AMENDATORY SECTION (Amending WSR 88-22-046, filed 10/31/88)

WAC 296-127-026 Exemptions for sole owners and their spouses, partnerships, corporations, and employees of public agencies. The prevailing wage requirements of chapter 39.12 RCW do not apply to:

(1) Sole owners and their spouses.

(2) Any partner who owns at least thirty percent of a partnership.

(3) The president, vice president and treasurer of a corporation if each one owns at least thirty percent of the corporation.

(4) Workers regularly employed (~~on monthly or per diem salary~~) by the state or any county, municipality, or political subdivision created by its laws.

AMENDATORY SECTION (Amending WSR 82-18-041, filed 8/27/82)

WAC 296-127-060 Director of department of labor and industries to arbitrate disputes—General provisions.

(1) The contract executed between a public authority and the successful bidder or contractor and all of his or her subcontractors shall contain a provision that in case any dispute arises as to what are the prevailing rates of wages for a specific trade, craft or occupation and such dispute cannot be adjusted by the parties in interest, including labor and management representatives, the matter shall be referred for arbitration to the director, and his or her decision shall be final, conclusive, and binding on all parties involved in the dispute.

(2) In exercising his or her authority to hear and decide disputes the director shall consider among other things, time-

liness, the nature of the relief sought, matters of undue hardship or injustice, or public interest. A "timely" request for arbitration is one received within thirty days after the contract has been awarded.

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he or she would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

AMENDATORY SECTION (Amending WSR 82-18-041, filed 8/27/82)

WAC 296-127-061 Requests for arbitration. (1) The petition for arbitration (original and ~~((four))~~ two copies) shall be filed with: Director, Department of Labor and Industries, ~~((General Administration Building, Olympia, Washington 98504))~~ 7273 Linderson Way Southwest, Tumwater, Washington, or by mail to: Post Office Box 44001, Olympia, WA 98504-4001. In addition, copies of the petition shall be served personally or by mail upon each of the following:

(a) The public agency or agencies involved((:));

(b) The industrial statistician((:)); and

(c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.

(2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.

(3) A petition for arbitration of a wage determination shall:

(a) Be in writing and signed by the petitioner or his or her counsel (or other authorized representative)((:)); and

(b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned((:)); and

(c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request((:)); and

(d) Contain a short and plain statement of the grounds for review((:)); and

(e) Be accompanied by supporting data, views, or arguments((:)); and

(f) Be accompanied by a filing fee of ~~(((\$75.00))~~ seventy-five dollars. Fees shall be made payable to the department of labor and industries.

AMENDATORY SECTION (Amending WSR 82-18-041, filed 8/27/82)

WAC 296-127-062 Conduct of arbitration hearing.

(1) Interested persons other than the petitioner shall have a reasonable opportunity as specified by the director in particular cases to submit to the director written data, views, or arguments relating to the petition. Such material (original and four copies) shall be filed with the: Director, Department of Labor and Industries, ~~((General Administration Building, Olympia, Washington 98504))~~ 7273 Linderson Way Southwest, Tumwater, Washington, or by mail to: Post Office Box 44001, Olympia, WA 98504-4001 and be accompanied by a filing fee of ~~(((\$35.00))~~ thirty-five dollars. Fees shall be made payable to the department of labor and industries. Copies of any such material shall be served on the petitioner and other interested persons.

(2) Each party in interest shall have the right to appear in person or by or with counsel or other qualified representatives in any proceeding before the director. If all parties agree, oral testimony may be waived and arguments submitted in writing.

(3) Upon his or her own initiative or upon motion of any interested person or party, the director may consolidate in any proceeding or concurrently consider two or more appeals which involve substantially the same persons or parties, or issues which are the same or closely related, if he or she finds that such consolidation or concurrent review will contribute to an efficient review and to the ends of justice, and it will not unduly delay consideration of any such appeals.

(4) The director shall prescribe the time and place for hearing. The director shall schedule the hearing within forty-five days of the request. For good cause shown, the director may allow a continuance at the request of a party in interest.

(a) With respect to any proceeding before ~~((him))~~ the director, the director may upon his or her own initiative or upon the request of any interested person or party direct the interested persons or parties to appear before the director at a specified time and place in order to simplify the issues presented or to take up any other matters which may tend to expedite or otherwise facilitate the disposition of the proceeding.

(b) All papers submitted to the director under this section shall be filed with the: Department of Labor and Industries,

~~((General Administration Building, Olympia, Washington 98504)) 7273 Linderson Way Southwest, Tumwater, Washington, or by mail to: Post Office Box 44001, Olympia, WA 98504-4001.~~ An original and ~~((four))~~ two copies of all papers shall be submitted. Service under this part shall be by the filing party or interested person; service may be personal or may be by mail. Service by mail is complete on mailing.

(5) The final disposition shall be by the director.

(a) The director may decline review of any case whenever in his judgment a review would be inappropriate or because of the lack of timeliness, the nature of the relief sought, or other reasons.

(b) The director shall decide the case upon the basis of all relevant matter contained in the entire record before him or her but the director may utilize his or her experience, technical competence, and specialized knowledge in evaluating the evidence.

(c) Upon reasonable notice to the parties or interested persons, the director may vary the procedures specified in this part in particular cases.

(6) The director may allow all parties a period of ten days for filing post-hearing briefs prior to closing the record and concluding the hearing.

(7) The director shall issue a written decision within ~~((30))~~ thirty days of the conclusion of the hearing. A copy shall be sent to each party in interest.

AMENDATORY SECTION (Amending WSR 86-03-063, filed 1/17/86)

WAC 296-127-170 Hearing on notice of violation. (1)

The director may hear the appeal personally or may delegate the authority to hold the hearing and draft a proposed decision to an administrative law judge pursuant to chapter 34.12 RCW. The plaintiff in the hearing shall be the department, and the defendants shall be the violator and its interested sureties. The department shall have the burden of proving, by a preponderance of the evidence, that the violations occurred and that any wages were unpaid as stated in the notice.

(2) Any interested party may upon motion, be allowed to intervene as a plaintiff in the hearing. "Standing" shall be construed broadly to effectuate the remedial purposes of the prevailing wage law. An interested party, whether or not admitted as a plaintiff, may submit written arguments and affidavits. The parties shall be given an opportunity to respond to or rebut any arguments and affidavits before the person presiding over the hearing makes his or her decision.

(3) The hearing shall be conducted in accordance with ~~((the Uniform procedure rules, chapter 1-08 WAC))~~ chapter 34.05 RCW.

(4) If the director presides over the hearing, the director shall issue a final decision that includes findings of fact and conclusions of law, and if appropriate an order to pay unpaid prevailing wages, a penalty, or both.

(5) If an administrative law judge presides over the hearing, she or he shall issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate an order to pay unpaid prevailing wages, a penalty, or both. The proposed decision shall be served by certified mail or personally on the violator, the interested sureties, the department,

and any interested parties who have intervened as plaintiffs. Any of these parties, if aggrieved by the proposed decision, may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts.

(6) An appellant must file with the director an original and ~~((four))~~ two copies of its notice of appeal. The notice of appeal must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director shall review the proposed decision in accordance with the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director shall serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to chapter 34.05 RCW ~~((34.04.130))~~ unless the final decision affirms an unappealed proposed decision. If no party appeals within the period set by chapter 34.05 RCW ~~((34.04.130))~~, the director's decision is conclusive and binding on all parties.

AMENDATORY SECTION (Amending WSR 86-03-063, filed 1/17/86)

WAC 296-127-190 Filing of lien against retainage or bonds. (1)

Upon receipt of a timely complaint that a contractor has violated RCW 39.12.065, and that the contractor owes unpaid prevailing wages, the department may file a lien against the retainage or bond obtained by the contractor under RCW ~~((60.28.010))~~ 60.28.011.

(2) Upon issuance by the director of a final decision that finds that a contractor has violated RCW 39.12.065 or 39.12.050, and that sets a civil penalty for the violation, the department shall file liens for the penalty amount against the retainage and bonds the contractor obtained under RCW 39.12.065 (2)(c), 39.08.010, and ~~((60.28.010))~~ 60.28.011.

AMENDATORY SECTION (Amending WSR 86-03-063, filed 1/17/86)

WAC 296-127-200 Surety bond payable to director. (1)

RCW 39.12.065 (2)(c) authorizes the director to require a contractor to obtain a surety bond "running to the director in the amount of the violation found." The intent and wording indicates that the director may require such a bond only after

issuing a final decision finding that the contractor has violated RCW 39.12.065.

(2) The director may demand that a violating contractor post the bond when:

(a) The director has issued a final decision that finds that the contractor owes unpaid prevailing wages or a penalty, whether or not the decision has been appealed to the courts; and

(b) The retainage or bonds provided under RCW ~~((60.28.010))~~ 60.28.011, 18.27.040, and ~~((19.28.120))~~ 19.28.041 are or may be insufficient to pay the amount of prevailing wages or the penalty owed.

(3) A contractor may at any time voluntarily obtain a bond running to the director to guarantee the payment of the prevailing wages and any penalty. The contractor may allow the director to satisfy any claim for unpaid wages or the penalty from this bond instead of from the retainage or bonds obtained under RCW ~~((60.28.010))~~ 60.28.011, 18.27.040, ~~((19.28.120))~~ 19.28.041, and 39.08.010.

AMENDATORY SECTION (Amending WSR 86-03-063, filed 1/17/86)

WAC 296-127-300 Filing and service. All papers required to be filed with the director under this chapter or chapter 39.12 RCW shall be addressed to: Director, Department of Labor and Industries, ~~((General Administration Building, Olympia, WA. 98504))~~ 7273 Linderson Way Southwest, Tumwater, Washington, or by mail to: Post Office Box 44001, Olympia, WA 98504-4001.

Filing and service shall be ~~((made as allowed by WAC 1-08-090 through 1-08-140))~~ in accordance with chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 86-03-063, filed 1/17/86)

WAC 296-127-310 List of violators. The department shall maintain a list of all contractors who are forbidden to bid on a public works project, or to have a bid accepted, pursuant to RCW 39.12.065(3), 39.12.055, or 39.12.050. To the extent required by RCW 39.12.065(3), 39.12.055, and 39.12.050, the industrial statistician shall refuse to certify any statement of intent to pay the prevailing wage or affidavit of wages paid that he or she determines was submitted by a contractor on the list. Because the department receives a large number of requests for certification, the department shall not be liable to any person or entity for certifying a statement or an affidavit of a contractor on the list.

The industrial statistician shall make the list available ~~((upon request))~~ electronically.

AMENDATORY SECTION (Amending WSR 90-19-061, filed 9/17/90, effective 10/18/90)

WAC 296-127-400 Applicability. WAC 296-127-400 through 296-127-470 are issued pursuant to RCW 39.12.022, authorizing the director of the department of labor and industries, to the extent necessary in order to prevent curtailment of opportunities for employment, to issue special subprevailing wage certificates for employment of individuals whose

earning capacity is impaired by physical or mental ~~((deficiency))~~ disability or injury at wages lower than the prevailing rate applicable under RCW 39.12.020. Subprevailing wage certificates shall be subject to the conditions prescribed in these regulations.

AMENDATORY SECTION (Amending WSR 90-19-061, filed 9/17/90, effective 10/18/90)

WAC 296-127-410 Definitions. For the purposes of WAC 296-127-400 through 296-127-470:

(1) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of social and health services to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(2) ~~((Handicapped))~~ Worker with a disability means an individual whose earning capacity for the work to be performed is impaired by physical or mental ~~((deficiency))~~ disability or injury.

(3) "Prevailing rate" means the prevailing rate of wage as defined in RCW 39.12.010 and as determined by the industrial statistician.

AMENDATORY SECTION (Amending WSR 90-19-061, filed 9/17/90, effective 10/18/90)

WAC 296-127-420 Application for a subprevailing wage certificate. (1) Nonprofit vocational rehabilitation programs may apply for a subprevailing wage certificate authorizing the employment of one or more ~~((handicapped))~~ workers with a developmental disability at less than the prevailing rate. An application for each worker shall be filed with the office of the industrial statistician not less than annually upon forms approved by the director or an authorized representative of the director.

(2) The application shall be signed jointly by the employer, the ~~((handicapped))~~ worker with a disability for whom such application is being made, and by the parent or guardian of the ~~((handicapped))~~ worker with a disability except as otherwise authorized by the director or an authorized representative of the director.

AMENDATORY SECTION (Amending WSR 90-19-061, filed 9/17/90, effective 10/18/90)

WAC 296-127-430 Conditions for granting a subprevailing wage certificate. (1) A subprevailing wage certificate may be issued to a nonprofit vocational rehabilitation program if the application is in proper form and sets forth facts showing:

(a) A wage below prevailing rate is necessary to prevent curtailment of the ~~((handicapped))~~ worker's with a disability opportunities for employment;

(b) The ~~((handicap))~~ disability impairs the earning capacity of the worker for the work to be performed;

(c) The percentage of full productivity at which the ((handicapped)) worker with a disability functions; and

(d) A description of the duties to be performed by each ((handicapped)) worker with a disability;

(e) The nature of the disability; and

(f) An addendum containing a detailed explanation of the nature of the disability.

(2) The industrial statistician shall not require a nonprofit vocational rehabilitation program to provide the information required in subsection (1)(f) of this section if it provides a notarized copy of a federal certificate granted by the United States department of labor under section 14(c) of the Federal Fair Labor Standards Act and any documentation deemed necessary by the industrial statistician identifying the workers with a developmental disability, a description of the duties to be performed, and the percentage of productivity at which each worker functions.

(3) The director or an authorized representative of the director may require the submission of additional information to that required by subsection (1) or (2) of this section shown on the application and may require the ((handicapped)) worker with a disability to take a medical examination where it is deemed necessary in order to determine whether or not the issuance of a certificate is justified.

AMENDATORY SECTION (Amending WSR 90-19-061, filed 9/17/90, effective 10/18/90)

WAC 296-127-440 Issuance of a subprevailing wage certificate. If the application and other available information indicate that the requirements of this regulation are satisfied, the director or an authorized representative of the director may issue a subprevailing wage certificate. If issued, copies of the subprevailing wage certificate shall be mailed to the employer, the ((handicapped)) worker with a disability, and to the parent or guardian of the ((handicapped)) worker with a disability. If denied, the employer, the ((handicapped)) worker with a disability, and the parent or guardian of the ((handicapped)) worker with a disability shall be given written notice of the denial.

AMENDATORY SECTION (Amending WSR 90-19-061, filed 9/17/90, effective 10/18/90)

WAC 296-127-450 Terms of subprevailing wage certificate. (1) A subprevailing wage certificate shall specify, among other things, the name((s)) of the ((handicapped)) worker((s)) with a disability, the name of the employer, the duties to be performed by the ((handicapped)) worker with a disability, the percentage of the prevailing rate authorized to be paid, and the period of time during which that percentage of the prevailing rate may be paid. A certificate shall also indicate that the percentage of the prevailing rate to be paid a ((handicapped)) worker with a disability shall change to reflect an increase or decrease in the worker's productivity when the worker's productivity is determined to change.

(2) A subprevailing wage certificate shall be effective for a period of one year or less as designated by the director or an authorized representative of the director. A ((handicapped)) worker with a disability employed under such certificate may

be paid at the specified percentage of the prevailing rate only during the effective period of the certificate.

(3) Notwithstanding the requirements of chapter 49.46 RCW and its administrative regulations, the percentage of the prevailing rate authorized to be paid shall be fixed at a figure designed to reflect adequately the percentage of productivity at which the ((handicapped)) worker with a disability functions.

(4) Any money received by a ((handicapped)) worker with a disability by reason of any state or federal pension or compensation program for ((handicapped)) persons with a disability shall not be considered as offsetting any part of the wage or remuneration due the ((handicapped)) worker with a disability by the employer.

(5) A ((handicapped)) worker with a disability shall be paid not less than one and one-half times the rate specified in the subprevailing wage certificate for hours worked in excess of forty hours per workweek or eight hours per day.

(6) The terms of any subprevailing wage certificate, including the percentage of the prevailing rate authorized to be paid, may be amended by the director or an authorized representative of the director upon written notice to the parties concerned, if the facts justify such amendment.

AMENDATORY SECTION (Amending WSR 90-19-061, filed 9/17/90, effective 10/18/90)

WAC 296-127-460 Renewal of subprevailing wage certificate. Application for renewal of any subprevailing wage certificate shall be filed in the same manner as an original application. An application for renewal shall include the most recent evaluation conducted within the past year of the productivity level at which the ((handicapped)) worker with a disability functions. If such application has been filed prior to the expiration date of the certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

WSR 19-15-120
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)

[Filed July 23, 2019, 10:34 a.m., effective September 1, 2019]

Effective Date of Rule: September 1, 2019.

Purpose: The purpose of this rule making is to adopt changes to the boiler rules in chapter 296-104 WAC, Board of boiler rules—Substantive.

Rule making to this chapter will:

- Change the definition of "place of public assembly or assembly hall" to include assisted living facilities as housing and basic services for seven or more residents.
- Require authorized inspection agencies or inspectors to submit inspection reports through the state's third-party provider data base. If the agency or inspector does not have access to the third-party data base, then reports can be submitted to the department of labor and industries

(L&I) for processing. L&I would charge a processing fee.

- Create a new fee of \$7 per boiler and pressure vessel for the department to process the inspection reports.

This rule making is necessary to provide clarity for customers about the inspection of assisted living facilities, which improves public safety. In addition, this rule making will help to alleviate costs for the department and the twenty-two thousand businesses with boilers and pressure vessels that subsidize the costs of processing inspection reports through permit, certificate, and inspection fees.

Citation of Rules Affected by this Order: Amending WAC 296-104-010, 296-104-040, and 296-104-700.

Statutory Authority for Adoption: Chapter 70.79 RCW, Boilers and unfired pressure vessels.

Adopted under notice filed as WSR 19-08-078 on April 2, 2019.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: July 23, 2019.

Terry Chapin, Chair
Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 18-23-092, filed 11/20/18, effective 1/1/19)

WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? "Accident" shall mean a failure of the boiler or unfired pressure vessel resulting in personal injury or property loss or an event which renders a boiler or unfired pressure vessel unsafe to return to operation.

"Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"Automatic operation of a boiler" shall mean automatic unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when

the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"Board of boiler rules" or "board" shall mean the board created by law and empowered under RCW 70.79.010.

"Boiler and unfired pressure vessel installation/reinstallation permit," shall mean a permit approved by the chief inspector before starting installation or reinstallation of any boiler and unfired pressure vessel within the jurisdiction of Washington.

"Boilers and/or unfired pressure vessels" - Below are definitions for types of boilers and unfired pressure vessels used in these regulations:

- "Boiler/unfired pressure vessel status" shall mean:
 - * Active - Boilers or pressure vessels that are currently in service.
 - * Inactive - Boilers or pressure vessels still located at the facility but are physically disconnected from the energy input and system.
 - * Out-of-service - Boilers or pressure vessels that are no longer at the facility.
 - * Scrapped - Boilers or pressure vessels that have been condemned as defined below.
- "Condemned boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified for further use by legal requirements. The following procedure shall be utilized:
 - The inspector will issue and follow the department's "red tag" procedure.
 - The object will be immediately removed from service.
 - The existing national board and state number shall be obliterated by the inspector.
 - The ASME nameplate and/or stamping shall be physically removed by the owner/user and verified by the inspector.
 - If required by the inspector, a portion of the pressure vessel shall be physically removed by the owner/user. This action will render the object incapable of holding pressure.
 - The inspector shall document this procedure on the boiler/pressure vessel inspection report and change the object status to "scrapped."
- "Corrosion" shall mean the destruction or deterioration of a material, that results from a reaction with its environment.
- "Expansion tank" shall mean a tank used to absorb excess water pressure. Expansion tanks installed in closed water heating systems and hot water supply systems shall meet the requirements of ASME Section IV, HG-709.

- **"Historical boilers and unfired pressure vessel"** shall mean nonstandard boilers and pressure vessels including steam tractors, traction engines, hobby steam boilers, portable steam boilers, and other such boilers or pressure vessels that are preserved, restored, and maintained only for demonstration, viewing, or educational purposes. They do not include miniature hobby boilers as described in RCW 70.79.070.
- **"Hot water heater"** shall mean a closed vessel designed to supply hot water for external use to the system.
 - * All vessels must be listed by a nationally recognized testing agency.
 - * Shall be protected with an approved temperature and pressure safety relief valve with the appropriate pressure and relieving capacity ratings.
 - * The hot water heater shall not exceed any of the following limits:
 - * Pressure of 160 psi (1100 kpa);
 - * Temperature of 210 degrees F (99°C).
 - * 120 gallons in capacity.
 - * 200,000 Btu/hr (58.6 kW).
 - Additional requirements:
 - * Hot water heaters exceeding 120 gallons (454 liters) must be ASME code stamped;
 - * Hot water heaters exceeding 200,000 Btu/hr (58.6 kW) input must be ASME code stamped.
- **"Indirect water heater"** shall mean a closed vessel appliance used to heat water for use external to itself, which includes a heat exchanger used to transfer heat to water from an external source. The requirements and limits described above shall apply.
- **"Installer"** shall mean any entity or individual who physically or mechanically installs a boiler, pressure vessel or water heater that meets the in-service inspection requirements of this chapter. The installer is defined as a registered contractor, owner, user or designee.
- **"Low pressure boiler"** shall mean a steam boiler operating at a pressure not exceeding 15 psig or a boiler in which water is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy. Low pressure boilers open to atmosphere and vacuum boilers are excluded.
- **"Nonstandard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.
 - **"Pool heaters"** shall mean a gas, oil, or electric appliance that is used to heat water contained in swimming pools, spas, and hot tubs.
 - (a) Pool heaters with energy input equivalent to 399,999 Btu/hr (117.2 kW) or less shall be manufactured and certified to ANSI Z21.56, UL1261, CSA 4.7 or equivalent manufacturing standards, as approved by the chief inspector, and are excluded from the limit and control devices requirements of WAC 296-104-300 through 296-104-303.
 - (b) Pool heaters with energy input of 400,000 Btu/hr and above shall be stamped with an ASME Section IV Code symbol, and the requirements of WAC 296-104-300 through 296-104-303 shall apply.
 - (c) Pool heaters open to the atmosphere are excluded.
 - **"Power boiler"** shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
 - **"Reinstalled boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
 - **"Rental boiler"** shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
 - **"Second hand boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
 - **"Standard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
 - **"Unfired pressure vessel"** shall mean a closed vessel under pressure excluding:
 - * Fired process tubular heaters;
 - * Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;
 - * Piping whose primary function is to transport fluids from one location to another;
 - * Those vessels defined as low pressure heating boilers or power boilers.

- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

"Certificate of competency" shall mean a certificate issued by the Washington state board of boiler rules to a person who has passed the tests as set forth in WAC 296-104-050.

"Certificate of inspection" shall mean a certificate issued by the chief boiler inspector to the owner/user of a boiler or unfired pressure vessel upon inspection by an inspector. The boiler or unfired pressure vessel must comply with rules, regulations, and appropriate fee payment shall be made directly to the chief boiler inspector.

"Code, API-510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, ASME" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with addenda thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Commission" shall mean an annual commission card issued to a person in the employ of Washington state, an insurance company or a company owner/user inspection agency holding a Washington state certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

"Department" as used herein shall mean the department of labor and industries of the state of Washington.

"Director" shall mean the director of the department of labor and industries.

"Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

"Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

"Inspection certificate" see "certificate of inspection."

"Inspection, external" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

"Inspection, internal" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open

or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

"Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

"Jacketed steam kettle" shall mean a pressure vessel with inner and outer walls that is subject to steam pressure and is used to boil or heat liquids or to cook food. Jacketed steam kettles with a total volume greater than or equal to one and one-half cubic feet (11.25 gallons) shall be ASME code stamped.

(a) **"Unfired jacketed steam kettle"** is one where the steam within the jacket's walls is generated external to itself, such as from a boiler or other steam source.

(b) **"Direct fired jacketed steam kettle"** is a jacketed steam kettle having its own source of energy, such as gas or electricity for generating steam within the jacket's walls.

"Nationwide engineering standard" shall mean a nationally accepted design method, formulae and practice acceptable to the board.

"Operating permit" see "certificate of inspection."

"Owner" or **"user"** shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

"Owner/user inspection agency" shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"Place of public assembly" or **"assembly hall"** shall mean a building or portion of a building used for the gathering together of ~~((50))~~ fifty or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing homes, and assisted living facilities that provide housing and basic services for seven or more residents.

"Special design" shall mean a design using nationally or internationally recognized engineering standards other than the codes adopted in WAC 296-104-200.

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

WAC 296-104-040 Administration—When should inspectors submit inspection reports and on what forms? In-service reports of inspections of boilers and unfired pressure vessels shall be submitted within thirty days of inspection. Inspectors shall submit reports of inspections ~~((of boil-~~

~~ers and unfired pressure vessels on appropriate forms or media approved by the chief inspector. Routine reports of inspections shall be submitted within thirty days of inspection)) directly into the state's electronic inspection report system.~~

If an authorized in-service inspection agency or inspector does not have direct access to the state's electronic inspection report system, they shall be responsible for applicable processing fees incurred by the department as defined in WAC 296-104-700.

Reports of reinspection after suspension of an inspection certificate shall be submitted by an inspector as soon as notice of corrective action has been received.

AMENDATORY SECTION (Amending WSR 18-23-092, filed 11/20/18, effective 1/1/19)

WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

The boiler and pressure vessel installation/reinstallation permit fee of \$56.16 shall be paid by the installer, as defined in WAC 296-104-010.

Certificate of inspection fees: For objects inspected, the certificate of inspection fee per object is \$24.23.

Hot water heaters per RCW 70.79.090, inspection fee: \$7.38.

The department shall assess a \$7.00 fee, per object, for processing of jurisdictional inspection reports to any authorized in-service inspection agency or inspector who does not file the report directly into the department's electronic inspection report system.

	Internal	External
Heating boilers:		
Cast iron—All sizes	\$40.87	\$32.65
All other boilers less than 500 sq. ft.	\$40.87	\$32.65
500 sq. ft. to 2500 sq. ft.	\$81.74	\$40.87
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$32.65	\$16.01
Power boilers:		
Less than 100 sq. ft.	\$40.87	\$32.65
100 sq. ft. to less than 500 sq. ft.	\$49.50	\$32.65
500 sq. ft. to 2500 sq. ft.	\$81.74	\$40.87
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$32.65	\$16.01

Pressure vessels:

Square feet shall be determined by multiplying the length of the shell by its diameter.

	Internal	External
Less than 15 sq. ft.	\$32.65	\$24.23
15 sq. ft. to less than 50 sq. ft.	\$48.46	\$24.23
50 sq. ft. to 100 sq. ft.	\$56.57	\$32.65
For each additional 100 sq. ft. or any portion thereof	\$56.47	\$16.01
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours		\$49.50
For each hour or part of an hour in excess of 8 hours		\$73.94
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:		
For each hour or part of an hour up to 8 hours		\$73.94
For each hour or part of an hour in excess of 8 hours		\$115.64
Nonnuclear triennial shop survey and audit:		
When state is authorized inspection agency:		
For each hour or part of an hour up to 8 hours		\$49.50
For each hour or part of an hour in excess of 8 hours		\$73.94
When insurance company is authorized inspection agency:		
For each hour or part of an hour up to 8 hours		\$73.94
For each hour or part of an hour in excess of 8 hours		\$115.64

Examination fee: A fee of \$91.52 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: A fee of \$49.40 for initial work card. A fee of \$30.68 for annual renewal.

If a special inspector changes companies: A work card fee of \$49.40.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Requests for Washington state specials and extensions of inspection frequency: For each vessel to be considered by the board, a fee of \$460.30 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a num-

ber of vessels that are essentially the same are to be considered.

WSR 19-15-121
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 2019, 10:36 a.m., effective July 23, 2019, 10:36 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose is to amend WAC 296-14-400 Reopenings for benefits, as a result of the State of Washington court of appeals decision *Ronald V. Ma'ae v. State of Wa Dept of Labor And Industries*, 2019 WL 1492822 that found the department cannot prohibit non-MPN providers from submitting reopening applications. This rule amendment allows the department to be in compliance with the Ma'ae decision, and is effective upon filing per RCW 34.05.380 (3)(a).

Citation of Rules Affected by this Order: Amending WAC 296-14-400.

Statutory Authority for Adoption: RCW 51.36.010, 51.04.020, and 51.04.030.

Adopted under notice filed as WSR 19-11-110 on May 21, 2019.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: July 23, 2019.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 12-06-066, filed 3/6/12, effective 4/6/12)

WAC 296-14-400 Reopenings for benefits. The director at any time may, upon the workers' application to reopen for aggravation or worsening of condition, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. This provision will not apply to total permanent disability cases, as provision of medical treatment in those cases is limited by RCW 51.36.010.

The seven-year reopening time limitation shall run from the date the first claim closure becomes final and shall apply to all claims regardless of the date of injury. In order for

claim closure to become final on claims where closure occurred on or after July 1, 1981, the closure must include documentation of medical recommendation, advice or examination. Such documentation is not required for closing orders issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall for the purposes of this section only, be deemed issued on July 1, 1985.

The director shall, in the exercise of his or her discretion, reopen a claim provided objective evidence of worsening is present and proximately caused by a previously accepted asbestos-related disease.

In order to support a final closure based on medical recommendation or advice the claim file must contain documented information from a doctor, or nurse consultant (departmental) or nurse practitioner. The doctor or nurse practitioner may be in private practice, acting as a member of a consultation group, employed by a firm, corporation, or state agency.

For the purpose of this section, a "doctor" is defined in WAC 296-20-01002.

When a claim has been closed by the department or self-insurer for sixty days or longer, the worker must file a written application to reopen the claim. An informal written request filed without accompanying medical substantiation of worsening of the condition will constitute a request to reopen, but the time for taking action on the request shall not commence until a formal application is filed with the department or self-insurer as the case may be.

A formal application occurs when the worker and doctor complete and file the application for reopening provided by the department. Upon receipt of an informal request without accompanying medical substantiation of worsening of the worker's condition, the department or self-insurer shall promptly provide the necessary application to the worker for completion. ~~((For services or provider types where the department has established a provider network, beginning January 1, 2013, medical treatment and documentation for reopening applications must be completed by network providers.))~~

If, within seven years from the date the first closing order became final, a formal application to reopen is filed which shows by "sufficient medical verification of such disability related to the accepted condition(s)" that benefits are payable, the department, or the self-insurer, pursuant to RCW 51.32.210 and 51.32.190, respectively shall mail the first payment within fourteen days of receiving the formal application to reopen. If the application does not contain sufficient medical verification of disability, the fourteen-day period will begin upon receipt of such verification. If the application to reopen is granted, compensation will be paid pursuant to RCW 51.28.040. If the application to reopen is denied, the worker shall repay such compensation pursuant to RCW 51.32.240.

Applications for reopenings filed on or after July 1, 1988, must be acted upon by the department within ninety days of receipt of the application by the department or the self-insurer. The ninety-day limitation shall not apply if the worker files an appeal or request for reconsideration of the department's denial of the reopening application.

The department may, for good cause, extend the period in which the department must act for an additional sixty days. "Good cause" for such an extension may include, but not be limited to, the following:

- (1) Inability to schedule a necessary medical examination within the ninety-day time period;
- (2) Failure of the worker to appear for a medical examination;
- (3) Lack of clear or convincing evidence to support reopening or denial of the claim without an independent medical examination;
- (4) Examination scheduled timely but cannot be conducted and a report received in sufficient time to render a decision prior to the end of the ninety-day time period.

The department shall make a determination regarding "good cause" in a final order as provided in RCW 51.52.050.

The ninety-day limitation will not apply in instances where the previous closing order has not become final.

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 the Request of a Non-governmental 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 11, 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: July 23, 2019.

Valeria Veasley
Management Analyst

WSR 19-15-137
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed July 23, 2019, 3:33 p.m., effective August 23, 2019]

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

Purpose: General updates to chapter 352-40 WAC, Public records.

Citation of Rules Affected by this Order: Repealing WAC 352-40-020 How do we define terms?; and amending WAC 352-40-010 What is the purpose of this chapter?, 352-40-030 When and where can I access state parks' public records?, 352-40-040 How is the agency organized and how is it operated?, 352-40-060 Who do I contact to request state parks' public records?, 352-40-070 When can I inspect public records?, 352-40-080 How do I request copies of state parks' public records?, 352-40-090 Will I have to pay to inspect or get copies of state parks' public records?, 352-40-100 Can my request be denied?, 352-40-110 What can I do if I object to the agency's denial to inspect or receive a copy of a public record?, 352-40-120 What rules must be followed when inspecting public records?, and 352-40-130 How are agency records indexed?

Statutory Authority for Adoption: Chapter 79A.05 RCW, Parks and recreation commission.

Adopted under notice filed as WSR 18-18-057 on August 30, 2018; and [WSR 19-07-055 on March 15, 2019].

Changes Other than Editing from Proposed to Adopted Version: Since the filing of the proposed rule making (CR-102) in August 2018, we struck the language "... to provide policy direction for the agency." from WAC 352-40-040 How is the agency organized and how is it operated? The updated chapter language was filed with the office of the code reviser in March 2019.

A final cost-benefit analysis is available by contacting Van Church, 1111 Israel Road S.W., Tumwater, WA 98501-6512, phone 360-902-8542, email van.church@parks.wa.gov.

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-010 What is the purpose of this chapter? The purpose of this chapter is to ~~((implement the procedural requirements that))~~ set forth the procedures by which state parks will respond to public records requests made under the Public Records Act, chapter 42.56 RCW~~((places on state agencies))~~.

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-030 When and where can I access state parks' public records? Most public records of the commission and the agency are located at the ~~((Olympia))~~ state parks' headquarters office~~((Copies of certain records may be accessible at regional offices.~~

~~((1) The director and administrative offices are located at the headquarters office at 1111 Israel Road S.W., Tumwater, WA 98501. Mailing address for the headquarters office is:~~

~~**Washington State Parks and Recreation Commission**
P.O. Box 42650
Olympia, WA 98504-2650
360-902-8500
FAX: 360-753-1594
TDD: 360-664-3133~~

~~((a) The public affairs office is available to assist with media inquiries and general public information requests.~~

~~Phone: 360-902-8561
Email: pao@parks.wa.gov~~

~~((b) The public records officer is available to assist with public records requests or questions.~~

~~Phone: 360-902-8514
Email: public.disclosure@parks.wa.gov~~

(2) Location of regional offices:

Southwest Region

Headquarters Office
11838 Tilley Road S.E.
Olympia, WA 98512-9167
360-956-4800

Northwest Region

Headquarters Office
220 N. Walnut
Burlington, WA 98233
360-755-9231

Eastern Region

Headquarters Office
270 9th St. N.E., Suite 200
East Wenatchee, WA 98802
509-665-4319

Puget Sound Region

2840 Riverwalk Drive S.E.
Auburn, WA 98002-8207
253-931-3907

in Tumwater. Appropriate parks staff will determine where physical records can be inspected. Requests for such inspections can be made by contacting the agency's public records officer.

Mailing address:

P.O. Box 42650
Olympia, WA 98504-2650

Physical address:

1111 Israel Road S.W.
Tumwater, WA 98501
Email: public.disclosure@parks.wa.gov
Phone: 360-902-8514

The communications office is available to assist with media inquiries and general public information requests.

Phone: 360-902-8562

Email: washington.state.parks@parks.wa.gov

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-040 How is the agency organized and how is it operated? The Washington state park system includes approximately one hundred ((twenty)) twenty-four developed parks, recreation programs, trails, boating safety and winter recreation.

(1) State parks is governed by a commission consisting of seven citizens of the state, appointed by the governor.

(2) The director is the commission appointed executive head of the agency.

(3) ~~((The deputy director is the chief operating officer.~~

(4) Regional directors are responsible for management of regional headquarters and parks within their regions.)) An executive leadership team reports to the director. These team members manage various aspects of agency operations such as operations, parks development, administrative services, communications, human resources, and policy and governmental affairs.

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-060 Who do I contact to request state parks' public records? The agency public records officer, located at headquarters, is responsible for:

(1) Receiving and reviewing requests for public records.

(2) Coordinating agency records management ~~((and agency indexing standards))~~ to ensure protection of, and prompt access to, public records.

(3) Implementing and ensuring compliance by the com-missioners and staff with the public records disclosure requirements of chapter 42.56 RCW.

Mailing address:

P.O. Box 42650
Olympia, WA 98504-2650

Physical address:

1111 Israel Road S.W.
Tumwater, WA 98501
Email: public.disclosure@parks.wa.gov
Phone: 360-902-8514
~~((FAX: 360-586-5875))~~

(4) Contact information and ~~((our form for requesting public records from state parks are also))~~ general information regarding public records requests, a current fee schedule, and access to our public records form is available on our web site ((www.parks.wa.gov)) (www.parks.wa.us).

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-070 When can I inspect public records?

Public records are available for inspection by appointment only during regular business hours, Monday through Friday, excluding legal holidays.

~~((It is recommended that you make arrangements in advance as the records that you wish to inspect may not be readily available for immediate inspection.))~~

Agency facilities shall be made available to any person for the inspection of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-080 How do I request copies of state parks' public records? ~~((Call, mail, email, fax or drop your request at any state park office.))~~ While not required, using ((our)) parks' request ((form, while not required)) for public record form, provides the information we need to assist you and provides you with our copy and mailing fees.

(1) The information that we will need is:

(a) The name, address ~~((and)),~~ phone number, and email address (if available) of the person requesting the record;

(b) The date on which the request is made;

(c) ~~((If inspection of the record is requested, the day and time you wish to inspect the public records;~~

~~((d)))~~ A description, with as much detail as you can provide, to help identify the record(s) requested;

~~((e))~~ (d) A statement that the information will not be used for commercial purposes.

(2) Oral requests will be reduced to writing and provided to the requestor to memorialize the records being requested.

(3) The agency does not distinguish among persons requesting records under the Public Records Act and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(9) or other statute that exempts or prohibits disclosure of specific information or records to certain persons.

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-090 Will I have to pay to ~~((view))~~ inspect or get copies of state parks' public records? The agency does not charge a fee for the inspection of public records.

The agency will charge an amount necessary to recover its costs for producing and mailing copies of records, as provided for by RCW 42.56.120.

~~((A list of copy charges is provided with state parks' "Request for Public Records" form, or you can contact the public records officer for a list of copy and mailing fees.))~~ Our fee schedule can be found on the request for public record form and on our web site (www.parks.wa.us). Payment is required prior to receiving copies of records.

Charges totaling less than five dollars ~~((will))~~ may be waived.

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-100 Can my request be denied? (1) ~~((Yes,))~~ A request can be denied if it is for records that are exempt from disclosure under the provisions of the Public Records Act, chapter 42.56 RCW ~~((State parks may also deny access to records, or parts of records, that are exempt from disclosure by)),~~ or other statute including RCW 79A.60.210(;) and 79A.60.220(, 5.60.060 (2)(a), 46.52-080, 7.69A.030(4) and 13.50.050(3)).

(2) Whenever possible, the agency will make requested records available after exempt information has been ~~((deleted~~ or redacted.

(3) Under the provisions of RCW 42.56.070~~((9))~~ (8), public records requests will also be denied if the purpose of the request is to sell or use the information for commercial purposes.

If a request is denied, or if a record is withheld entirely or redacted, the agency will specify in writing the reason for the denial, withholding, or redaction, including ~~((a state-ment))~~ identification of the specific exemption authorizing the withholding or redaction of the record and a brief explanation of how the exemption applies to the record withheld or redacted.

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-110 What can I do if I object to the agency's denial to inspect or receive a copy of a public record? You have options. You can:

(1) Request an internal administrative review of the denial for access.

(a) Provide state parks' public records officer with your written request for a review of the decision. Include a copy of the denial or refer specifically to the denial statement in your petition.

(b) The public records officer will promptly provide the petition and any other relevant information to the director or designee to conduct a review.

(c) The director or designee will ~~((immediately))~~ consider the matter and, within two business days of receiving the petition, or within such time as state parks and the requestor mutually agree, either affirm or reverse the denial. If the director or designee has not responded to the requestor by the end of the two business days following denial of access, then the request is deemed denied.

(2) Ask the attorney ~~((general))~~ general's office to review the matter. Pursuant to RCW 42.56.530, the attorney ~~((general))~~ general's office will provide a written opinion on whether the record is exempt.

(3) Initiate an action in the superior court ~~((where the record is located. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial)).~~

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-120 ~~((How does the agency protect))~~ What rules must be followed when inspecting public records? (1) The following ~~((guidelines))~~ rules have been put in place to help the agency protect the public records under its care:

(a) You may not remove any public record from the agency premises.

(b) ~~((You must have))~~ State parks may require that a designated agency employee be present while inspecting public records.

(c) You may not mark or deface a public record in any manner during inspection.

(d) You may not dismantle public records that are maintained in a file or jacket or in chronological or other filing order.

(2) Access to file cabinets, shelves, vaults, or other storage areas is restricted to agency personnel unless other arrangements are made with the public records officer or designee.

(3) State parks follows rules established under RCW 40.14.060 regarding destruction of public records. The destruction of records responsive to a public records request will be delayed until the request is resolved.

AMENDATORY SECTION (Amending WSR 08-24-005, filed 11/20/08, effective 12/21/08)

WAC 352-40-130 How are agency records indexed?

Records retention schedules established and maintained under the directives of RCW 40.14.060 serve as an index for the ((identification and location of agency)) agency's records.

~~((The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the minimum required retention period. With the assistance of the public records officer or designee, the records retention schedule is available to the public for inspection and copying.~~

A separate index of policy statements as defined in RCW 34.05.010(15) entered after June 30, 1990, is maintained by the agency.

~~In addition,)) The agency has a functional ((index coding)) indexing system for ((physical files,)) commission policy((s)) and the agency's administrative policy and ((agency)) procedures.~~

Commission meetings minutes and agenda items are indexed by year((, month, and agenda item number. They are also summarized by topic)) and month.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-40-020 How do we define terms?

**WSR 19-15-143
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed July 24, 2019, 8:24 a.m., effective August 24, 2019]

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

Purpose: This proposed set of rule changes is the result of agency staffed workgroup recommendations regarding clock hours, continuing education units and approved in-service education agencies. This includes professional growth plans and clock hours for paraeducator certificates. The proposed [proposed] recommendations are the result of targeted stakeholder engagement and input.

Citation of Rules Affected by this Order: New WAC 181-85-202; and amending WAC 181-79A-2510, 181-85-010, 181-85-025, 181-85-030, 181-85-045, 181-85-085, 181-85-105, 181-85-107, 181-85-200, 181-85-205, 181-85-210, 181-85-211, 181-85-220, 181-85-225, 181-85-032, 181-85-077, and 181-79A-030.

Statutory Authority for Adoption: Chapters 28A.410, 28A.413 RCW.

Adopted under notice filed as WSR 19-12-097 on June 19 [4], 2019.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 18, 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: July 23, 2019.

Justin Montermini
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-07-010, filed 3/7/19, effective 4/7/19)

WAC 181-79A-030 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," and "interstate compact," as defined in WAC 181-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended.

(4) "Certificate reinstatement" means the process whereby the validity of an expired certificate is regained.

(5) "Lapsed certificate" means a residency certificate that is subject to the timelines and renewal described under WAC 181-79A-251.

(6) "Expired certificate" means a teacher certificate that can only be reinstated under WAC 181-79A-251.

(7) "Classroom teaching" means instructing pupils in an instructional setting.

(8) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from an accredited college or university in any of the subject areas of the endorsement listed in chapter 181-82 WAC as now or hereafter amended: Provided, That if a candidate is accepted into a program in Washington state on or before August 31, 2000, and completes the program on or before August 31, 2003, in accordance with WAC 181-79A-299, the candidate may hold a baccalaureate degree in any of the subject areas of the endorsements listed in WAC 181-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: Provided, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in chapter 181-82 WAC: Provided further, That a candidate who holds a baccalaureate

degree in early childhood education, elementary education, or special education will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed thirty quarter or twenty semester credit hours in one academic field in an approved endorsement area pursuant to WAC 181-82A-202.

(9) "Issues of abuse course work requirement" means completion of course work or an in-service program on issues of abuse. The content shall discuss the identification of physical, emotional, sexual, and substance abuse; commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor as defined in RCW 9.68A.040; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse; and methods for teaching students about abuse of all types and their prevention. Additionally, content areas identified by the legislature in RCW 28A.410.035 shall be required in the issues of abuse course, including knowledge and skill standards pertaining to recognition, initial screening and response to emotional or behavioral distress in students including, but not limited to, indicators of possible substance abuse, violence and youth suicide.

(10) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from an accredited college or university.

(11) "Credit hour(s)" means credit (normally 100 level or above) awarded by an accredited institution of higher education.

(12) "Previous standards" means a certification system in place prior to a revision in rules that results in changed names and/or validity periods for the certificates issued.

(13) "Application for certification" means an application for a certificate or endorsement that includes a signed affidavit (as specified in WAC 181-79A-157) by the applicant. Such application shall be considered valid for two years from the date of receipt by the superintendent of public instruction, or its designee.

(14) ("~~Professional growth team~~" for the purpose of certificate renewal means a team comprised of the individual renewing the certificate and a minimum of one colleague, who holds a current Washington state educator certificate, chosen by the individual.

(15) "~~Professional growth plan.~~"

(a) ~~Teacher individualized professional growth plan means the document which identifies the formalized learning opportunities and professional development activities that relate to the specific competencies, knowledge, skills and experiences needed to meet the standards at the "career level" benchmarks as published by the professional educator standards board.~~

(b) ~~Principal/program administrator individualized professional growth plan means the document which identifies the formalized learning opportunities and professional development activities that relate to the specific competencies, knowledge, skills and experiences needed to meet the standards at the "career level" benchmarks as published by the professional educator standards board.~~

(c) ~~ESA individualized professional growth plan means the document which identifies the formalized learning opportunities and professional development activities that relate to the specific competencies, knowledge, skills and experiences needed to meet the standards at the career level benchmarks as published by the professional educator standards board.~~

(d) ~~Only one professional growth plan may be completed each year. Professional growth plans will be completed during the period beginning July 1st of one year and ending June 30th of the following year. Completion of the professional growth plan will include review by the professional growth team, as defined in subsection (14) of this section.~~

(e) ~~Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal, per RCW 28A.405.100 (12)(e)(vi).~~

(f) ~~Until June 30, 2018, individuals who complete the requirements of the annual professional growth plan to renew their certificate shall receive the equivalent of thirty hours of continuing education credit hours. Beginning July 1, 2018, individuals who complete an annual professional growth plan to renew their certificate shall receive the equivalent of twenty five continuing education credit hours.~~

(g) ~~For educators holding multiple certificates in chapter 181-85 or 181-79A WAC, a professional growth plan for teacher, administrator or educational staff associate shall meet the requirements for all certificates held by an individual.~~

(16)) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

((17)) (15) "Professional certificate support provider" means any organization or institution operating training or consulting services as a public entity or private company holding an appropriate business license.

((18)) (16) "Approved private school" means any organization of institution providing educational services to children including, but not limited to, approved private schools, state institutions, juvenile institutions, nonpublic agencies providing special education services, development centers, and bureau of Indian affairs schools.

((19)) (17) "College" or "university" means any accredited institution as defined in WAC 250-61-050.

AMENDATORY SECTION (Amending WSR 17-23-176, filed 11/21/17, effective 12/22/17)

WAC 181-79A-2510 Principal and program administrator residency and professional certification—Renewal and reinstatement. (1) Residency certificate.

(a) Principals/program administrators who hold or have held residency certificates may have their residency certificates renewed by completing one hundred continuing education credit hours as defined in chapter 181-85 WAC, or four annual professional growth plans as ~~((defined in WAC 181-79A-030))~~ described in WAC 181-85-033, within the previous five years from the date of the five-year residency administrator renewal application. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

~~((a))~~ (b) Subsequent five-year renewals shall be issued based on completion of one hundred continuing education credit hours since the issue date of the latest five-year residency administrator renewal certificate; or four professional growth plans developed since the certificate was issued. Completion of four annual professional growth plans during each five-year period between subsequent lapse dates meets the requirement for renewal. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours. ~~((The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and career level benchmarks defined in WAC 181-79A-207 for teachers, and as published by the professional educator standards board for administrators and educational staff associates.~~

~~For educators holding multiple certificates in WAC 181-79A-251, 181-79A-2510, 181-79A-2511, or 181-79A-2512; or in chapter 181-85 WAC, a professional growth plan for teacher, administrator, or education staff associate shall meet the requirement for all certificates held by an individual which is affected by this section.~~

~~Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal.~~

~~Until June 30, 2018, individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours. Beginning July 1, 2018, individuals who complete an annual professional growth plan to renew their professional certificate shall receive the equivalent of twenty-five continuing education credit hours.)~~

Provided, application for subsequent renewals shall not be submitted earlier than twelve months prior to the expiration date of the current renewal.

Expired five-year residency administrator renewal certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the five-year residency administrator renewal application or by completing four professional growth plans as defined in WAC ~~((181-79A-030))~~ 181-85-033. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

An expired certificate may be renewed for an additional five-year period by presenting evidence to the superintendent

of public instruction of completing the continuing education credit hour or professional growth plan requirement within the five years prior to the date of the renewal application.

Candidates who apply for the five-year residency administrator renewal certificate who have not successfully completed course work or an in-service program on issues of abuse, must complete the abuse course work requirement as defined in WAC 181-79A-030~~((6))~~ and required per RCW 28A.410.2212.

~~((b))~~ (c) A three-year renewal is available until June 30, 2020, for individuals who have held or hold a principal or program administrator residency certificate that expires prior to July 1, 2019.

(2) Professional certificate.

Individuals who hold a professional certificate may have that certificate renewed for additional five-year periods by completion of one hundred continuing education credit hours as defined in chapter 181-85 WAC or four professional growth plans developed annually since the certificate was issued, ~~((in collaboration with the professional growth team as defined in WAC 181-79A-030))~~ as described in WAC 181-85-033. Individuals completing fewer than four annual professional growth plans must complete the necessary continuing education credits needed to be the equivalent of one hundred clock hours.

~~((Provided,))~~ Application for renewals shall not be submitted earlier than twelve months prior to the expiration date of the current renewal.

Expired certificates may be renewed with completion of one hundred continuing education credit hours within the previous five years from the date of the five-year renewal application or by completing four professional growth plans as ~~((defined in WAC 181-79A-030))~~ described in WAC 181-85-033. Individuals completing fewer than four annual professional growth plans must complete necessary continuing education credits needed to be the equivalent of one hundred clock hours.

An expired certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour or professional growth plan requirement within the five years prior to the date of the renewal application.

~~((a) Individuals may apply their focused evaluation professional growth activities of the evaluation system toward the professional growth plan for certificate renewal.~~

~~(b) Until June 30, 2018, individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours. Beginning July 1, 2018, individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of twenty-five hours of continuing education credit hours.~~

~~(c) The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks.~~

~~(d) Provided, as per RCW 28A.410.278(2) beginning September 1, 2016, in-service training, continuing education, or professional growth plans shall incorporate professional~~

development on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates. Certificates with a renewal date of June 30, 2019, and beyond for all principals and program administrators must document completion of at least fifteen clock hours, or at least one goal from an annual professional growth plan, related to knowledge and competency of the teacher and principal evaluation criteria or system. This requirement is considered met by holders of a valid National Board Certificate issued by the National Board for Professional Teaching Standards (NBPTS).

(e) For educators holding multiple certificates as described in WAC 181-79A-251, 181-79A-2510, 181-79A-2511, or 181-79A-2512 of this chapter, or in chapter 181-85 WAC, a professional growth plan for teacher, administrator, or education staff associate shall meet the requirement for all certificates held by an individual which is affected by this section.)

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-005 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the ((state board of education)) professional educator standards board to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state. (Note: RCW 28A.195-010 (3)((a))) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-010 Purpose. The purpose of this chapter is to set forth policies and procedures for a program of continuing education as a condition to the validity of certain professional certificates issued by the superintendent of public instruction ((pursuant to)) under rules and regulations of the ((state board of education)) professional educator standards board.

AMENDATORY SECTION (Amending WSR 16-16-030, filed 7/25/16, effective 8/25/16)

WAC 181-85-025 Continuing education—Definition. As used in this chapter, the term "continuing education" shall mean:

(1) All college and/or university credit, normally 100 level or higher, or continuing education credit awarded by an accredited institution of higher education, ((pursuant to WAC 181-78A-010)) under WAC 181-79A-030.

(2) All continuing education credit hours awarded by a vocational-technical college ((pursuant to)) under WAC 181-85-030(3) and all continuing education credit hours awarded in conformance with the in-service education procedures and standards specified in this chapter by an approved in-service education agency.

(3) All continuing education credit hours awarded through a business, industry, or government internship that meets the requirements of chapter 181-83 WAC, Internships.

(4) All continuing education credit hours awarded in conformance with WAC 181-85-033.

(5) All continuing education units (CEUs) or other non-credit bearing units awarded by an accredited institution of higher education, under WAC 181-79A-030.

(6) All continuing education approved by the Washington state department of children, youth, and families to maintain staff standards and qualifications for early learning providers under chapter 110-300 WAC.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-030 Continuing education credit hour—Definition. As used in this chapter, the term "continuing education credit hour" shall mean:

(1) For each college or university semester hour credit, fifteen hours of continuing education credit hours shall be granted.

(2) For each college or university quarter hour credit, ten hours of continuing education credit hours shall be granted.

(3) For each sixty minutes of instruction in coursework provided by a vocational-technical college, one continuing education credit hour shall be granted.

(4) For each sixty minutes of instructional time in continuing education units (CEUs) or other noncredit bearing units provided by an accredited institution of higher education, under WAC 181-79A-030, one continuing education credit hour shall be granted.

(5) For each sixty minutes of instructional time in continuing education approved by the Washington state department of children, youth, and families to maintain staff standards and qualifications for early learning providers under chapter 110-300 WAC, one continuing education credit hour shall be granted.

(6) For each sixty minutes of approved in-service education including reasonable time for breaks and passing time, one continuing education credit hour shall be granted. In the application of this subsection, the in-service education provider shall determine what is reasonable.

~~((5))~~ (7) In the application of this section, approved in-service credit hours shall not include:

(a) Routine staff meetings—such as district, building, or area meetings within an agency, district, or building—to discuss or explain operational policies or administrative practices within the agency, district, or building;

(b) Business meetings of professional associations to discuss operational policies or practices of the association;

(c) Social hours or actual meal time.

~~((6))~~ (8) In-service education agencies may not issue continuing education credit hours to individuals for serving as the instructor for an in-service program for which that individual is the only participant.

(9) In the application of this section, for the purpose of official records of the amount of in-service credit hours, the in-service provider or the superintendent of public instruction shall round continuing education credit hours down to the

nearest half hour of credits actually completed—i.e., .50, and .00—and in no case shall an applicant receive credit for an in-service program that was less than a total of ~~((three))~~ one continuing education credit hour(s).

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-85-045 Approved in-service education agency—Definition. As used in this chapter, the term "approved in-service education agency" shall mean an agency approved by the professional educator standards board to provide in-service education programs and to grant continuing education credit hours to all or a selective group of educators. Such agency must demonstrate the following characteristics:

(1) The agency is one of the following entities or a department or section within such entities:

(a) A college or university referenced in WAC 181-85-025(1);

(b)(i) An organization which for the purpose of this chapter shall mean any local, state, regional, or national ~~((nonprofit))~~ organization which offers in-service education programs to teachers, administrators, and/or educational staff associates(§). These organizations must be nonprofit or not-for-profit organizations;

(ii) Organizations shall provide documentation of their nonprofit or not-for-profit status to the superintendent of public instruction as part of their annual assurances of compliance with program and recordkeeping standards under WAC 181-85-210.

(c) A school district, an educational service district, the superintendent of public instruction, or any local, state, or ~~((national))~~ federal agency; or

(d) An approved private school which for the purpose of this chapter shall mean the same as provided in WAC 180-90-112.

(2) The in-service education agency has either a committee or board of directors ~~((which))~~ that provide((s)) prior approval to proposed in-service education programs on the basis that the proposed programs are designed to meet the program standards set forth in WAC 181-85-200~~((In the case of school districts or educational service districts the committee shall be composed of the same representatives as required by RCW 28A.415.040—i.e., "representatives from the ranks of administrators, building principals, teachers, classified and support personnel . . . , . . . the public, and . . . institution(s) of higher education, . . .").~~ and the content standards in WAC 181-85-202.

The committee will be composed of individuals who may include teachers, educational staff associates, administrators, paraeducators, community members, or representatives from colleges and universities.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-85-085 In-service education records. Holders of certificates affected by this chapter shall retain the necessary in-service records from the approved in-service provider for the purpose of any audit by the superintendent of

public instruction. Such holders shall be notified on such form that the intentional misrepresentation of a material fact on such form subjects the holder to revocation of his or her certificate ~~((pursuant to))~~ under chapter 181-86 WAC and that a copy of such completed form should be retained by the holder for possible disputes arising under this chapter and for other purposes that may arise, including verification of in-service hours completed for a current or prospective employer.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-105 SPI initial notice to certificate holders of continuing education requirement. Upon issuance or reinstatement of an affected professional certificate, the superintendent of public instruction shall notify the holder of the lapse date and the continuing education requirements of this chapter, and the holder's responsibility to keep accurate records demonstrating attendance at approved in-service education programs. In addition, the superintendent of public instruction shall make available to the certificate holder a form which indicates compliance with the continuing education requirements, and which includes instruction for filing the report with the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 13-20-030, filed 9/23/13, effective 10/24/13)

WAC 181-85-107 Documentation requirement. Each certificate holder filing a report with the superintendent of public instruction shall be responsible for retaining records which document compliance with the continuing education requirements. Such documents in original or electronic format shall include:

(1) In-service registration forms approved by the superintendent of public instruction and furnished by an approved in-service education agency.

(2) College and university grade sheets or transcripts which indicate completion of courses.

(3) Any official correspondence from an approved in-service education agency ~~((which))~~ that verifies completion of ~~((three))~~ one or more clock hours continuing education credit hours.

(4) Any documents related to annual professional growth plans including plan documents, required signatures, and evidence collected.

AMENDATORY SECTION (Amending WSR 08-16-002, filed 7/23/08, effective 8/23/08)

WAC 181-85-200 In-service education approval standards. All in-service education programs provided by approved in-service education agencies shall meet the following program standards if continuing education credit hours are to be offered:

(1) The objectives of the in-service program—i.e., intended outcomes—shall be written for each in-service education program.

(2) The content of the in-service education program shall be set forth in a program agenda which shall specify the ~~((topics to be covered, the days and times of each presentation))~~ program objectives, the dates of each session, the number of continuing education credit hours to be offered, and the names and a short description of the qualifications of each instructor ~~((—e.g., degrees and)), for example, the instructor's relevant experience, academic background, or current professional position.~~

(3) All in-service education instructors shall have academic ~~((and/or))~~ or professional experience which specifically qualifies them to conduct the in-service education program ~~((—e.g., a person with)), for example,~~ expertise in a particular ~~((subject))~~ content area, field, or occupation.

(4) ~~((Program materials, including))~~ The program agenda and program materials, prepared, designed, or selected for the in-service education program shall be available to all attendees.

(5) ~~((Activities must relate to opportunities for participants to collect and analyze evidence related to student learning; professional certificate standards; school and district improvement efforts; K-12 frameworks and curriculum alignment; research-based instructional strategies and assessment practices; content of current or anticipated assignment; advocacy for students and leadership, supervision, mentoring/coaching; and/or building a collaborative learning community.))~~ The in-service education program must relate to one or more of the content standards in WAC 181-85-202.

(6) The in-service education ~~((program shall be evaluated by))~~ agency shall provide program evaluations to the participants, and, to the extent possible, collect these evaluations, in order to determine:

(a) The extent to which the written objectives have been met;

(b) Participant perception of relevance and quality of the offering;

(c) The extent to which activities identified in subsection (5) of this section, addressed by the in-service program, have been met; ~~((and))~~

(d) The extent to which the in-service program provided the opportunity for participants to reflect on next steps or implementation of the learning in their practice; and

(e) Suggestions for improving the in-service education program if repeated.

(7) The in-service education agency shall compile the evaluations ~~((required))~~ received in subsection (6) of this section in summary form. Summary evaluation results for each in-service education agency offering shall be ~~((posted on the in-service education agency web site accessible to prospective participants and))~~ accessible to office of superintendent of public instruction staff for review. ~~((Provided, That if the in-service education agency does not host a web site, summary evaluation results shall be included as part of the approval renewal process.))~~

(8) The designated administrator of each in-service education ~~((program))~~ agency shall assess the value and success of such program and periodically report his or her findings, along with a summary of the evaluation results, to the ~~((governing or advisory))~~ board ~~((which))~~ of directors or in-service

education agency committee that authorized the in-service program.

(9) The standards for recordkeeping as provided in WAC 181-85-205 shall apply.

(10) The in-service education agency must permit a designated representative of the superintendent of public instruction to attend the in-service education program at no charge and permit such representative to receive a copy of the program materials required by subsection (4) of this section also at no charge.

(11) The in-service education agency must provide each registrant with appropriate forms for claiming continuing education credit hours.

(12) ~~((Note:))~~ The provisions of this section do not apply to credit or continuing education hours awarded by ~~((a college or university or))~~ accredited institutions of higher education under WAC 181-79A-030; course work continuing education hours awarded by a vocational-technical college; hours awarded by the department of children, youth, and families under WAC 181-85-030; hours awarded under WAC 181-85-033; or hours awarded under WAC 181-85-077 which satisfy department of health licensure requirements.

NEW SECTION

WAC 181-85-202 Content standards for continuing education credit hours. The content and objectives of in-service continuing education credit hours must relate to one or more of the following:

(1) Opportunities for participants to collect and analyze evidence related to student learning;

(2) Professional certificate standards;

(3) Paraeducator standards of practice as described in Title 179 WAC;

(4) School and district improvement efforts;

(5) Education frameworks and curriculum alignment;

(6) Research-based instructional strategies and assessment practices;

(7) Content of current or anticipated assignment;

(8) Advocacy for students and leadership;

(9) Supervision, mentoring, or coaching; or

(10) Building a collaborative learning community.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-85-205 Required recordkeeping by approved in-service education agencies. Each approved in-service education agency shall provide the following record service:

(1) Documentation that the in-service education program, including the program agenda as described in WAC 181-85-200(2), received approval by the board or committee provided in WAC 181-85-045(2) prior to offering the in-service program ~~((:));~~

(2) A copy of the summary of evaluations required by WAC 181-85-200 ~~((5))~~ (7); ~~((and))~~

(3) A copy of the minutes of the board or ~~((advisory))~~ committee which demonstrates that such board or ~~((advisory))~~

~~ory~~)) committee reviewed the ~~((assessment))~~ evaluation required by WAC 181-85-200(6)(~~-~~);

(4) A list, for each in-service education program, of all participants who have requested continuing education credit hours by signing a registration form made available at the in-service education program. Such registration form shall provide space for the registrant to indicate he or she is requesting fewer hours than the amount calculated for the entire in-service education program due to partial attendance(~~-~~);

(5) The registrant shall be provided a form to be completed at the in-service education program which includes the necessary information for recording in-service credits, and upon request if such request is made within seven calendar years of such in-service education program, including the number of continuing education credit hours recorded. In addition, the registrant shall be given specific instructions regarding the need to preserve the record and how to correct the record if attendance or credit hours has been recorded by the approved in-service education agency inaccurately(~~-~~); and

(6) The above records shall be available for inspection by the superintendent of public instruction for a period of seven calendar years from the date of each in-service education program. The amendments to this section reducing the amount of recordkeeping by in-service providers shall apply retroactively to August 31, 1987.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-210 Assurances of compliance with program and recordkeeping standards. Annual assurances shall be completed as follows:

(1) School districts shall be requested, when submitting the annual basic education compliance report, to provide an assurance that any in-service education program to be provided by such district and for which continuing education credit hours will be granted shall comply with the applicable program and recordkeeping standards within this chapter.

(2) Approved private schools shall be requested, when applying for annual approval, to provide an assurance that any in-service education program to be provided by such private school and for which continuing education credit hours will be granted shall comply with the applicable program and recordkeeping standards within this chapter.

(3) Approved in-service education agencies and other in-service education agencies seeking approval status shall provide on forms provided by the superintendent of public instruction, an annual assurance ~~((that))~~ and description of how any in-service education program to be provided by such agency and for which continuing education credit hours will be granted shall comply with the applicable program standards and recordkeeping within this chapter. ~~((Such forms shall contain such other information related to the continuing education program provided by the approved in-service agency as requested by the superintendent of public instruction.))~~

These forms will identify, at a minimum, the members of the clock hour committee or board of directors under WAC 181-85-045; will identify the designated administrator of the

in-service education agency under WAC 181-85-200; and will provide the address of the in-service education agency web site. If the in-service education agency does not host a web site, the physical address will be provided. Additional information may be requested as determined by the superintendent of public instruction.

The superintendent of public instruction will review these forms for completeness.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-85-211 Annual approval procedures. On an annual basis a list shall be submitted to the professional educator standards board which shall include new applicants for approval as an approved in-service education agency ~~((and)),~~ agencies which were previously approved by the professional educator standards board which ~~((no longer wish to serve as an approved in-service education agency))~~ did not submit an application for the upcoming year, and applicants who did not submit a complete application for the upcoming year.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-220 Noncompliance—Substantial compliance rule. If an audit by the superintendent of public instruction finds that an approved in-service education agency is not in substantial compliance with the provisions of this chapter, the superintendent of public instruction shall document violations of the regulations—i.e., written findings of fact and conclusions of law—and notify such provider of corrective action necessary to achieve substantial compliance. If such in-service education agency fails to provide an assurance within twenty calendar days that such corrective action will be implemented, the superintendent of public instruction shall notify the agency that it is no longer eligible to provide continuing education credit hours in its in-service education program until the agency provides an assurance to the superintendent of public instruction that corrective action will be implemented which will satisfy the substantial compliance standard ~~((= Provided, That))~~. If the approved in-service agency has more than one department or section operating in-service programs, then only the department or section within such agency that fails to comply with the provisions of this chapter shall no longer be eligible to provide continuing education credit hours.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-85-225 Appeal to professional educator standards board. Any finding of noncompliance by the superintendent of public instruction ~~((pursuant to))~~ under WAC 181-85-220 may be appealed to the professional educator standards board for review. The filing of a notice of appeal shall cause a stay of any order by the superintendent of public instruction until the professional educator standards board makes an independent determination on the issue of substantial compliance. If the professional educator standards

board concurs that the approved in-service education agency has failed to substantially comply with the applicable provisions of this chapter, the professional educator standards board shall prescribe the corrective action necessary to achieve substantial compliance. Such in-service education agency or department or section within such agency, whichever is applicable, upon receipt of notice of action by the professional educator standards board, shall be denied the authority to grant any continuing education credit hours for any subsequent in-service education program until the agency provides an assurance to the superintendent of public instruction that corrective action prescribed by the professional educator standards board will be implemented.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-85-032 Continuing education credit hour—Definition—Internships. (~~Notwithstanding the provisions of WAC 181-85-030(6),~~) For each forty clock hours of participation in an approved internship with a business, industry, or government agency under chapter 181-83 WAC, ten continuing education credit hours shall be granted.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-85-077 Continuing education credit (~~—ESAs~~) for state professional licensure. (~~Educational staff associates~~) Educators may use credits (~~(or)~~), clock hours, or continuing education units that satisfy continuing education requirements for state professional licensure from the Washington state department of health towards fulfilling professional educator standards board continuing education (~~(certification)~~) credit hour requirements.

WSR 19-15-144
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed July 24, 2019, 8:24 a.m., effective August 24, 2019]

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

Purpose: This proposed set of rule changes is the result of agency staffed workgroup recommendations regarding clock hours, continuing education units and approved in-service education agencies. This includes professional growth plans and clock hours for paraeducator certificates. This final rule set is the result of targeted stakeholder engagement and input.

Citation of Rules Affected by this Order: New WAC 181-78A-231, 181-78A-232, 181-78A-233, 181-78A-234, 181-78A-235, 181-78A-236 and 181-78A-237; [repealing WAC 181-78A-250, 181-78A-255, 181-78A-261, 181-78A-264, 181-78A-270 and 181-78A-308;] and amending WAC 181-78A-225.

Statutory Authority for Adoption: Chapters 28A.410, 28A.413 RCW.

Adopted under notice filed as WSR 19-12-125 on June 5, 2019.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 7, 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: July 23, 2019.

Justin Montermini
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-78A-225 Acceptance of alternative standards. (1) For a given program, the professional educator standards board may allow the substitution of (~~the Council for Accreditation of Counseling and Related Education Programs (CACREP) or the National Association of School Psychologists (NASP)~~) alternative national standards for program approval standards for school counselor and school psychologist program approval, if they are deemed by the board to be equivalent to the board-adopted national standards for the role (WAC 181-78A-220 (2) through (5)).

(2) The professional educator standards board may allow the substitution of national standards (e.g., the National Council for Accreditation of Teacher Education (NCATE) teacher education standards) for program approval with any additions deemed necessary by the professional educator standards board. National standards may also be approved for programs in specific endorsement areas if they are deemed to be equivalent to state standards.

NEW SECTION

WAC 181-78A-231 Teacher, principal, career and technical education director, superintendent, and program administrator—Specific program approval domain standard—Candidates and cohorts. Candidates and cohorts. Providers of educator preparation programs recruit, select, support, and prepare diverse cohorts of candidates with potential to be outstanding educators.

(1) Providers conduct strategic and ongoing outreach to identify, recruit, admit, support, and transition promising educator candidates.

(a) Create, foster, and utilize effective partnerships to promote careers in teaching and educational leadership.

(b) Implement a targeted, data-informed outreach strategy that includes robust individualized enrollment support.

(c) Establish and monitor attributes and dispositions beyond academic ability that candidates must demonstrate at admissions and during the program.

(d) Providers of teacher preparation programs develop and utilize candidate recruitment strategies that address state, district, and workforce shortage areas.

(e) Providers of career and technical education business and industry route programs establish and expand meaningful and effective recruitment and admissions partnerships with local school districts.

(2) Providers of educator preparation programs use strategies to recruit, admit, and prepare a greater number of candidates from underrepresented groups including, but not limited to, candidates of color in effort to prepare an educator workforce that mirrors the characteristics of the student population in Washington state public schools.

(a) Demonstrate strategic outreach that is highly accessible and responsive to local communities of color.

(b) Gather and use data to assess strategic outreach to improve responsiveness and effectiveness.

(c) Identify needs and provide supports for enrollment and success in educator preparation programs for local communities of color and candidates representing linguistic and ability diversity.

(3) Providers set, publish, and uphold program admission standards to ensure that all educator candidates and cohorts are academically capable and technically prepared to succeed in educator preparation programs.

(a) Articulate clear criteria and requirements for program entry requirements to applicants.

(b) Articulate clear expectations for program completion to applicants and candidates.

(c) Inform, advise, and support applicants on assessment requirements, timelines, occupational experience requirements, and passing thresholds for board approved content and pedagogy assessments.

NEW SECTION

WAC 181-78A-232 Teacher, principal, career and technical education director, superintendent, and program administrator—Specific program approval domain standard—Candidate knowledge, skills, and cultural responsiveness. Knowledge, skills, and cultural responsiveness. Providers prepare candidates who demonstrate the knowledge, skills and cultural responsiveness required for the particular certificate and areas of endorsement, which reflect the state's approved standards.

(1) Providers demonstrate effective, culturally responsive pedagogy using multiple instructional methods, formats, and assessments.

(a) Qualified faculty use multiple instructional strategies, pedagogies, and assessments to address students' academic language ability levels and cultural and linguistic backgrounds.

(b) Providers create opportunities for faculty members and program personnel to pursue, apply, and practice ongoing professional learning to improve their knowledge, skill, effectiveness, and cultural responsiveness.

(c) Faculty within the program and the unit collaborate among one another, with content specialists, P-12 schools, members of the broader professional community, and diverse members of local communities for continuous program improvement.

(d) Faculty members and program leaders systematically and comprehensively evaluate faculty's effectiveness in teaching and learning.

(2) Providers ensure that completers demonstrate the necessary subject matter knowledge for success as educators in schools.

(a) Candidates demonstrate knowledge and competence relative to the national standards related to the role, which were adopted by the board. Providers ensure that candidates in teacher preparation programs demonstrate most recently published InTASC Standards, candidates in principal programs demonstrate most recently published NELP - Building Level Standards, and candidates in superintendent programs demonstrate most recently published NELP - District Level Standards, and candidates in career and technical education educator preparation programs demonstrate and document the career and technical education standards approved by the professional educator standards board.

(b) Teacher candidates must take a board approved basic skills assessment prior to program admission and take an endorsement assessment prior to beginning student teaching. Endorsement assessments are not required for teacher candidates in career and technical education business and industry route programs.

(c) Teacher candidates apply content knowledge as reflected in board approved endorsement standards.

(d) Teacher candidates engage with the since time immemorial curriculum focused on history, culture, and government of American Indian peoples as prescribed in WAC 181-78A-300.

(e) Providers ensure that educator candidates complete a course on issues of abuse as required by RCW 28A.410.035 and WAC 181-79A-030.

(3) Providers ensure that candidates demonstrate pedagogical knowledge and skill relative to the national professional standards adopted by the board for the role for which candidates are being prepared.

(a) Candidates demonstrate knowledge and competence relative the national standards related to the role, which were adopted by the board. Providers ensure that candidates in teacher preparation programs demonstrate most recently published InTASC Standards, candidates in principal programs demonstrate most recently published NELP - Building Level Standards, candidates in superintendent programs demonstrate most recently published NELP - District Level Standards, and candidates in career and technical education educator preparation programs demonstrate and document the career and technical education standards approved by the professional educator standards board.

(b) Faculty and mentors provide regular and ongoing feedback to candidates regarding field based performance that is actionable and leads to improvement in candidates' practice.

(c) Providers demonstrate through structured observation, discussion, surveys, and/or artifacts that program com-

pleters effectively apply the professional knowledge, skills, and dispositions that the preparation program was designed to achieve.

(d) Providers ensure that teacher candidates achieve passing scores on the teacher performance assessment, also known as the pedagogy assessment, approved by the board. The teacher performance assessment is not required for teacher candidates in career and technical education business and industry route programs.

(e) Providers ensure that all educator candidates demonstrate knowledge of the paraeducator standards of practice, as published by the paraeducator board.

(f) Providers of career and technical educator preparation programs provide candidates all necessary guidance to document, demonstrate, and submit for approval the required hours of occupational experience.

(4) Providers ensure that candidates are well prepared to exhibit the knowledge and skills of culturally responsive educators.

(a) Providers offer all candidates meaningful, reflective opportunities to interact with racially and culturally diverse colleagues, faculty, P-12 practitioners, and P-12 students and families.

(b) Providers prepare candidates to adapt their practices based on students' prior experiences, cultural knowledge, and frames of reference to make learning encounters more relevant and effective.

(c) Providers ensure course work explicitly focuses on cultural responsiveness and integrates components of culturally responsive education within and throughout all courses.

(d) Faculty explicitly model equity pedagogy in course work and practice in ways that enable candidates to integrate their own cultural and linguistic backgrounds into classroom activities.

NEW SECTION

WAC 181-78A-233 Teacher, principal, career and technical education program directors, superintendent, and program administrator—Specific program approval domain standard—Novice practitioners. Novice practitioners. Providers prepare candidates who are role ready.

(1) Providers prepare candidates who are ready to engage effectively in their role and context upon completion of educator preparation programs.

(a) The provider demonstrates that program completers perceive their preparation as relevant to the responsibilities they confront on the job, and that the preparation was effective.

(b) Providers demonstrate that completers effectively apply the professional knowledge, skills, dispositions, and technical proficiency that the preparation experiences were designed to achieve.

(c) Faculty and supervisors contextualize educators' practice within contemporary socio-political context and within the administrative regulations in schools and districts.

(d) Inform and orient candidates to Washington state processes of certification, licensure, endorsements and ongoing professional learning opportunities and requirements as

they apply to the role for which the candidate is being certified.

(2) Providers prepare candidates to develop reflective, collaborative, and professional growth-centered practices through regular evaluation of the effects of their practice through feedback and reflection.

(a) Prepare educators to understand and demonstrate achievement and improvement in their practice.

(b) Providers prepare candidates to seek new learning to remain current in subject area(s), educational theories, practices, research, and ethical practice.

(c) Ensure that all teacher education candidates who complete the program exit the program with a professional growth plan according to the guidance provided by the professional educator standards board.

(3) Providers prepare candidates for their role in directing, supervising, and evaluating paraeducators.

(a) Prepare teacher candidates to direct paraeducators working with students in the classroom.

(b) Prepare administrator candidates to supervise and evaluate paraeducators in schools.

(4) Providers require candidates to demonstrate knowledge of teacher evaluation research and Washington's evaluation requirements.

(a) Providers ensure educator candidates examine Washington's evaluation requirements, criteria, four-tiered performance rating system, student growth goals, and the preferred instructional frameworks used to describe the evaluation criteria.

(b) Providers ensure educator candidates demonstrate knowledge and skill in self-assessment, goal setting, and reflective practice.

(c) Providers of principal and superintendent programs ensure candidates examine and practice classroom observation skills that recognize and limit bias and promote rater agreement on the four-tiered system.

(d) Providers of principal and superintendent programs ensure candidates demonstrate knowledge and skill using student growth data and multiple measures of performance for use in evaluations.

(e) Providers of principal and superintendent programs ensure candidates demonstrate knowledge and skill conducting evaluation conferences and developing teacher and principal support plans resulting from evaluations.

(f) Providers of principal and superintendent programs ensure candidates demonstrate knowledge and skill in the use of an online tool to manage the collection of observation notes, teacher and principal submitted materials, and other information related to the conduct of the evaluation.

NEW SECTION

WAC 181-78A-234 Teacher, principal, career and technical education program director, superintendent, and program administrator—Specific program approval domain standard—State and local workforce needs. State and local workforce needs. Providers contribute positively to state and local educator workforce needs.

(1) Providers partner with local schools, districts, and communities to assess and respond to educator workforce, student learning, and educator professional learning needs.

(a) Establish and develop partnerships (e.g., schools, districts, community colleges, workforce boards, etc.) to understand educator workforce surplus and shortages.

(b) Maintain and use partnerships to gather anecdotes, contacts, and data that identify and describe local workforce needs.

(2) Providers use preparation program and workforce data in cooperation with professional educator advisory boards to assess and respond to local and state workforce needs.

(a) Providers use local and state workforce data to identify and monitor state and local educator and workforce shortages across local districts, industries, and content areas relevant for the roles for which the program recommends certification.

(b) Analyze enrollment, preparation process, and program outcomes data to understand programs' process and performance relative to the local and state educator and industry workforce needs relevant for the roles for which the program recommends certification.

(c) Present to professional educator advisory boards workforce data and program analyses to develop program goals and strategies that can be enacted to meaningfully address state and local workforce needs.

(3) Providers of teacher educator preparation programs prepare and recommend increasing numbers of candidates in endorsement and areas identified by the board as workforce priorities.

(a) Share among faculty, staff, and professional educator advisory boards program's current practice and effectiveness addressing state and local workforce needs.

(b) Recruit and prepare candidates for content areas in response to local and state workforce needs.

(c) Meet the content area needs identified by workforce data of the state and the region.

NEW SECTION

WAC 181-78A-235 Teacher, principal, career and technical education program director, superintendent, and program administrator—Specific program approval domain standard—Data systems. Data systems. Providers maintain data systems that are sufficient to evaluate program performance, direct program decision making, inform state-level priorities, and report to the board.

(1) Providers develop and maintain effective data systems that are sufficient for program growth, evaluation, and mandated reporting.

(a) Maintain a data infrastructure that enables storage, tracking, and reporting functions to meet annual data submission requirements and assess program design and outcomes in alignment with state standards.

(b) Collect, store, and report data according to the data manual and report guidance published by the professional educator standards board.

(c) Systematically and comprehensively gather data and evidence on recruitment, retention, candidate learning, and program operations.

(d) Include in data and assessment systems processes and safeguards that ensure fair and unbiased assessment of candidates.

(2) Providers utilize secure data practices for storing, monitoring, reporting, and using data for program improvement.

(a) Develop, publish, and maintain program-specific standards for data security, access, and governance.

(b) The professional educator advisory board annually reviews and analyzes data for the purposes of determining whether candidates have a positive impact on student learning and report to the program provider recommendations for programmatic change.

(c) Program leaders aggregate program and candidate data over time and incorporate perspectives of faculty, data administrators, professional educator advisory boards, candidates, and district and school P-12 partners to inform program decision making.

(d) Program providers consider and respond in writing to recommendations for program change from the members of the professional education advisory board.

(3) Providers produce and utilize data reports in accordance with data manual and reporting guidance published by the board.

(a) Faculty, administrators, and professional educator advisory board members collaborate for program review and improvement.

(b) Data administrators submit annual data according to data manual, schedule, and reporting guidance published by the board.

(c) Gather and submit additional program and candidate data as requested by the board as needed to complete all aspects of the program review process.

NEW SECTION

WAC 181-78A-236 Teacher, principal, career and technical education program director, superintendent, and program administrator—Specific program approval domain standard—Field experience and clinical practice. Field experience and clinical practice. Providers offer field-based learning experiences and formalized clinical practice experiences for candidates to develop and demonstrate the knowledge and skills needed for their role.

(1) Providers establish and maintain field placement practices, relationships, and agreements with all school districts in which candidates are placed for field experiences leading to certification or endorsement per WAC 181-78A-125 and 181-78A-300.

(a) The program provider and school partners cooperatively design, implement, and evaluate field experiences and clinical practices conforming to board standards and requirements for the role.

(b) Clinical practice for teacher candidates in programs approved to offer traditional routes to teacher certification must consist of no less than four hundred fifty hours in a classroom setting, with a qualifying mentor teacher. Clinical

practice for teacher candidates in programs approved to offer alternative routes to certification must consist of no less than five hundred forty hours in a classroom setting with a qualifying mentor.

(c) Principal candidates complete an internship for a full school year, consisting of at least five hundred forty hours, half of which must be during school hours when students and/or staff are present. Interning candidates must demonstrate that they have the appropriate, specific skills pursuant to the standards identified in WAC 181-78A-220 and 181-78A-232 and meets, at minimum, the standards-based benchmarks approved and published by the board.

(d) Superintendent candidates must complete an internship of at least three hundred sixty hours. Interning candidates must demonstrate that they have the appropriate, specific skills pursuant to the standards identified in WAC 181-78A-220 and 181-78A-232.

(e) Candidates in career and technical education teacher preparation programs as described in WAC 181-77-031 must complete a student teaching experience of at least four hundred fifty hours. Candidates must demonstrate that they have the appropriate, specific skills pursuant to the standards identified in the career and technical education standards approved by the professional educator standards board.

(f) Candidates in career and technical education business and industry route programs must complete a practicum. Candidates must demonstrate that they have the appropriate, specific skills pursuant to the standards identified in the career and technical education standards approved by the professional educator standards board.

(g) Providers articulate in writing clear entry and exit criteria as well as a process for mitigating concerns during clinical practice for candidates, school leader(s), and the mentor.

(2) Providers ensure that candidates integrate knowledge and skills developed through field and industry experiences with the content of programs' course work.

(a) Providers offer field experiences in which teacher and principal candidates plan, practice, discuss, and reflect upon methods of instruction and differentiation, and all educator candidates demonstrate that they have the appropriate, specific relevant skills pursuant to WAC 181-78A-220, 181-78A-232, and 181-78A-300 to be effective in the role.

(b) Integrate assignments, assessments, and actionable feedback throughout candidates' field experiences.

(c) Provide faculty supervision, including on-site visits, on an ongoing basis.

(d) Identify and recruit mentors for candidates who are educational leaders collaboratively with the partner school(s) or district(s).

(e) Ensure that candidates' mentors are fully certificated school personnel and have a minimum of three years of professional experience in the role they are supervising.

(f) Mentors and school leaders are provided with a set of internship expectations and receive, or provide evidence of having received, training and experience mentoring adult learners and culturally responsive teaching and learning.

(g) Effectiveness of mentor preparation and communication are reviewed annually by program faculty.

(3) Providers offer field experiences and related assessment requirements in accordance with WAC 181-78A-300 and the board approved candidate assessment requirements.

(a) Ensure that educator candidates are placed in settings where they can be evaluated and given actionable feedback.

(b) Ensure that educator candidates are fingerprinted and have completed required character clearance prior to placement in field experience settings.

(c) Ensure that teacher candidates have completed knowledge and skills assessments requirements in accordance with this section and WAC 181-78A-300(2) prior to beginning student teaching.

(4) Providers ensure that candidates participate in field experiences in school settings with students and teachers who differ from themselves in race, ethnicity, home language, socio-economic status or local population density.

(a) Field experiences provide opportunities to work in communities or with student populations with backgrounds dissimilar to the background of the candidate.

(b) Course assignments and discussions offer candidates opportunities to reflect upon interactions with diverse populations and communities in order to integrate professional growth in cultural responsiveness as a habit of practice.

(c) Candidates have opportunities to design, implement and receive feedback on cultural responsiveness in lessons, assignments, and activities.

NEW SECTION

WAC 181-78A-237 Teacher, principal, career and technical education program director, superintendent, and program administrator—Specific program approval domain standard—Program resources and governance. Program resources and governance. Providers ensure that programs have adequate resources, facilities, and governance structures to enable effective administration and fiscal sustainability.

(1) Providers ensure that programs utilize a separate administrative unit responsible for the composition and organization of the preparation program.

(a) An officially designated administrator is responsible for the composition and organization of the preparation program.

(b) Budgetary allocations are sufficient for the program to assure that candidates meet standards and requirements of the board.

(2) Providers ensure the program has adequate personnel to promote teaching and learning.

(a) Workload policies allow program personnel to effectively perform their assigned responsibilities within the program.

(b) Specific program personnel are assigned the responsibility of advising applicants for certification and endorsements and for maintaining certification records.

(c) The program has adequate field supervisors and other support personnel.

(3) Providers ensure the program has adequate facilities and resources to promote teaching and learning.

(a) The program has the necessary classrooms, lab space, office space, and/or other facilities.

(b) The program has technology, library, curricular, and electronic information resources.

(c) The facilities support faculty and candidate use of technology.

Date Adopted: July 24, 2019.

Wendy Barcus
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 181-78A-250	Approval standards professional education advisory board.
WAC 181-78A-255	Approval standard—Accountability.
WAC 181-78A-261	Approval standard—Program resources and governance.
WAC 181-78A-264	Approval standard—Program design.
WAC 181-78A-270	Approval standard—Knowledge and skills.
WAC 181-78A-308	Special consideration for certain former paraeducators.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 182-20-001	Purpose.
WAC 182-20-010	Definitions.
WAC 182-20-100	Administration.
WAC 182-20-130	Application for funds.
WAC 182-20-160	Eligibility.
WAC 182-20-200	Allocation of state funds.
WAC 182-20-300	Dispute resolution procedures.
WAC 182-20-320	Audit review.
WAC 182-20-400	Limitations on awards.
WAC 182-20-500	Dental residency pilot project.
WAC 182-20-600	Community health care collaborative program.
WAC 182-20-610	Administration.
WAC 182-20-620	Application process.

WSR 19-15-147

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed July 24, 2019, 8:37 a.m., effective August 24, 2019]

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

Purpose: The agency is repealing this chapter as it is no longer in use.

Citation of Rules Affected by this Order: Repealing WAC 182-20-001, 182-20-010, 182-20-100, 182-20-130, 182-20-160, 182-20-200, 182-20-300, 182-20-320, 182-20-400, 182-20-500, 182-20-600, 182-20-610, and 182-20-620.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 19-11-069 on May 16, 2019.

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 the Request of a Non-governmental 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 13.

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 13.