

Washington State Register

April 17, 2002

OLYMPIA, WASHINGTON

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IN THIS ISSUE

Administrative Hearings, Office of
Agriculture, Department of
Bellevue Community College
Boiler Rules, Board of
Children's Administration
Criminal Justice Training Commission
Eastern Washington University
Ecology, Department of
Economic Services Administration
Education, State Board of
Employment Security Department
Facilities and Services Licensing
Fish and Wildlife, Department of
Freight Mobility Strategic Investment Board
Gambling Commission
Health and Rehabilitative Services
Administration
Health Care Authority
Health, Department of
Health, State Board of
Higher Education Coordinating Board
Insurance Commissioner, Office of the
Labor and Industries, Department of
Library Commission
Library, Washington State
Licensing, Department of
Lottery, Washington State
Marine Employees' Commission
Medical Assistance Administration
Parks and Recreation Commission
Pesticide Registration, Commission on
Pilotage Commissioners, Board of
Public Disclosure Commission
Public Instruction, Superintendent of
Public Works Board
Retirement Systems, Department of
Revenue, Department of
Secretary of State
Skagit Valley College
Social and Health Services, Department of
Supreme Court, State
University of Washington
Utilities and Transportation Commission
Whatcom Community College

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of April 2002 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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Chief Assistant Code Reviser

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Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style clearly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

2001-2002

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Rule making ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
01 - 13	May 23, 01	Jun 6, 01	Jun 20, 01	Jul 5, 01	Jul 25, 01	N/A
01 - 14	Jun 7, 01	Jun 21, 01	Jul 5, 01	Jul 19, 01	Aug 8, 01	N/A
01 - 15	Jun 20, 01	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 21, 01	N/A
01 - 16	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 15, 01	Sep 4, 01	Oct 2, 01
01 - 17	Jul 25, 01	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 25, 01	Oct 23, 01
01 - 18	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 9, 01	Nov 6, 01
01 - 19	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 23, 01	Nov 20, 01
01 - 20	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 17, 01	Nov 6, 01	Dec 4, 01
01 - 21	Sep 26, 01	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 27, 01	Dec 26, 01
01 - 22	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 11, 01	Jan 8, 02
01 - 23	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 25, 01	Jan 23, 02
01 - 24	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 8, 02	Feb 5, 02
02 - 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 2, 02	Jan 22, 02	Feb 20, 02
02 - 02	Dec 5, 01	Dec 19, 01	Jan 2, 02	Jan 16, 02	Feb 5, 02	Mar 5, 02
02 - 03	Dec 26, 01	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 26, 02	Mar 26, 02
02 - 04	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 20, 02	Mar 12, 02	Apr 9, 02
02 - 05	Jan 23, 02	Feb 6, 02	Feb 20, 02	Mar 6, 02	Mar 26, 02	Apr 23, 02
02 - 06	Feb 6, 02	Feb 20, 02	Mar 6, 02	Mar 20, 02	Apr 9, 02	May 7, 02
02 - 07	Feb 20, 02	Mar 6, 02	Mar 20, 02	Apr 3, 02	Apr 23, 02	May 21, 02
02 - 08	Mar 6, 02	Mar 20, 02	Apr 3, 02	Apr 17, 02	May 7, 02	Jun 4, 02
02 - 09	Mar 20, 02	Apr 3, 02	Apr 17, 02	May 1, 02	May 21, 02	Jun 18, 02
02 - 10	Apr 3, 02	Apr 17, 02	May 1, 02	May 15, 02	Jun 4, 02	Jul 2, 02
02 - 11	Apr 24, 02	May 8, 02	May 22, 02	Jun 5, 02	Jun 25, 02	Jul 23, 02
02 - 12	May 8, 02	May 22, 02	Jun 5, 02	Jun 19, 02	Jul 9, 02	Aug 6, 02
02 - 13	May 22, 02	Jun 5, 02	Jun 19, 02	Jul 3, 02	Jul 23, 02	Aug 20, 02
02 - 14	Jun 5, 02	Jun 19, 02	Jul 3, 02	Jul 17, 02	Aug 6, 02	Sep 4, 02
02 - 15	Jun 26, 02	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 27, 02	Sep 24, 02
02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
02 - 17	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 24, 02	Oct 22, 02
02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 21, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 1.12.040 and 34.05.353.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

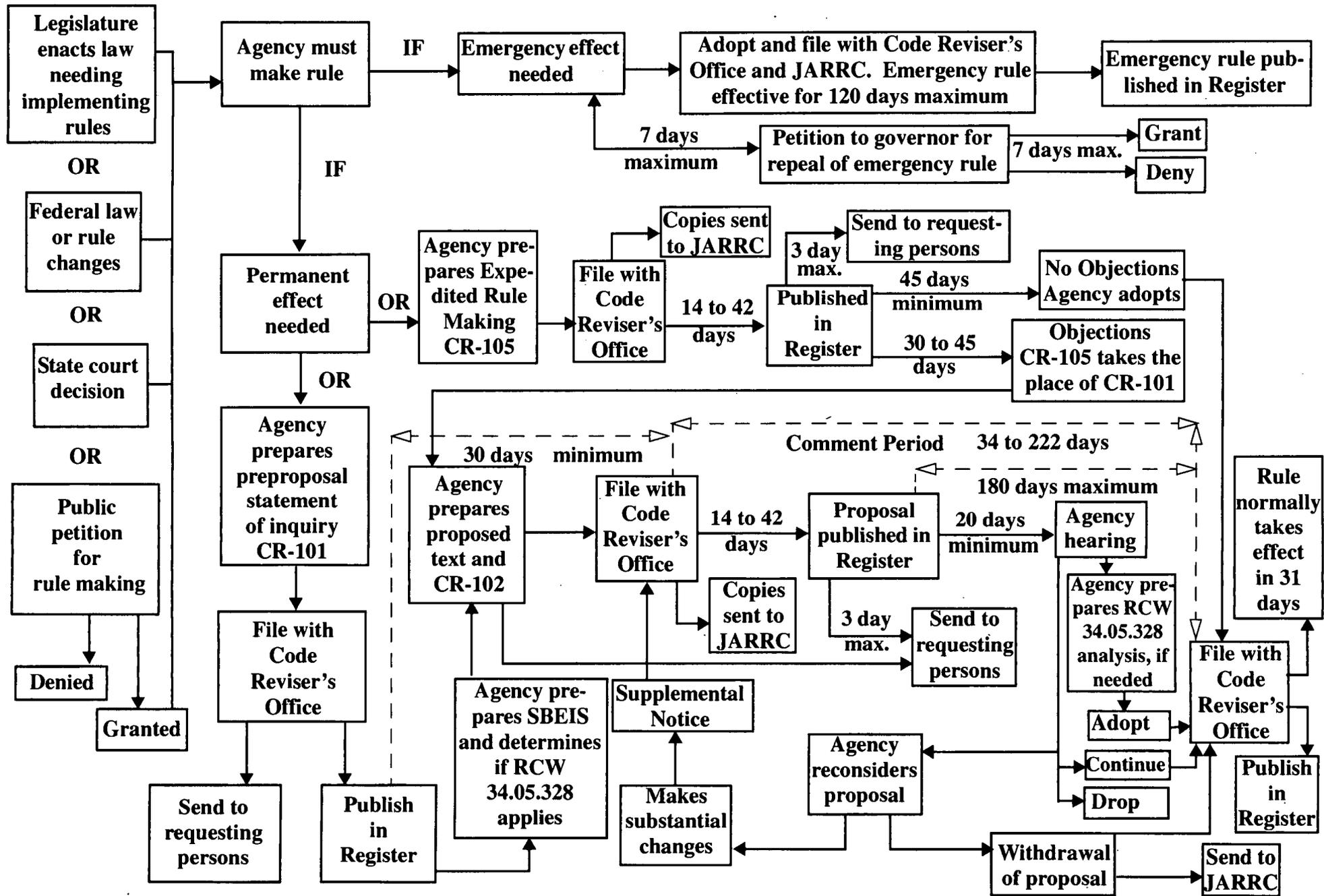
There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 02-08-003**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed March 21, 2002, 11:06 a.m.]

Subject of Possible Rule Making: Size limits of clams.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Populations of clams on certain state beaches are so large and dense as to cause stunting of individual clam growth. By liberalizing the minimum size for clam retention the harvest can increase, the population and density can decrease and the individual clams can reach a larger size which is more consistent with current maximum sustained yield management plans.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, State Marine Resource Manager, 600 Capitol Way North, Olympia, WA 98501-1091. Contact by June 17, 2002, expected filing date is June 19, 2002.

March 21, 2002

Evan Jacoby
Rules Coordinator**WSR 02-08-005****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed March 21, 2002, 4:29 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-460.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957,

or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

March 21, 2002

Lynda Henriksen
for Deborah McCurley, Administrator
Title and Registration Services**WSR 02-08-006****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed March 21, 2002, 4:32 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-241, 308-93-242, 308-93-243, and 308-93-244.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.100, 88.02.070, 88.02.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

March 21, 2002

Lynda Henriksen
for Deborah McCurley, Administrator
Title and Registration Services**WSR 02-08-007****PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed March 21, 2002, 4:41 p.m.]

Subject of Possible Rule Making: Bingo licensees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement legislation, EHB 2918, adopted in the 2002 legislative session which allows bingo licensees to share facilities at one location and allow a bingo operator to conduct games for more than three days per week.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: On May 9 and 10, 2002, at the West Coast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000; on June 13 and 14, 2002, at the LaConner Country Inn, Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101; and on August 8 and 9, 2002, at Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, (360) 289-4600.

March 21, 2002
Susan Arland
Rules Coordinator

WSR 02-08-008

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed March 21, 2002, 4:42 p.m.]

Subject of Possible Rule Making: Applicants for a gambling license and gambling licensees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement legislation, SB 6491, adopted in the 2002 legislative session which clarifies that the commission shall perform fingerprinting and national criminal history background checks on applicants for a gambling license. As set forth in SB 6491, this filing will identify which persons named on the application are subject to the national criminal history background checks.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: On May 9 and 10, 2002, at the West Coast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000; on June 13 and 14, 2002, at the LaConner Country Inn, Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101; and on August 8 and 9, 2002, at the Shilo Inn, 707

Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, (360) 289-4600.

March 21, 2002
Susan Arland
Rules Coordinator

WSR 02-08-013

**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed March 22, 2002, 2:42 p.m.]

Subject of Possible Rule Making: Electronic filing of declarations of candidacy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.04.080, section 3 of SB 6321 which is awaiting action by the governor.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are needed to implement a system to take declarations of candidacy filings electronically.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies need to be coordinated with. We will work with county auditors on this project.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Huennekens, Policy Analyst, Office of the Secretary of State, P.O. Box 40229, Olympia, WA 98504-0229, phone (360) 902-4169, fax (360) 586-5629.

March 22, 2002
Steve Excell
Assistant Secretary of State

WSR 02-08-015

**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE**

TRAINING COMMISSION

[Filed March 25, 2002, 9:36 a.m.]

Subject of Possible Rule Making: WAC 139-05-915 Requirements of training for police dog handlers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 Commission powers and duties—Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update the WAC to the current training standards being offered to canine handlers and to set standards of minimum performance for certification of canine teams prior to the team being used for law enforcement or corrections work.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Seattle, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by letter to advise of the intended rules amendments. Proposal also listed on the agency website.

March 22, 2002
Sharon M. Tolton
Deputy Director

WSR 02-08-017

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Facilities and Services Licensing)
[Filed March 25, 2002, 11:15 a.m.]**

Subject of Possible Rule Making: Repealing chapter 246-388 WAC, Rural health care facility licensing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.175.040 and 70.175.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rural health care facility licensing rules were adopted in January 1991. Currently there are no licensed rural health care facilities nor has the program ever received an application for licensure.

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

Process for Developing New Rule: The department will solicit comments from interested parties through mailings and a public meeting for the repeal of chapter 246-388 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Spaulding, Department of Health, P.O. Box 47852, Olympia, WA 98502-7852, phone (360) 705-6655, fax (360) 705-6654, e-mail al.spaulding@doh.wa.gov.

Mary C. Selecky
Secretary

WSR 02-08-021

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed March 25, 2002, 4:36 p.m.]**

Subject of Possible Rule Making: Chapter 392-120 WAC, Finance—University of Washington transition school and early entrance program allocation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.185.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is a language amendment to an existing code requested by the University of

Washington president. The changes will allow up to eighty students to enroll in the University of Washington's early entrance programs. This will increase the number of public school high school students from thirty to eighty. An additional program name, University of Washington Academy, will be included in the early entrance/transition school section of the WAC. Changes will also be made to clarify existing language.

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

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, Director, Title VI and Innovative Programs, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6100, gpauley@ospi.wednet.edu.

February 13, 2001 [2002]

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 02-08-024

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
[Filed March 26, 2002, 9:27 a.m.]**

Subject of Possible Rule Making: Bingo licensees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure the president of a charitable or nonprofit operation is aware of the financial situation of their organization, this filing will clarify that the president or highest ranking officer of an organization shall sign the quarterly activity reports.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: On May 9 and 10, 2002, at the West Coast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000; on June 13 and 14, 2002, at the LaConner Country Inn, Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101; and on August 8 and 9, 2002, at the Shilo Inn, 707

Ocean Shores Boulevard N.W., Ocean Shores, WA 98569,
(360) 289-4600.

March 25, 2002
Susan Arland
Rules Coordinator

WSR 02-08-033

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed March 27, 2002, 3:48 p.m.]

Subject of Possible Rule Making: Amendment of WAC 308-13-150 Landscape architect fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.96.080 Fees, 43.24.086 Fee policy for professions, occupations and businesses; requires fees to be at a sufficient level to defray the cost of administering the program.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The examination vendor for national examinations is the Council of Landscape Architect Registration Boards (CLARB). CLARB will increase their examination fees yearly. This rule is needed to increase the charge that candidates pay for the examination and the department collects on the vendor's behalf. This is a national driven fee increase and not the request of the department.

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

Process for Developing New Rule: Agency study; and review of all rules pursuant to the Governors Executive Order 97-02. Notification by the examination vendor that fees will increase in December 2002. Fees are collected from candidates by the Department of Licensing held in a pass-through account, and then reimbursed to the exam vendor after the exam has been conducted.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret Epting, Department of Licensing, Business and Professions Division, Landscape Architect Registration Board, P.O. Box 9045, Olympia, WA 98507-9045, (360) 664-1386, fax (360) 664-2551.

March 27, 2002
Margaret Epting
Administrator

WSR 02-08-039

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 29, 2002, 2:55 p.m.]

Subject of Possible Rule Making: Chapter 180-16 WAC, State support of public schools; chapter 180-18 WAC, Waivers for restructuring purposes; chapter 180-53 WAC, Educational quality—Self-study by school districts; and chapter 180-55 WAC, School accreditation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4), 28A.10.010, 28A.58.754(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making, early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 29, 2002
Larry Davis
Executive Director

WSR 02-08-040

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 29, 2002, 2:57 p.m.]

Subject of Possible Rule Making: Chapter 180-97 WAC, Excellence in teacher preparation award.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.625.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making, early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 29, 2002
Larry Davis
Executive Director

WSR 02-08-041**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 29, 2002, 2:57 p.m.]

Subject of Possible Rule Making: Chapter 180-08 WAC, Practice and procedures and chapter 180-10 WAC, Access to public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 28A.04.120, 42.17.010, 42.17.250 - [42.17.]340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making, early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 29, 2002

Larry Davis
Executive Director**WSR 02-08-042****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 29, 2002, 2:59 p.m.]

Subject of Possible Rule Making: Chapter 180-43 WAC, Interscholastic activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.58.125.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making, early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator,

State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 29, 2002

Larry Davis
Executive Director**WSR 02-08-043****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 29, 2002, 3:00 p.m.]

Subject of Possible Rule Making: Chapter 180-38 WAC, Pupils—Immunization requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.31.118.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making, early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 29, 2002

Larry Davis
Executive Director**WSR 02-08-044****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 29, 2002, 3:00 p.m.]

Subject of Possible Rule Making: Chapter 180-16 WAC, State support of public schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4), 28A.410.010, 28A.58.-754(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or

provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making, early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 29, 2002
Larry Davis
Executive Director

WSR 02-08-045

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 29, 2002, 3:02 p.m.]

Subject of Possible Rule Making: Chapter 180-22 WAC, Educational service districts and chapter 180-23 WAC, Educational service districts—Election of board members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.21.020, 28A.21.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making, early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 29, 2002
Larry Davis
Executive Director

WSR 02-08-046

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 29, 2002, 3:03 p.m.]

Subject of Possible Rule Making: Chapter 180-34 WAC, Real property sales contracts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.335.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making, early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 29, 2002
Larry Davis
Executive Director

WSR 02-08-051

PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD

[Filed April 1, 2002, 10:46 a.m.]

Subject of Possible Rule Making: Institutional eligibility for participation in the state need grant program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.80 RCW and RCW 28B.10.822.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5166 changed the provisions governing institutional eligibility. Rules need to be brought into line with the statute by:

(A) Recognizing the North Central Accrediting Association and the Western Association of Schools and Colleges as acceptable accrediting agencies for schools participating in the state need grant program.

(B) Allowing the branch campuses of out-of-state institutions to participate in the state need grant program if they have offered twenty years or more of continuous classroom instruction in the state of Washington and have a full-time equivalent enrollment of seven hundred or more.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Klacik, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail johnk@hecb.wa.gov, phone (360) 753-7851, fax (360) 704-6251.

March 29, 2002

John Klacik
Associate Director

WSR 02-08-052

PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD

[Filed April 1, 2002, 10:47 a.m.]

Subject of Possible Rule Making: Modifying rules governing the promise scholarship program to correspond with SHB 2807 passed by the 2002 legislature.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.80 RCW and SHB 2807 passed by the 2002 legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2807, as passed by the 2002 legislature, added features to the current promise scholarship program.

(1) Expanded eligibility for the promise scholarship to students who score 27 or greater of the ACT exam on their first attempt.

(2) Allows certain scholars to use the award at institutions in Oregon.

(3) Prohibits the awarding of the scholarship to any student who is pursuing a degree in theology.

(4) Allows the Higher Education Coordinating Board to establish satisfactory progress standards for the continued receipt of the scholarship.

(5) Requires the board to first ensure that eligibility for the state need grant program is at least 55% of the state median family income before administering the promise scholarship program.

(6) Establishes an account in the custody of the state treasurer.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Klacik, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail johnk@hecb.wa.gov, phone (360) 753-7851, fax (360) 704-6251.

March 29, 2002

John Klacik
Associate Director

WSR 02-08-054

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed April 1, 2002, 3:15 p.m.]

Subject of Possible Rule Making: WAC 388-450-0135 Allocating income of an ineligible spouse to a GA-U client, the Division of Assistance and Employment Programs is amending this WAC to simplify how we allocate income from an ineligible spouse to a general assistance client.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current version of the rule is confusing and often results in a misapplication of the policy. The amendment of this rule will simplify the policy and increase payment accuracy.

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

Process for Developing New Rule: The Department of Social and Health Services (DSHS) welcomes the public to take part in developing the rule(s). Anyone interested in participation should contact the staff person indicated below. After the rule(s) is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Veronica Barnes, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3071, fax (360) 413-3493, TTY (360) 413-3001.

March 28, 2002

Margaret J. Partlow
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-08-055

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed April 1, 2002, 3:16 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs will amend rules in chapter 388-492 WAC related to the Washington state combined application project (WASHCAP). The changes will reflect refinements in program policy, implement requirements to the program, add needed information, and rewrite the rules for clarity. These changes may require the addition of new rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Department of Agriculture, Food and Nutrition Service allows the department to administer a simplified food assistance program for certain clients who receive supplemental security income (SSI). Washington started the WASHCAP program in December 2001. The rule changes will reflect refinements in program policy and improve ease of administration.

Process for Developing New Rule: The Department of Social and Health Services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. A copy of the draft will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Day, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3357, fax (360) 413-3493, e-mail dayve@dshs.wa.gov.

March 28, 2002
Margaret J. Partlow
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-08-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed April 1, 2002, 3:17 p.m.]

Subject of Possible Rule Making: WAC 388-478-0085 Medicare savings programs—Monthly income and countable resource standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC will be amended to incorporate the changes in income and resource standards based on the 2002 federal poverty level (FPL).

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Armstrong, Program Manager, Medical Assistance Administration, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1725, fax (360) 664-0910, e-mail armstpa@dshs.wa.gov, TDD 1-800-848-5429.

March 28, 2002
Margaret J. Partlow
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-08-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed April 2, 2002, 9:05 a.m.]

Subject of Possible Rule Making: The Department of Retirement Systems (DRS) plans to amend chapter 415-02 WAC, General provisions, to add several rules required by the Internal Revenue Service (IRS). DRS also plans to amend WAC 415-111-220 and/or add a new section to chapter 415-111 WAC to provide an annual window during which time Plan 3 members could change their contribution rate and retain the 5% minimum contribution rate, provided that the legislature passes legislation in the 2003 session that would allow this change.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.34.040, 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The technical changes are required by the IRS. The change in chapter 415-111 WAC would provide an annual window during which time Plan 3 members could change their contribution rate and retain the 5% minimum contribution rate. Any such change would be contingent on the legislature's amendment of the applicable statute(s).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The IRS regulates the type of defined contribution plans that DRS' Plan 3 provide. Any changes in this WAC would be contingent on a favorable IRS determination letter. The IRS has approved such a change for the Teachers' Retirement System Plan 3. DRS is seeking similar approval for the Public Employees' Retirement System Plan 3 and the School Employees' Retirement System Plan 3.

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described in the paragraph below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the

mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

April 1, 2002
Merry A. Kogut
Rules Coordinator

47467, Olympia, WA 98504-7467, phone (360) 570-6112, fax (360) 664-0693, e-mail MarkM@dor.wa.gov.

Location and Date of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on Tuesday, May 7, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

April 2, 2002
Claire Hesselholt, Rules Manager
Legislation and Policy Division

WSR 02-08-067

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed April 2, 2002, 10:49 a.m.]

Subject of Possible Rule Making: WAC 458-29A-400 Leasehold excise tax—Exemptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.29A.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-29A-400 provides information about exemptions from the leasehold excise tax. This rule needs to be revised to incorporate the leasehold excise tax exemption provided by RCW 82.29A.136 (chapter 26, Laws of 2001) for interests consisting of 3,000 or more residential and recreational lots that are or may be subleased for residential and recreational purposes. The exemption pertaining to sales/leasebacks by regional transit authorities provided by RCW 82.29A.134 (chapter 4, Laws of 2000 2nd sp.s.) also needs to be added to the rule. Additionally, the information contained in Excise Tax Advisory 552.99.29A (Leasehold excise tax—Exemption for public employees—Condition of employment) should be incorporated into this rule. The language explaining the exemption for leasehold interests in student housing at public or nonprofit schools or colleges should be revised to more closely track the language of the statute. Also, the exemption for leasehold interests in properties rented for residential purposes on a month-to-month basis pending destruction or removal for construction of a public highway or public building contains language that should be clarified to make clear that the exemption only applies when the residential unit will be destroyed or removed pending construction of a public highway or public building.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Mark Mullin, Tax Policy Specialist, Legislation and Policy Division, State of Washington Department of Revenue, P.O. Box

WSR 02-08-068

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed April 2, 2002, 10:50 a.m.]

Subject of Possible Rule Making: WAC 458-40-610 Timber excise tax—Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Because of changes in law, more public roads are being abandoned. The contracts to purchase public timber include provisions requiring the purchaser to abandon roads both on and off the area being harvested. The Department of Revenue is considering clarifying when the road abandonment is performed as a service to the government and not as part of the harvesting activities. When a landowner requires timber purchasers to perform services for them in lieu of cash payment, this value must be reflected as other consideration paid for the timber. We anticipate a rule change so purchasers can identify when abandoning roads on public land are not part of the harvesting activities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, but they are not involved in valuation for purposes of taxation. The definition has been coordinated with published rules on forest practices and definitions issued by these agencies to avoid conflict. We have invited their input, but the amended definition should not impact their regulation of forest practices or the harvester's ability to comply with these agencies regulations.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the possible changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia,

WA 98504-7467, phone (360) 570-6126, e-mail EdR@dor.wa.gov, fax (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue, Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on May 9, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

April 2, 2002
Claire Hesselholt, Rules Manager
Legislation and Policy Division

WSR 02-08-069
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2002-01—Filed April 2, 2002, 2:32 p.m.]

Subject of Possible Rule Making: Establishing a market assistance plan for medical malpractice insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.22.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is concerned about the availability, adequacy, and the cost of medical malpractice insurance. Many purchasers have notified the commissioner about problems regarding significant rate increases, their difficulty in insuring their entire risk, or their difficulty in finding an insurer. The commissioner will discuss the problems in the medical malpractice market with insurers and purchasers. The solution may include rules to establish a market assistance plan.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail KacyS@oic.wa.gov, fax (360) 586-3109, by May 17, 2002.

April 2, 2002
Mike Kreidler
Insurance Commissioner

WSR 02-08-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 02-06—Filed April 2, 2002, 4:09 p.m.]

Subject of Possible Rule Making: In the 2000 session, the Washington state legislature passed E2SHB 2867, which expanded the definition of "reservoir" in RCW 90.03.370 to include, "any naturally occurring underground geological

formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project."

The legislation also directed the Department of Ecology to adopt a rule identifying the standards to be met by any underground geological formation which is utilized by an aquifer storage and recovery (ASR) project. This rule will establish the standards for review of proposals and mitigation of any adverse impacts described in new subsection RCW 90.03.370 (2)(a). EHB 2993 added additional amendments that will impact the rule language. The rule will be adopted as a new chapter of the Washington Administrative Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.03.370 (2)(b) states: Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the (ecology) department by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a result of increasingly competing demands for water use in the state, the legislature has identified the storage of water for future recovery as a viable and important approach to augment water availability in certain situations. Specifically, the 2000 legislature broadened the possibilities for underground storage of water in the state and directed ecology to establish standards to ensure that such storage activities do not have adverse effects on the environment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington Department of Health (DOH) regulates public water systems and, in cooperation with the United States Environmental Protection Agency (EPA), is responsible for administering the Safe Drinking Water Act and the protection of drinking water supplies. The EPA and ecology's water quality program (WQ) are responsible for protecting ground water sources. Representatives from DOH, EPA and WQ are participants in the Technical Advisory Group (TAG) created by ecology to involve technical expertise in the rule-making process.

Process for Developing New Rule: Ecology will involve the public at several points in the process. Ecology's plan is to use a Technical Advisory Group (TAG) to develop the basic foundational elements of a possible rule proposal, and then hold at least two public workshops where the elements of the possible rule will be presented. Ecology also intends to have a broader group of interested parties review the work of the TAG on an on-going basis.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons or organizations interested in the work of the TAG, the possible rule proposal, the public workshops, or other aspects of the possible rule should contact either Doug McChesney or Kathleen Ensenat by phone at (360) 407-6647 or 407-6780, by e-mail at dmcc461@ecy.wa.gov or kspa461@ecy.wa.gov, or by mail at Water Resources Program,

Department of Ecology, P.O. Box 47600, Olympia, WA
98504-7600.

April 2, 2002
Joe Stohr
Program Manager

lication by contacting Lew Atkins, Fish Program Assistant
Director, 600 Capitol Way North, Olympia, WA 98501-
1091, phone (360) 902-2651. Contact by May 21, 2002,
expected proposal filing May 22, 2002.

April 3, 2002
Evan Jacoby
Rules Coordinator

WSR 02-08-078

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 3, 2002, 9:51 a.m.]

Subject of Possible Rule Making: Funding of a department professional employee supporting the Commodity Commission program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2688, Section 7 (1)(c), Section 44(3), and sections 72, 73, 74, 75, 76, 77, and 78.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will provide for a method to fund staff support for all commodity boards and commissions as authorized under ESHB 2688.

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

Process for Developing New Rule: The department will work with a workgroup representing commodity commissions to develop a rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah Anderson, Commodity Commission Coordinator, P.O. Box 42560, Olympia, WA 98504, (360) 902-2043, e-mail wsdarulescomments@agr.wa.gov.

April 3, 2002
William E. Brookreson
Acting Director

WSR 02-08-079

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed April 3, 2002, 10:02 a.m.]

Subject of Possible Rule Making: Sea cucumber and sea urchin buy back rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.70.150, and 77.70.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A higher maximum bid limit may be needed to increase participation in the buy-back programs for these licenses.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

WSR 02-08-083

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 3, 2002, 11:04 a.m.]

Subject of Possible Rule Making: Chapter 16-675 WAC, Calibration services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.94 RCW, Weights and measures, RCW 19.94.216 and 19.94.315.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It may be necessary to increase fees for service in the Washington State Department of Agriculture weights and measures program to cover the costs of furnishing the services. This proposal may increase fees within the fiscal growth factor for FY03 and retitle the WAC. The department also proposes to move sections currently located in chapter 16-674 WAC establishing fees for special inspections and tests and fees for railroad track scales to this WAC. Fees moved from chapter 16-674 WAC may also be increased within the fiscal growth factor for FY03. If this change is implemented, all fees established in rule for weights and measures services will be consolidated in a single chapter. Text may be amended to clear and readable format and updated to conform to current industry and regulatory standards.

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

Process for Developing New Rule: Agency will coordinate with Weights and Measures Advisory Group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Department of Agriculture, Jerry Buendel, Program Manager, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2086, e-mail jbuendel@agr.wa.gov.

April 3, 2002
Mary A. Martin Toohey
Assistant Director

WSR 02-08-084**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 3, 2002, 11:04 a.m.]

Subject of Possible Rule Making: Chapter 16-674 WAC, Weights and measures—Sealing, marking, retesting devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.94 RCW, Weights and measures, RCW 19.94.190 and 15.80.410.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule may be retitled and amended to clarify weighmaster licensing and operating requirements. The changes may also update exemptions for certain weighing or measuring devices or instruments. Three sections regarding fees for inspections, tests, grain elevator scale tests and railroad track scales may be repealed. These repealed fee sections may be modified and moved to chapter 16-675 WAC. In this process, these fees may be increased within the fiscal growth factor for FY03. The proposal would include alteration of existing text to clear and readable format and updating to conform with current industry and regulatory standards.

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

Process for Developing New Rule: Agency will coordinate with Weights and Measures Advisory Group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Department of Agriculture, Jerry Buendel, Program Manager, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2086, e-mail jbuendel@agr.wa.gov.

April 3, 2002

Mary A. Martin Toohey
Assistant Director**WSR 02-08-090****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

(Board of Boiler Rules)

[Filed April 3, 2002, 11:32 a.m.]

Subject of Possible Rule Making: Board of Boiler Rules—Substantive, chapter 296-104 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make changes to the Board of Boiler Rules—Substantive, chapter 296-104 WAC, to further clarify the rules, to adopt the most recent edition of nationally accepted codes and standards, and other changes resulting from action and requests of the Board of Boiler Rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The Board of Boiler Rules will review and approve all rule changes. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robb Marvin, Acting Secretary to Board of Boiler Rules, phone (360) 902-5270, fax (360) 902-5292, e-mail mrod235@lni.wa.gov, P.O. Box 44410, Olympia, WA 98504-4410.

April 3, 2002

Craig Hopkins, Chair
Board of Boiler Rules**WSR 02-08-091****PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
ADMINISTRATIVE HEARINGS**

[Filed April 3, 2002, 11:53 a.m.]

Subject of Possible Rule Making: Prohibiting firearms or other dangerous weapons at all Office of Administrative Hearings (OAH) facilities or locations where OAH is conducting an administrative hearing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.12.030(6) and 34.12.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are to enhance safety in administrative hearings by prohibiting weapons. Rules would also provide for consistent notice to parties that weapons are prohibited.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Weapons are already prohibited in courts. Some state agencies (e.g., DSHS and Employment Security Department) where hearings are held may already prohibit weapons in those facilities, but there is no consistent rule. The process will include consultation with those agency headquarters and also with field offices where OAH regularly conducts hearings.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Art Wang, Chief Administrative Law Judge, Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504-2488, (360) 664-8717, fax (360) 664-8721.

April 2, 2002

Art Wang
Chief Administrative Law Judge

WSR 02-08-016
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed March 25, 2002, 9:39 a.m.]

Date of Intended Adoption: June 12, 2002.

March 22, 2002
 Sharon M. Tolton
 Deputy Director

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 139-35-015 Firearms certification—Application and 139-35-025 Firearms certification—Expiration and renewal.

Purpose: The PS/PD fees have not been increased since 1992. This fee recovery program is required to generate sufficient fees to administer the program (RCW 43.101.260). The current fee schedules will not generate enough cost recovery to fully pay for the program in current and future years.

Statutory Authority for Adoption: RCW 43.101.260.

Summary: Stakeholders were contacted by letter to advise of the intended rule amendments. Proposals also listed on the agency website.

Reasons Supporting Proposal: Needed for adequate cost recovery.

Name of Agency Personnel Responsible for Drafting: Bob Posey, Seattle, (206) 835-7291; Implementation: Michael D. Parsons, Seattle, (206) 835-7347; and Enforcement: Doug Blair, Seattle, (206) 835-7309.

Name of Proponent: Criminal Justice Training Commission staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes to this rule will affect private companies cost for application fees. These fees are meant to cover Criminal Justice Training Commission costs of implementing the private security firearms program.

Proposal Changes the Following Existing Rules: Increases fees.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required. RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Seattle, WA 98148-2055, on June 12, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by June 10, 2002, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Seattle, WA 98148-2055, fax (206) 439-3860, by June 11, 2002.

AMENDATORY SECTION (Amending WSR 92-02-041, filed 12/24/91, effective 1/24/92)

WAC 139-35-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, principal corporate officer, or designated agent of the licensed private detective agency employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private detective license.

(d) Be accompanied by payment of a processing fee of ~~((thirty))~~ forty-five dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten days to the requesting agency regarding applicant's eligibility to obtain and possess a firearms certificate.

AMENDATORY SECTION (Amending WSR 92-02-041, filed 12/24/91, effective 1/24/92)

WAC 139-35-025 Firearms certification—Expiration and renewal. (1) Any firearms certificate issued by the commission shall expire on the expiration date of any armed private detective license issued by the department.

(2) Renewal of any active armed license shall require firearms recertification within the three-month period preceding expiration of the license. Recertification is valid until expiration of the renewed armed license.

(3) If firearms recertification is not completed on or before the expiration of the armed license, the licensee is not eligible for firearms recertification, but instead must meet full requirements for firearms certification.

(4) Firearms recertification shall require:

(a) Submission of an application to the commission on a form provided by the commission;

(b) Payment of a fee of ~~((twenty))~~ thirty-five dollars to the commission; and

(c) Satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the commission for firearms recertification purposes and conducted by a certified instructor.

WSR 02-08-018
PROPOSED RULES
STATE BOARD OF HEALTH
 [Filed March 25, 2002, 11:17 a.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 01-08-088.

Title of Rule: Chapter 246-100 WAC, Offering HIV testing to pregnant women.

Purpose: Existing rules regarding HIV counseling and testing in pregnant women were adopted in 1988. Since that time, therapies and medical practices have been identified that prevent most cases of perinatal HIV transmission. Changes are necessary to assure these rules are consistent with current medical science, public health practice, federal recommendations, and community needs. Updating the standards will facilitate HIV testing where there is a medical need and better focus prevention counseling toward those with behavioral risk factors.

Statutory Authority for Adoption: RCW 70.24.380.

Statute Being Implemented: RCW 70.24.095.

Summary: This rule establishes specific HIV counseling and testing requirements for pregnant women, contains provisions to obtain consent for testing, and ensures counseling for those that have behavioral risk factors.

Reasons Supporting Proposal: The rule change is necessary to assure rules are consistent with current medical science, public health practice, federal recommendations, and community needs, and the maximum number of perinatal HIV cases are prevented.

Name of Agency Personnel Responsible for Drafting and Implementation: John F. Peppert, P.O. Box 47840, Olympia, WA 98504-7840, (360) 236-3427; Enforcement: Jack Jourden, P.O. Box 47844, Olympia, WA 98504-7844, (230) [(360)] 236-3466.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule requires the principal health care provider to assess a pregnant woman's risk of HIV, recommend HIV testing for all as part of the routine battery of other tests, obtain consent for HIV testing, provide information about HIV, and counsel those assessed to be at risk of disease.

This rule change will remove barriers to implementation of national recommendations for HIV counseling and testing in pregnant women, increase the number of tests performed, increase the number of pregnant women receiving a test for HIV, reduce unnecessary behavior change counseling, and through the administration of antiretroviral medications minimize the number of infants born with HIV disease.

Proposal Changes the Following Existing Rules: This rule establishes specific HIV counseling and testing requirements for pregnant women.

No small business economic impact statement has been prepared under chapter 19.85 RCW. See attached [no information supplied by agency].

RCW 34.05.328 applies to this rule adoption. Under the provisions of RCW 70.24.080 and 70.24.084, violation of any lawful rule adopted by the board may subject the person to criminal or monetary penalties.

Hearing Location: Department of Health Public Health Laboratories, 1610 N.E. 150th, Shoreline, WA 98155-9701, on May 8, 2002, at 11 a.m.

Assistance for Persons with Disabilities: Contact Washington State Board of Health by May 1, 2002, TDD (800) 833-6388 or (360) 236-4100.

Submit Written Comments to: John Peppert, P.O. Box 47840, Olympia, WA 98504-7840, fax (360) 236-3400, by April 22, 2002.

Date of Intended Adoption: May 8, 2002.

March 20, 2002

Don R. Sloma

Executive Director

AMENDATORY SECTION (Amending WSR 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-206 Special diseases—Sexually transmitted diseases. (1) Any person who violates a rule adopted by the board for the control and treatment of a sexually transmitted disease is subject to penalty under RCW 70.24.080.

(2) Definitions.

(a) "Anonymous HIV testing" means that the name or identity of the individual tested for HIV will not be recorded or linked to the HIV test result. However, once the individual testing positive receives HIV health care or treatment services, reporting of the identity of the individual to the state or local public health officer is required.

(b) "Behaviors presenting imminent danger to public health (BPID)" means the following activities, under conditions specified below, performed by an individual with a laboratory confirmed HIV infection:

(i) Anal or vaginal intercourse without a latex condom; or

(ii) Shared use of blood-contaminated injection equipment;

(iii) Donating or selling HIV-infected blood, blood products, or semen; and

(iv) Under the following specified conditions:

(A) The infected individual received post-test counseling as described in WAC 246-100-209 prior to repeating activities in subsection ((+)) (2)(b)(i) and (ii) of this section; and

(B) The infected individual did not inform the persons, with whom activities described in subsection ((+)) (2)(b)(i) and (ii) of this section occurred, of his or her infectious status.

(c) "Behaviors presenting possible risk" means:

(i) Actual actions resulting in "exposure presenting a possible risk" limited to:

(A) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(B) Physical assault; or

(C) Sharing of injection equipment or sharp implements;

or

(D) Throwing or smearing of blood, semen, or vaginal fluids; or

(ii) Threatened action if:

(A) The threatening individual states he or she is infected with HIV; and

(B) The threatened behavior is listed in subsection ((+)) (2)(b)(i)(A), (B), (C), and (D) of this section; and

(C) The threatened behavior could result in "exposure presenting a possible risk."

(d) "Conduct endangering public health" means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in subsection ~~((4))~~ (2)(d)(i) and (ii) of this section resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

(e) "Confidential HIV testing" means that the name or identity of the individual tested for HIV will be recorded and linked to the HIV test result, and that the name of the individual testing positive for HIV will be reported to the state or local health officer in a private manner.

(f) "Exposure presenting possible risk" means one or more of the following:

(i) Introduction of blood, semen, or vaginal fluids into:

(A) A body orifice or a mucous membrane;

(B) The eye; or

(C) An open cut, wound, lesion, or other interruption of the epidermis.

(ii) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

(g) "Reasonably believed" or "reason to believe," in reference to a sexually transmitted disease, means a health officer's belief which:

(i) For the purpose of investigating the source and spread of disease, is based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD; and

(ii) For the purpose of issuing a written order for an individual to submit to examination, counseling, or treatment is based upon:

(A) Laboratory test results confirming or suggestive of a STD; or

(B) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(C) Obtaining information directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(I) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(II) The contact was sufficient to transmit the disease; and

(III) The infected individual is, in the health officer's judgment, credible and believable.

(h) "Substantial exposure" means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or noncontact skin exposure to blood, semen, or vaginal fluids.

~~((2))~~ (3) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 246-100 WAC, and

(b) Instruct each patient regarding:

(i) Communicability of the disease, and

(ii) Requirements to refrain from acts that may transmit the disease to another.

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submission of a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit, and

(ii) Decide whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy.

~~((3))~~ (4) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

~~((4))~~ (5) Local health officers, health care providers, and others, in addition to requirements in chapter 246-100 WAC, shall comply with the provisions in chapter 70.24 RCW.

~~((5))~~ (6) Prevention of ophthalmia neonatorum.

(a) Health care providers diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum shall report the case to the local health officer or local health department in accordance with the provisions of this chapter.

(b) The principal health care provider attending or assisting in the birth of any infant or caring for an infant after birth, shall ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

~~((6))~~ (7) State and local health officers or their authorized representatives shall:

(a) Have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease; and

(b) Use procedures and measures described in WAC 246-100-036(4) in conducting investigations.

~~((7))~~ (8) State and local health officers and their authorized representatives shall have authority to:

(a) Issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) Having sufficient evidence to "reasonably believe" the individual to be affected by the order:

- (A) Has a sexually transmitted disease; and
- (B) Is engaging in "conduct endangering public health"; and

(iii) Investigating and confirming the existence of "conduct endangering public health" by:

- (A) Interviewing sources to assess their credibility and accuracy; and
- (B) Interviewing the person to be affected by the order; and

(iv) Including in a written order all information required in RCW 70.24.024.

(b) Issue written orders for treatment under RCW 70.24.022 only after laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease;

(c) Issue written orders to cease and desist from specified activities, under RCW 70.24.024 only after:

- (i) Determining the person to be affected by the order is engaging in "conduct endangering public health"; and
- (ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) Exhausting procedures described in subsection ~~((7))~~ (8)(a) of this section; and

(iv) Enlisting, if appropriate, court enforcement of the orders described in subsection ~~((s-7))~~ (8) (a) and (b) of this section; and

(d) Seek court orders for detainment under RCW 70.24.034, only for persons infected with HIV and only after:

- (i) Exhausting procedures described in subsection ~~((7))~~ (8)(a), (b), and (c) of this section; and
- (ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in "behaviors presenting an imminent danger to public health."

~~((8))~~ (9) Conditions for detainment of individuals infected with sexually transmitted disease.

(a) A local health officer may notify the state health officer if he or she determines:

- (i) The criteria for "behaviors presenting imminent danger to public health (BPID)" are met by an individual; and
- (ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(b) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in subsection ~~((8))~~ (9)(a) of this section.

(c) The requesting local or state health officer or authorized representative shall:

- (i) Notify the department prior to recommending the detainment setting where the individualized counseling and education plan may be carried out consistent with subsection ~~((s-8))~~ (9)(d), (e), and (f) of this section;

(ii) Make a recommendation to the court for placement of such individual consistent with subsection ~~((s-8))~~ (9)(d) and (f) of this section; and

(iii) Provide to the court an individualized plan for education and counseling consistent with subsection ~~((8))~~ (9)(e) of this section.

(d) State board of health requirements for detainment of individuals demonstrating BPID:

(i) Sufficient number of staff, caregivers, and/or family members to:

- (A) Provide round-the-clock supervision, safety of detainee, and security; and
- (B) Limit and restrict activities to prevent BPID; and
- (C) Make available any medical, psychological, or nursing care when needed; and
- (D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

- (A) Meals and nourishment to meet nutritional needs; and
- (B) A sanitary toilet and lavatory; and
- (C) A bathing facility; and
- (D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation.

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling; and

(C) Implementation of court-ordered plan for individualized counseling and education consistent with subsection ~~((8))~~ (9)(e) of this section.

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(c);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

(e) Washington state board of health standards for an individualized counseling and education plan for a detainee include:

(i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;

(ii) Identification of habitual and addictive behavior and relapse pattern;

(iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;

(iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;

(v) Provision of information about acquisition and transmission of HIV infection;

(vi) Teaching and training of individual coping skills to prevent relapse to BPID;

(vii) Specific counseling for chemical dependency, if required;

(viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and

(ix) Designation of a person primarily responsible for counseling and/or education who:

(A) Completed pretest and post-test counselor training approved by the office on AIDS; and

(B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and

(C) Has a post-graduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and

(D) Completed at least one year clinical experience after post-graduate education with a primary focus on individualized behavior change; and

(E) Is a certified counselor under chapter 18.19 RCW.

(x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.

(f) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in subsection ~~((8))~~ (9)(d)(i), (ii), (iii), (iv), and (v) of this section:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 246-322 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 246-325 WAC;

(D) Private adult treatment homes, per chapter 246-325 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 246-323 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

~~((9))~~ (10) Jail administrators may order pretest counseling, post-test counseling, and HIV testing of persons detained in jail according to RCW 70.24.360 only under the following conditions:

(a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk"; and

(b) The local health officer:

(i) Determines the documented behavior or behaviors meet the criteria established in the definition of "behaviors presenting a possible risk"; and

(ii) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or independent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk"; and

(iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior to try to assure understanding of the basis for HIV testing; and

(vi) Provides written approval of the jail administrator's order prior to HIV testing in accordance with subsection (7)(a)(i) of this section.

(c) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.

~~((10))~~ (11) When an individual experiences a substantial exposure to another individual's body fluids and requests HIV testing of that other individual, the state and local health officers have authority to order pretest counseling, HIV testing, and post-test counseling of that other individual providing:

(a) The alleged exposure occurred when the individual was employed or acting as an authorized volunteer in one of the following employment categories:

(i) Law enforcement officer;

(ii) Firefighter;

(iii) Health care provider;

(iv) Staff of health care facilities;

(v) Funeral director;

(vi) Embalmer; and

(b) The alleged substantial exposure occurred on the job; and

(c) The request to the health officer for testing and counseling of the individual was made within seven days of the occurrence of the alleged exposure; and

(d) The local health officer:

(i) Determines that the alleged exposure meets the criteria established in the definition of "substantial exposure"; and

(ii) Ensures that pretest counseling of the individual to be tested, or a legal representative, occurs; and

(iii) Arranges for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and

(e) The exposed individual agrees to be tested for HIV if such testing is determined appropriate by the health officer; and

(f) Records on HIV testing ordered by a health officer are maintained only by the ordering health officer.

~~((11))~~ (12) For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person-to-person contact likely to result in direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

(a) No adequate barrier protection is practical; and

(b) Determined only on case-by-case basis consistent with RCW 49.60.180.

AMENDATORY SECTION (Amending WSR 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-207 Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or provided under subsections (2) and (3) of this section or provided under WAC 246-100-208(1), shall:

(a) Provide or refer for pretest counseling described under WAC 246-100-209;

(b) Obtain or ensure informed specific consent of the individual to be tested separate from other consents prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(c) Inform, orally or in writing, the individual to be tested of the availability of anonymous HIV testing and of the differences between "anonymous HIV testing" and "confidential HIV testing"; and

(d) Provide or refer for post-test counseling described under WAC 246-100-209 if HIV test is positive for or suggestive of HIV infection.

(2) Any person authorized to order or prescribe an HIV test for another may offer anonymous HIV testing without restriction.

(3) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain that the reason for HIV testing is to prevent contamination of the blood supply, tissue, or organ bank donations;

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session; and

(d) Inform the individual that the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer.

(4) Persons subject to regulation under Title 48 RCW and requesting an insured, subscriber, or potential insured or subscriber to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before obtaining a specimen to perform an HIV test, provide written information to the individual tested explaining:

- (i) What an HIV test is;
- (ii) Behaviors placing a person at risk for HIV infection;
- (iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;
- (iv) The potential risks of HIV testing; and
- (v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) That the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer; and

(iii) Requirements under subsection (4)(c) of this section.

(c) Establish procedures to inform an applicant of the following:

(i) Post-test counseling specified under WAC 246-100-209(4) is required if an HIV test is positive or indeterminate;

(ii) Post-test counseling is done at the time any positive or indeterminate HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual applicant does not identify a designated health care provider or health care agency and the applicant's HIV test results are positive or indeterminate, the insurer, health care service contractor, or health maintenance organization shall provide the test results to the state or local health department for interpretation and post-test counseling.

(5) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mail-stop K17-9, 1610 N.E. 150th, Seattle, Washington 98155.

(6) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

(7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

- (a) HIV is isolated by viral culture technique; or
- (b) HIV nucleic acid (RNA or DNA) is detected; or
- (c) HIV is detected through a P24 antigen (neutralizable) test; or

(d) HIV antibodies are identified by a sequence of tests which are reactive and include:

(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and

(ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as approved by the United States Food and Drug Administration (FDA) in a published list or other written FDA communication.

(e) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

AMENDATORY SECTION (Amending WSR 99-17-077, filed 8/13/99, effective 9/1/99)

WAC 246-100-208 Counseling standard—AIDS counseling. (1) Principal health care providers shall counsel or ensure AIDS counseling for(=

(a)) each pregnant woman(=and

(b)), "AIDS counseling" for a pregnant woman means:

(a) Performing a risk screening that includes an assessment of sexual and drug use history as part of the intake process;

(b) Providing written or verbal information on HIV infection that at a minimum includes:

(i) All pregnant women are recommended to have an HIV test;

(ii) HIV is the cause of AIDS and how HIV is transmitted;

(iii) A woman may be at risk for HIV infection, and not know it;

(iv) The efficacy of treatments to reduce vertical transmission;

(v) The availability of anonymous testing, and why confidential testing is recommended for pregnant women;

(vi) The need to report HIV infection;

(vii) Public funds are available to assist eligible HIV-infected women receive medical care and other assistance; and

(viii) Women who decline testing will not be denied care for themselves or their infants;

(c) Obtaining the informed consent of the pregnant woman, separately or as part of the consent for a battery of other routine tests;

(d) Providing HIV testing unless the pregnant woman refuses to give consent;

(e) If the pregnant woman refuses a confidential test, discussing and addressing reasons for refusal and document in the medical record that refusal and the provision of education on the benefits of HIV testing;

(f) If the risk screening indicates, providing or referring for behavioral change counseling for women who:

(i) Have or recently have had a sexual partner(s) who is known to be HIV infected or is a man who has sex with another man or is an injection drug user;

(ii) Uses or recently used injection drugs;

(iii) Has signs or symptoms of HIV seroconversion;

(iv) Currently or has recently exchanged sex for drugs or money or had a sexually transmitted disease or had multiple sex partners; or

(v) Expresses a need for further, more intensive counseling; and

(g) Basing the behavioral change counseling on the standards defined in WAC 246-100-209 and the recommendations of the Federal Centers for Disease Control and Prevention published in *Revised Guidelines for HIV Counseling, Testing and Referral*, and *Revised Recommendations for HIV Screening of Pregnant Women, November 9, 2001*; and

(h) Offering referrals and providing follow-up to other necessary medical, social and HIV prevention services.

(2) Health care providers may obtain a sample brochure addressing the elements of subsection (1)(b) of this section

by contacting the department of health's HIV prevention program at P.O. Box 47840, Olympia, WA 98504-7840.

(3) Principal health care providers shall counsel or ensure AIDS counseling as defined in WAC 246-100-011(2) for each patient seeking treatment of a sexually transmitted disease.

((2)) (4) Drug treatment programs under chapter 70.96A RCW shall provide or ensure provision of AIDS counseling as defined in WAC 246-100-011(2) for each person in a drug treatment program.

((3)) (5) Health care providers, persons, and organizations providing AIDS counseling in subsections (3) and (4) of this section shall:

(a) Assess the behaviors of each individual counseled for risk of acquiring and transmitting human immunodeficiency virus (HIV);

(b) Maintain a nonjudgmental environment during counseling which:

(i) Considers the individual's particular circumstances; and

(ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.

(c) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(d) Provide or ensure provision of personalized risk reduction education to individuals who:

(i) Are men who had sex with other men at any time since 1977;

(ii) Used intravenous substances at any time since 1977;

(iii) Engaged in sex for money or drugs at any time since 1977;

(iv) Have had sexual and/or injection equipment-sharing contact with persons listed in ((subsection (3)))(d)(i), (ii), and (iii) of this ((section)) subsection;

(v) Have been exposed to or known to have had a sexually transmitted disease at any time since 1977;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Service, Centers for Disease Control and Prevention;

(vii) Are enrolled in a drug treatment program under chapter 69.54 RCW; or

(viii) Received multiple transfusions of blood, plasma, or blood products from 1977 to 1985.

(e) Encourage individuals assessed to be at other than virtually no risk of HIV infection to:

(i) Receive AIDS risk reduction counseling;

(ii) Consider information about the nature, purpose, and potential ramifications of HIV testing;

(iii) Receive pretest counseling;

(iv) Consider confidential or anonymous voluntary HIV testing if appropriate and understand the differences between "anonymous HIV testing" and "confidential HIV testing"; and

(v) "Virtually no risk of HIV infection" means persons with medical histories absent of and reporting none of the following factors:

(A) Transfusion with blood or blood products at any time since 1977;

(B) Residence at any time in countries where HIV is considered endemic since 1977;

PROPOSED

(C) Unprotected sex between men at any time since 1977;

(D) Use of intravenous substances at any time since 1977, especially when sharing injection equipment;

(E) Engagement in sex for money or drugs at any time since 1977;

(F) Sexual and/or injection equipment-sharing contacts at any time since 1977 with persons listed in ~~((subsection (3)))~~(e)(v)(C), (D), and (E) of this ~~((section))~~ subsection;

(G) Exposure to a sexually transmitted disease; and

(H) Increased risk of HIV infection by definition of United States Public Health Service, Centers for Disease Control and Prevention.

~~((4))~~ (6) Persons and organizations providing AIDS counseling may provide additional or more comprehensive counseling than required in this section.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on May 8, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by May 7, 2002, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by May 7, 2002.

Date of Intended Adoption: May 24, 2002.

March 28, 2002

D. McCurley, Administrator
Title and Registration Services

**WSR 02-08-036
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed March 29, 2002, 2:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-086.

Title of Rule: Chapter 308-96A WAC, Vehicle licensing.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.276, 46.16.600.

Summary: Amending WAC 308-96A-010 Scale weight, 308-96A-110 Private carrier bus, and 308-96A-136 Mopeds—License plates.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.95.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

AMENDATORY SECTION (Amending WSR 99-06-029, filed 2/24/99, effective 3/27/99)

WAC 308-96A-101 Scale weight. (1) What is scale weight?

Scale weight is the weight of a vehicle without a load.

(2) When does the department require the scale weight of my vehicle?

The department requires the scale weight of your vehicle when:

(a) The use class requires gross weight under RCW 46.16.070 and 46.16.090;

(b) The vehicle is a trailer;

(c) The use class is F/H (for hire) or STA (stage);

(d) The vehicle is powered by propane, natural gas or butane;

(e) There is a discrepancy between the scale weight on department records or supporting documents and the actual weight of the vehicle; or

(f) The vehicle has been structurally modified changing the empty weight.

(3) What ~~((sources))~~ does the department accept for scale weight verification?

The department will accept:

(a) The shipping weight as shown on a manufacturer's statement/certificate of origin or factory invoice;

(b) A weight slip from a certified scale;

(c) Information provided by any nationally recognized electronic source, guidebook or other publication of recognized standing in the vehicle industry;

(d) Unladen or scale weight as shown on supporting documentation issued by another jurisdiction; or

(e) ~~((In extenuating circumstances and as))~~ Other sources approved by the department ~~((either a weight slip from a noncertified scale or an agreement reached between the applicant and the department))~~.

AMENDATORY SECTION (Amending WSR 99-06-029, filed 2/24/99, effective 3/27/99)

WAC 308-96A-110 Private carrier bus. When may a vehicle be licensed as a private carrier bus?

A vehicle may be licensed as a private carrier bus as described in RCW 46.04.416 without a ~~((load))~~ license based

PROPOSED

on gross weight if it carries passengers without compensation and is:

- (1) Used by a hotel, resort or lodge to transport guests;
- (2) Used by a parking service to transport parking customers to and from a transportation terminal or other destination;
- (3) Used by its owner to transport an athletic team, an educational group, members of a religious organization, a show troupe or similar organization;
- (4) Used by its owner to transport family, guests or employees;
- (5) Used(;) as a school bus by a private school not accredited by the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 99-06-029, filed 2/24/99, effective 3/27/99)

WAC 308-96A-136 Mopeds—License plates. (1) Will the department issue a license plate ((to)) for my moped?

The department will issue a motorcycle series license plate for your moped when you make proper application.

The number on the license plate serves as the moped's registration number as required in RCW 46.16.630.

(2) How do I display ((my)) the license plate on my moped?

The license plate ((shall)) must be displayed on the rear of your moped as provided in RCW 46.16.240.

(3) If my moped does not meet the standard criteria for a moped, can I get it licensed as such? A Washington state patrol inspection may be required before a license can be issued. The Washington state patrol has the discretion to inspect and define similar vehicles as mopeds. If the vehicle is similar to a moped, it must be identified as a moped by the Washington state patrol inspection before a license can be issued.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2911 2nd Avenue, Suite 100, Seattle, WA, (206) 515-3904.

Name of Proponent: Puget Sound pilots, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Puget Sound pilotage district expire on June 30, 2002. New rates must be set annually.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed by the Puget Sound pilots would increase the tariff for pilotage services in the Puget Sound pilotage district by 15.24% over the present tariff in all categories except transportation.

Proposal Changes the Following Existing Rules: The proposed rule is a 15.24% increase over the existing tariff in all categories except transportation.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services and the application of the 15.24% increase is clear in the proposed tariff shown below.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on May 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by May 6, 2002.

Submit Written Comments to: Harry Dudley, Chairman, 2911 2nd Avenue, Suite 100, Seattle, WA 98121, fax (206) 515-3969, by May 2, 2002.

Date of Intended Adoption: May 9, 2002.

March 29, 2002
Peggy Larson
Administrator

**WSR 02-08-053
PROPOSED RULES
BOARD OF**

PILOTAGE COMMISSIONERS

[Filed April 1, 2002, 2:17 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Pilotage rates for the Puget Sound pilotage district.

Purpose: To establish a Puget Sound pilotage district annual tariff.

Other Identifying Information: WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed rule reflects a 15.24% increase in all categories except transportation to be charged for pilotage services in the Puget Sound pilotage district for the 2002-2003 tariff year.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

AMENDATORY SECTION (Amending WSR 01-18-050, filed 8/30/01, effective 9/30/01)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, 2002, through 2400 hours June 30, ((2002)) 2003.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	(((\$36.00)) \$41.00

PROPOSED

CLASSIFICATION	RATE		
Per each board- ing/deboarding at the Port Angeles pilot sta- tion.		Salmon Bay – Lake Union	(\$118.00) <u>\$136.00</u>
Harbor shift - Live ship (Seattle Port)	LOA Zone I	Lake Union – Lake Washington (plus LOA zone from Webster Point)	(\$151.00) <u>\$174.00</u>
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I	Cancellation charge	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I	Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is can- celled less than twelve hours prior to the original ETA.)	LOA Zone II
Dead ship towing charge:	Double LOA	Docking delay after anchoring:	(\$121.00) <u>\$139.00</u> per hr.
LOA of tug+ LOA of tow+ beam of tow	Zone	Applicable harbor shift rate to apply, plus (\$121.00) <u>\$139.00</u> per hour standby. No charge if delay is 60 min- utes or less. If the delay is more than 60 minutes, charge is (\$121.00) <u>\$139.00</u> for every hour or fraction thereof.	
<p>Any tow exceeding seven hours, two pilots are manda- tory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.</p>		Sailing delay:	(\$121.00) <u>\$139.00</u> per hour
<p>Waterway and bridge charges:</p> <p>Ships up to 90' beam: A charge of (\$191.00) <u>\$220.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of (\$91.00) <u>\$105.00</u> per bridge.</p>		No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is (\$121.00) <u>\$139.00</u> for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours if any twenty-four hour period.	
<p>Ships 90' beam and/or over: A charge of (\$258.00) <u>\$297.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of (\$181.00) <u>\$209.00</u> per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)</p>		Slowdown:	(\$121.00) <u>\$139.00</u> per hour
<p>Two or three pilots required: In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.</p>		When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of (\$121.00) <u>\$139.00</u> per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.	
Compass adjustment	(\$257.00) <u>\$296.00</u>	Tonnage charges:	
Radio direction finder calibration	(\$257.00) <u>\$296.00</u>	0 to 20,000 gross tons:	Additional charge to LOA zone mileage of (\$0.0061) <u>\$0.0070</u> a gross ton for all gross tonnage up to 20,000 gross tons.
Launching vessels	(\$387.00) <u>\$446.00</u>	20,000 to 50,000 gross tons:	Additional charge to LOA zone mileage of (\$0.0624) <u>\$0.0719</u> a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.
Trial trips, 6 hours or less (Mini- mum (\$726.00) <u>\$834.00</u>)	(\$121.00) <u>\$139.00</u> per hr.	50,000 gross tons and up:	In excess of 50,000 gross tons, the charge shall be (\$0.0747) <u>\$0.0861</u> per gross ton.
Trial trips, over 6 hours (two pilots)	(\$241.00) <u>\$278.00</u> per hr.	For vessels where a certificate of international gross ton- nage is required, the appropriate international gross ton- nage shall apply.	
Shilshole Bay – Salmon Bay	(\$151.00) <u>\$174.00</u>		

Delayed arrival-Port Angeles: ~~(\$121.00)~~
\$139.00
 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~(\$121.00)~~ \$139.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00
Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	189	291	498	743	1000	1297
450-459	195	297	501	754	1016	1303
460-469	198	301	509	766	1030	1309
470-479	205	309	516	781	1033	1312
480-489	210	315	518	796	1039	1318
490-499	213	319	525	810	1052	1323
500-509	224	324	533	820	1059	1332
510-519	226	330	538	832	1071	1336
520-529	229	341	546	836	1080	1349
530-539	236	346	553	845	1097	1363
540-549	239	351	565	854	1115	1375
550-559	244	363	569	867	1123	1389
560-569	253	377	579	874	1134	1402
570-579	258	381	583	878	1146	1411
580-589	269	388	596	885	1153	1425
590-599	282	395	600	889	1169	1442
600-609	291	406	607	892	1183	1449
610-619	308	411	619	897	1195	1461
620-629	320	416	625	907	1209	1479
630-639	335	423	632	909	1219	1491
640-649	348	434	639	912	1230	1503
650-659	373	441	649	919	1245	1519
660-669	380	445	655	923	1257	1530
670-679	393	457	662	939	1272	1539
680-689	399	466	671	949	1284	1555
690-699	411	473	680	965	1297	1586
700-719	429	488	693	976	1322	1604
720-739	455	501	710	990	1349	1632
740-759	473	525	724	1000	1375	1660
760-779	491	543	741	1016	1402	1683

- (a) Intraharbor transportation for the Port Angeles port area -transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

PROPOSED

PROPOSED

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI	LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over		Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
780-799	516	566	754	1030	1425	1712	Up to 449	218	335	574	856	1,152	1,495
800-819	536	583	769	1035	1449	1738	450 - 459	225	342	577	869	1,171	1,502
820-839	553	603	787	1052	1479	1758	460 - 469	228	347	587	883	1,187	1,508
840-859	576	628	800	1063	1502	1788	470 - 479	236	356	595	900	1,190	1,512
860-879	598	649	816	1091	1530	1814	480 - 489	242	363	597	917	1,197	1,519
880-899	619	669	832	1117	1553	1840	490 - 499	245	368	605	933	1,212	1,525
900-919	637	689	846	1144	1586	1866	500 - 509	258	373	614	945	1,220	1,535
920-939	656	710	867	1169	1603	1891	510 - 519	260	380	620	959	1,234	1,540
940-959	680	729	879	1195	1632	1915	520 - 529	264	393	629	963	1,245	1,555
960-979	696	751	894	1219	1660	1943	530 - 539	272	399	637	974	1,264	1,571
980-999	720	769	910	1245	1683	1967	540 - 549	275	404	651	984	1,285	1,585
1000-1019	762	818	951	1310	1762	2052	550 - 559	281	418	656	999	1,294	1,601
1020-1039	784	842	980	1349	1815	2113	560 - 569	292	434	668	1,007	1,307	1,616
1040-1059	807	867	1009	1389	1868	2176	570 - 579	297	439	672	1,012	1,321	1,626
1060-1079	832	893	1038	1431	1925	2241	580 - 589	310	447	687	1,020	1,329	1,642
1080-1099	856	919	1070	1473	1982	2308	590 - 599	325	455	691	1,024	1,347	1,662
1100-1119	881	946	1101	1518	2041	2377	600 - 609	335	468	700	1,028	1,363	1,670
1120-1139	908	975	1135	1562	2102	2448	610 - 619	355	474	713	1,034	1,377	1,684
1140-1159	935	1004	1168	1609	2165	2522	620 - 629	369	479	720	1,045	1,393	1,704
1160-1179	962	1033	1203	1657	2230	2597	630 - 639	386	487	728	1,048	1,405	1,718
1180-1199	992	1065	1239	1707	2297	2675	640 - 649	401	500	736	1,051	1,417	1,732
1200-1219	1021	1096	1276	1758	2365	2755	650 - 659	430	508	748	1,059	1,435	1,750
1220-1239	1052	1129	1314	1810	2436	2837	660 - 669	438	513	755	1,064	1,449	1,763
1240-1259	1083	1162	1353	1864	2509	2922	670 - 679	453	527	763	1,082	1,466	1,774
1260-1279	1115	1196	1393	1920	2584	3009	680 - 689	460	537	773	1,094	1,480	1,792
1280-1299	1148	1233	1435	1978	2661	3099	690 - 699	474	545	784	1,112	1,495	1,828
1300-1319	1182	1269	1477	2036	2741	3191	700 - 719	494	562	799	1,125	1,523	1,848
1320-1339	1218	1307	1522	2097	2823	3288	720 - 739	524	577	818	1,141	1,555	1,881
1340-1359	1254	1346	1567	2160	2907	3386	740 - 759	545	605	834	1,152	1,585	1,913
1360-1379	1292	1386	1614	2225	2994	3487	760 - 779	566	626	854	1,171	1,616	1,939
1380-1399	1330	1427	1663	2291	3083	3592	780 - 799	595	652	869	1,187	1,642	1,973
1400-1419	1370	1470	1711	2360	3175	3699	800 - 819	618	672	886	1,193	1,670	2,003
1420-1439	1410	1514	1763	2430	3271	3810	820 - 839	637	695	907	1,212	1,704	2,026
1440-1459	1453	1559	1816	2502	3369	3924	840 - 859	664	724	922	1,225	1,731	2,060
1460-1479	1495	1606	1869	2577	3469	4042	860 - 879	689	748	940	1,257	1,763	2,090
1480-1499	1540	1653	1926	2654	3573	4162	880 - 899	713	771	959	1,287	1,792	2,120
1500 & Over	1587	1703	1983	2735	3680	4287))	900 - 919	734	794	975	1,318	1,828	2,150
							920 - 939	756	818	999	1,347	1,847	2,179
							940 - 959	784	840	1,013	1,377	1,881	2,207
							960 - 979	802	865	1,030	1,405	1,913	2,239
							980 - 999	830	886	1,049	1,435	1,939	2,267
							1000 - 1019	878	943	1,096	1,510	2,031	2,365

PROPOSED

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra	0-30	31-50	51-75	76-100	101
	Harbor	Miles	Miles	Miles	Miles	Miles
						& Over
1020 - 1039	903	970	1,129	1,555	2,092	2,435
1040 - 1059	930	993	1,163	1,601	2,153	2,508
1060 - 1079	959	1,029	1,196	1,649	2,218	2,583
1080 - 1099	986	1,059	1,233	1,697	2,284	2,660
1100 - 1119	1,015	1,090	1,269	1,749	2,352	2,739
1120 - 1139	1,046	1,124	1,308	1,800	2,422	2,821
1140 - 1159	1,077	1,157	1,346	1,854	2,495	2,906
1160 - 1179	1,109	1,190	1,386	1,910	2,570	2,993
1180 - 1199	1,143	1,227	1,428	1,967	2,647	3,083
1200 - 1219	1,177	1,263	1,470	2,026	2,725	3,175
1220 - 1239	1,212	1,301	1,514	2,086	2,807	3,269
1240 - 1259	1,248	1,339	1,559	2,148	2,891	3,367
1260 - 1279	1,285	1,378	1,605	2,213	2,978	3,468
1280 - 1299	1,323	1,421	1,654	2,279	3,067	3,571
1300 - 1319	1,362	1,462	1,702	2,346	3,159	3,677
1320 - 1339	1,404	1,506	1,754	2,417	3,253	3,789
1340 - 1359	1,445	1,551	1,806	2,489	3,350	3,902
1360 - 1379	1,489	1,597	1,860	2,564	3,450	4,018
1380 - 1399	1,533	1,644	1,916	2,640	3,553	4,139
1400 - 1419	1,579	1,694	1,972	2,720	3,659	4,263
1420 - 1439	1,625	1,745	2,032	2,800	3,770	4,391
1440 - 1459	1,674	1,797	2,093	2,883	3,882	4,522
1460 - 1479	1,723	1,851	2,154	2,970	3,998	4,658
1480 - 1499	1,775	1,905	2,220	3,058	4,118	4,796
1500 & Over	1,829	1,963	2,285	3,152	4,241	4,940

WSR 02-08-058
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed April 1, 2002, 3:44 p.m.]

Supplemental Notice to WSR 01-09-022 [01-19-022].
 Exempt from preproposal statement of inquiry under
 RCW 34.05.310(4).

Title of Rule: WAC 388-310-1300 Community jobs
 program.

Purpose: The Division of Employment and Assistance
 Programs is expanding the placement opportunities for
 WorkFirst participants in the community jobs program and
 simplifying the language. We are extending the public opin-
 ion period to continue working with our stakeholders in order
 to produce the best rules possible and continue to make com-
 munity jobs the number one program in the nation.

Other Identifying Information: The proposed rules
 shown below have been revised since the October 23, 2001,
 hearing. Originally filed as WSR 01-19-022, the department
 is extending the public comment period in order to continue
 to work with stakeholders.

Statutory Authority for Adoption: RCW 74.08.090,
 74.04.050, 74.08A.330, and 74.08A.320.

Statute Being Implemented: RCW 74.08.090 and
 74.04.050.

Summary: The change will allow the use of private-for-
 profit businesses for placement of WorkFirst participants in
 the community jobs program. The language is made simpler
 to be more understandable.

Reasons Supporting Proposal: In some areas of the state,
 there is a shortage of suitable job sites for placement. This
 will increase the availability of suitable job sites.

Name of Agency Personnel Responsible for Drafting,
 Implementation and Enforcement: Ian Horlor, 1009 College
 Street, Lacey, WA 98503, (360) 413-3247.

Name of Proponent: Department of Social and Health
 Services, Economic Services Administration, Division of
 Employment and Assistance Programs, governmental.

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

Explanation of Rule, its Purpose, and Anticipated
 Effects: This rule will allow placement options for Work-
 First community jobs program participants in private busi-
 nesses as well as local, state, federal and tribal governments;
 nonprofit organizations; and educational institutions. By
 including private sector placement opportunities in the com-
 munity jobs program, participants will have more exposure to
 the job market. Private sector placements will also add diver-
 sity to the workplace experience, allowing participants to
 gain job skills with established businesses in their local com-
 munity. This is particularly important in rural areas that have
 limited industry and lack enough governmental and nonprofit
 worksites to support community job participants in obtaining
 job skill training and workplace experience.

Proposal Changes the Following Existing Rules: Adds
 language to allow the placement of WorkFirst participants in
 private-for-profit businesses.

No small business economic impact statement has been
 prepared under chapter 19.85 RCW. These changes have no
 effect on small business.

RCW 34.05.328 does not apply to this rule adoption.
 These amendments are exempt under RCW 34.05.328
 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear
 Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey,
 WA 98503, on May 7, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy
 Fernando, DSHS Rules Coordinator, by May 3, 2002, phone
 (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.
 wa.gov.

Submit Written Comments to: Identify WAC Numbers,
 DSHS Rules Coordinator, Rules and Policies Assistance
 Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360)
 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., May
 7, 2002.

Date of Intended Adoption: No earlier than May 8, 2002.

March 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PROPOSED

AMENDATORY SECTION (Amending WSR 99-08-051, filed 4/1/99, effective 5/2/99)

WAC 388-310-1300 Community jobs program. (1) What is the community jobs program?

The community jobs program (~~helps you gain work skills and experience by enrolling you in a temporary, subsidized job. You will also receive other services and support to help you move into unsubsidized employment as quickly as possible.~~

(a) ~~The state department of community, trade and economic development (DCTED) administers the community jobs program.~~

(b) ~~DCTED selects community jobs contractors (CJC) by using a competitive "requests for proposal" process. DCTED, based upon the successful proposals, develops contracts specific to each selected community jobs contractor.~~

(c) ~~The CJCs develop and manage the community jobs positions, pay the wages, provide support services and act as the "employer of record" while you are enrolled in a subsidized community job.~~

(d) ~~Employers at the community jobs work sites must take actions to help participants move into unsubsidized employment. If they do not meet this requirement, they will not be considered for additional community jobs employees.~~

(e) ~~The department of social and health services funds the community jobs program and reimburses your wages to the CJCs.~~

(2) How will I be affected if I am enrolled in the community jobs program?

If you are enrolled in the community jobs program:

(a) ~~Your case manager will assign you to a community job position for no more than nine months.~~

(b) ~~You may be assigned to a community job position when:~~

(i) ~~You have gone through job search without finding a job; and/or~~

(ii) ~~You and your case manager decide you need a supportive work environment to help you become more employable.~~

(c) ~~You may not be enrolled in any community jobs position that requires you to do work related to religious, electoral or partisan political activities.~~

(d) ~~You, your case manager and the CJC will review the appropriateness of your community jobs position every ninety days during your nine-month placement, looking at:~~

(i) ~~Your continued TANF/SFA eligibility;~~

(ii) ~~Any earned or unearned income received by you or another member of your assistance unit (that is, you and other people in your household who are included on your cash grant); and~~

(iii) ~~Whether the community jobs position is actually helping you become more employable.~~

(e) ~~You may work twenty or more hours per week in the community jobs position and will be paid the federal or state minimum wage, whichever is higher.~~

(f) ~~You will earn sick leave and annual leave at the rate agreed upon by DCTED and the CJC for community jobs participants.~~

(g) ~~The amount of your TANF/SFA monthly grant will be determined by following the rules in WAC 388-450-0050 and 388-450-0215 (1), (3), (4), (5) and (6). WAC 388-450-0215 (2), does not apply to your community jobs wages.~~

(3) What kind of employers provide community jobs work sites?

The CJC may ask the following categories of employers to provide you with a community job work site:

(a) ~~Federal, state or local governmental agencies and tribal governments; and~~

(b) ~~Private and tribal nonprofit businesses, organizations and educational institutions)) is a paid work experience that helps you gain work skills and experience by placing you in a temporary job where your wages are paid by the community jobs program. You will also receive other services and support to help your move into a job where your employer pays all your wages.~~

(2) Who runs the community jobs program?

The state department of community, trade, and economic development (DCTED) runs the community jobs program. They contract with the community jobs contractors (CJC) who develop and manage the community jobs positions, pay the wages, provide support services and act as the "employer of record" while you are enrolled in a community job.

(3) What types of work sites are used to provide community jobs?

The following work sites may be used to provide community jobs:

(a) Federal, state or local governmental agencies and tribal governments;

(b) Private and tribal nonprofit businesses, organizations and educational institutions;

(c) Private for profit businesses.

(4) What are the requirements for the work sites?

Work sites:

(a) Must help you move into a job where the employer pays all your wages. If they do not meet this requirement, they will not be considered for additional community jobs employees.

(b) Cannot require you to do work related to religious, electoral or partisan political activities.

(5) What are the benefits of community jobs?

You benefit from community jobs by:

(a) Learning work skills;

(b) Getting work experience;

(c) Working twenty or more hours per week, while being paid federal or state minimum wage, whichever is higher; and

(d) Earning sick leave and personal leave at the rate agreed upon by DCTED and the CJC.

(6) How do I get into community jobs?

You will be placed into community jobs after you and your case manager decide:

(a) You would benefit from CJ after you finished job search without finding a job; and/or

(b) You need a supportive work environment to help you become more employable.

(7) What happens after I am placed in the community jobs program?

When you are placed in the community jobs program:

(a) You will be assigned to a community job position for no more than nine months;

(b) Your placement in community jobs will be reviewed every ninety days during your nine-month placement for the following:

(i) Your continuing TANF/SFA eligibility;

(ii) Any earned or unearned income received by you or another member of your assistance unit (that is, you and other people in your household who are included on your cash grant); and

(iii) Whether the community jobs position is actually helping you become more employable.

(8) How does community jobs affect my TANF benefits?

The amount of your TANF/SFA monthly grant will be determined by following the rules in WAC 388-450-0050 and 388-450-0215 (1), (3), (4), (5) and (6). WAC 388-450-0215(2), does not apply to your community jobs wages.

WSR 02-08-059

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 1, 2002, 3:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-091.

Title of Rule: Amending WAC 388-406-0005 Can I apply for cash, medical, or food assistance?, 388-406-0010 How do I apply for benefits?, 388-406-0030 Do I need to submit other information after I apply for benefits? and 388-406-0035 How long does the department have to process my application?; and new section WAC 388-406-0012 What is the date of my application and how does it affect my benefits?

Purpose: The Division of Employment and Assistance Program is amending rules in chapter 388-406 WAC to incorporate alternative methods of filing an application, electronic signatures, and to rewrite rules for clarity. Repealing WAC 388-406-0025 as some information is obsolete. Incorporated relative areas of WAC 388-406-0025 into other sections of chapter 388-406 WAC.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, and 74.08.090.

Summary: Amending rules in chapter 388-406 WAC.

Reasons Supporting Proposal: To clarify and streamline existing policy and incorporate alternative methods of filing an application.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicky T. Robinson, DEAP, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3031.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amending rules in chapter 388-406 WAC to clarify and streamline existing policy and incorporate alternative methods of filing an application.

Proposal Changes the Following Existing Rules: Incorporates alternative methods of filing an application for benefits, defines what the date of application is, and simplifies language while still maintaining required legal elements from *Campbell vs. Rahm* and *Peterson vs. Rahm* consent orders. Also, WAC 388-406-0025 is being repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Small businesses are not affected by these rules changes.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 7, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 3, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., May 7, 2002.

Date of Intended Adoption: No earlier than May 8, 2002.

Margaret J. Partlow
for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0005 (~~Who may~~) **Can I apply(=) for cash, medical, or food assistance?** (~~Any person may file an application for~~) **(1) You can apply for any program benefit the department offers, including cash, medical, or food assistance.**

~~((1) For food assistance, applications may be made by a responsible household member or an authorized representative.)~~

~~(2) ((For medical and cash assistance, an application may be made by:~~

(a) Persons applying on their own behalf or on behalf of their dependents;

(b) A legal guardian or caretaker applying on behalf of a minor or incompetent person; or

(c) Any other person acting on behalf of the applicant when application cannot be made under one of the preceding methods. For cash assistance the person must indicate the reason the applicant is not able to apply on his or her own behalf.

(3) For GA-U and medical programs, a Washington state resident who is temporarily living out of the state may apply through a person or agency acting on the client's behalf)) You must meet certain eligibility requirements in order to receive a program benefit.

(3) You can apply for someone else if you are:

(a) A legal guardian, caretaker, or authorized representative applying on behalf of a dependent child, an incapacitated person, or someone who is deceased; or

(b) Acting on behalf of the applicant when the applicant can not apply for some other reason. We may ask why the applicant is unable to apply on their own behalf.

(4) You do not need to apply for medical benefits if you get Supplemental Security Income (SSI) as we automatically open medical benefits for you.

(5) A person or agency may apply for GAU or medical assistance on your behalf if:

(a) You are temporarily living out of state; and

(b) You are a Washington state resident.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0010 ((Filing an application.)) How do I apply for benefits? (1) ((A person may file an application by submitting a written request for benefits using a form designated by the department, to the applicant's local community service office (CSO) in person or by mail.

(a) A person may file an application on the same day that benefits are requested when the request is made in the applicant's local CSO during regular business hours.

(b) A household applying for food, medical and/or cash assistance may do so by submitting a single request for benefits.

(c) For food assistance, a household consisting only of clients applying for or receiving Supplemental Security Income (SSI) may file an application at the local Social Security Administration District Office (SSADO).

(d) Clients who receive SSI or who are otherwise determined eligible for Medicaid by the Social Security Administration will be authorized medical assistance without being required to file a separate application with the department.

(2) The request for benefits form must be as brief as administratively possible and seek information ordinarily known to the applicant, including:

(a) The name and address of the applicant;

(b) The type of assistance requested (i.e., food, medical and/or cash assistance);

(c) For medical and cash assistance:

(i) The applicant's telephone number, if known; and

(ii) The names, birthdates and social security numbers, if known, of all persons for whom assistance is requested; and

(d) For TANF and SFA, the names, birthdates and social security numbers, if known, of:

(i) All children under the age of nineteen who are living in the home and who are siblings of any child for whom assistance is being requested; and

(ii) All parents, if living in the home, of any child for whom assistance is requested.

(e) An application is required for a medically needy program client who requests eligibility beyond the certification period.

(3) To initiate an application, the filed request for benefits form must include:

(a) The name and address of the applicant; and

(b) The signature of the applicant or the applicant's representative)) You can apply for cash, food, or medical assistance by giving us an application form in person, by mail, by fax, or by completing an online application.

(2) If your entire household gets or is applying for Supplemental Security Income (SSI), then your household can file an application for food assistance at the local Social Security Administration District Office (SSADO).

(3) A legal guardian, caretaker, or authorized representative can apply for a dependent child or incapacitated person or someone unable to apply on their own behalf for some other reason.

(4) You can apply for cash, food, and medical assistance with just one application form.

(5) If you apply for benefits at a local office, we accept your application on the same day you come in. If you apply at the wrong office, we fax your application to the appropriate office no later than the next business day so that office receives your application on the same day we forward it.

(6) We accept your application for benefits if it has at least:

(a) For cash or medical assistance, the name, address, and signatures of the responsible adult household members or person applying on your behalf. A minor child may sign if there is no adult in the household. Signatures must be either handwritten, electronic or digital as defined by the department, or a mark if witnessed by another person; or

(b) For food assistance, the name, address, and signature of a responsible household member or person applying on your behalf.

(7) As a part of the application process, you may be required to:

(a) Complete an interview if one is required under WAC 388-452-0005;

(b) Give us the information we need to decide if you are eligible as required under WAC 388-406-0030; and

(c) Give us proof of information as required under WAC 388-490-0005 so we can determine if you are eligible.

(8) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you comply with the requirements of this section.

NEW SECTION

WAC 388-406-0012 What is the date of my application and how does it affect my benefits? The date of your application affects when your benefits start. The date of your application is the date the appropriate office receives your application unless:

(1) Your entire household gets or applies for Supplemental Security Income (SSI) and requests food assistance at the local Social Security office, then the date of application is the date Social Security gets your application; or

(2) You apply outside of normal business hours, including online, dropped off, or by fax, then the date of your application is the next business day.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0030 ((Requests for additional)) Do I need to submit other information((:)) after I apply for benefits? ((An applicant is allowed at least ten calendar days to provide additional information required by the department to determine eligibility. This information will be requested in writing and may include supplemental forms and documents or statements verifying the applicant's circumstances as specified in chapter 388-490 WAC. The applicant is allowed additional time to provide requested information when:

(1) ~~The applicant has requested, orally or in writing, additional time to provide the information; or~~

(2) ~~The department determines the need for different or additional information following the initial interview or after having requested specific information. In these situations, the applicant will be:~~

~~(a) Provided with a written request for the additional information; and~~

~~(b) Allowed at least ten calendar days to provide the information;~~

~~(3) When the applicant for medical and cash assistance has not provided all of the requested information, the applicant will be:~~

~~(a) Provided with a written request for information still needed to determine eligibility; and~~

~~(b) Allowed at least ten calendar days to provide the information;~~

~~(4) All applicants who are assessed as needing NSA services will be assisted in complying with the requirements of this section as required under WAC 388-200-1300)) (1) When we get your application for benefits, we decide if other information is needed to determine your eligibility for benefits. If so, we give you:~~

~~(a) A written request for what is needed and for proof if required under WAC 388-490-0005; and~~

~~(b) At least ten calendar days to give us the information.~~

~~(2) If you ask orally or in writing for additional time to give us requested information, then we give you at least ten additional calendar days.~~

~~(3) If you give us some of the information we requested, we give you:~~

~~(a) A written request for what is needed to determine eligibility; and~~

~~(b) At least ten additional calendar days to give us the information.~~

~~(4) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you comply with the requirements of this section.~~

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

WAC 388-406-0035 ((Time limits for processing applications:)) How long does the department have to process my application? (1) ((The)) We must process your application ((process as defined in WAC 388-406-0050(1) must be completed)) as quickly as possible. We must respond promptly to your application and to any information you give us. We can not delay processing your request by using the time limits ((specified)) stated in this section ((cannot be used)) as a waiting period for determining eligibility.

(2) ((When applying the time limits specified in this section, day one is the date following the date:

(a) A request for benefits form is received by the department as specified under WAC 388-406-0010;

(b) A household consisting solely of persons eligible for SSI files a food assistance application at the SSADO; or

(c) An SSI recipient applying for food assistance is released from a public institution when the person filed an application with the SSADO before release.

(3) ~~Time limits are in calendar days unless otherwise specified. Time limits for application process completion are no more than:~~

~~(a) Thirty days for TANE, SFA, RCA, consolidated emergency assistance program (CEAP), diversion cash assistance (DCA), and food assistance;~~

~~(b) Forty-five days for general assistance and alcohol and drug abuse treatment and shelter assistance (ADATSA); and~~

~~(c) Medical program benefits must be processed no more than:~~

~~(i) Sixty days when a disability decision is required;~~

~~(ii) Fifteen working days for pregnant women; and~~

~~(iii) Forty-five days for all other categories)) Unless your application is delayed under WAC 388-406-0040, we process your application for benefits within thirty calendar days, except:~~

~~(a) If you are pregnant, your medical must be processed within fifteen working days;~~

~~(b) General assistance (GAU), alcohol or drug addiction treatment (ADATSA), or medical assistance must take no more than forty-five calendar days; and~~

~~(c) Medical assistance requiring a disability decision must take no more than sixty calendar days.~~

~~(3) For calculating time limits, "day one" is the date following the date:~~

~~(a) An application for benefits is received by the department as specified under WAC 388-406-0010;~~

~~(b) Social Security gets a request for food assistance from a household in which all members either get or are applying for Supplemental Security Income (SSI);~~

PROPOSED

(c) You are released from an institution if you get or are authorized to get SSI and request food assistance through Social Security prior to your release.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-406-0025 Applicant to provide information needed to determine eligibility.

WSR 02-08-060
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed April 1, 2002, 3:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-04-097.

Title of Rule: Chapter 388-290 WAC, Working connections child care.

Purpose: WAC 388-290-0125, 388-290-0190, 388-290-0200, 388-290-0225, and 388-290-0245 are being revised to allow the department to pay child care subsidies to seasonal day camps that are accredited by the American Camping Association (ACA), when an eligible family chooses to have their children attend.

WAC 388-290-0015, 388-290-0020, 388-290-0035, 388-290-0040, 388-290-0045, 388-290-0050, 388-290-0055, 388-290-0095, 388-290-0105, 388-290-0120, 388-290-0130, 388-290-0135, 388-290-0205, 388-290-0230, 388-290-0240, and 388-290-0270 are being revised to clarify language and correct typographical errors.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085.

Statute Being Implemented: Chapters 74.04 and 74.13 RCW.

Summary: We are rewriting the rules to add seasonal day camps accredited by the ACA as an alternative type of child care provider for eligible families. We are also writing the rules more clearly and correcting typographical errors.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3268.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule adds seasonal day camps accredited by the ACA as a type of provider that the working connections child care program may pay child care subsidies to. It is not expected that this will cause an increase in expenditures, as

we envision the day camps as being just another option that eligible families will be able to choose from.

Proposal Changes the Following Existing Rules: Current rules do not allow subsidy payments to seasonal day camps.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impose any cost to small business. The proposed rules allow accredited seasonal day camps, which had been excluded from being eligible child care providers, to be eligible providers under the working connections child care program.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a "significant legislative rule" but DSHS is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Office Building 2, Auditorium (DSHS Headquarters) (parking off 12th and Jefferson), 1115 Washington, Olympia, WA 98504, on May 21, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 17, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., May 21, 2002.

Date of Intended Adoption: No sooner than May 22, 2002.

March 28, 2002

Margaret J. Partlow

for Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-09 issue of the Register.

WSR 02-08-061

WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(By the Code Reviser's Office)

[Filed April 2, 2002, 8:36 a.m.]

WAC 388-310-1300, proposed by the Department of Social and Health Services in WSR 01-19-022 appearing in issue 01-19 of the State Register, which was distributed on October 3, 2001, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 02-08-066
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed April 2, 2002, 9:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-04-037.

Title of Rule: New chapter 478-118 WAC, Parking and traffic rules of the University of Washington, Tacoma, and amendment to WAC 478-108-010 Matters subject to brief adjudication.

Purpose: To provide traffic, parking and pedestrian rules for the University of Washington, Tacoma campus as new chapter 478-118 WAC. Additionally, the University of Washington seeks to amend WAC 478-108-010, the university's list of matters subject to brief adjudication, by adding the appeals process for parking and traffic violations outlined in the new chapter 478-118 WAC.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130 for chapter 478-118 WAC; chapter 34.05 RCW for WAC 478-108-010.

Statute Being Implemented: RCW 28B.10.560 and 28B.20.130 for chapter 478-118 WAC; chapter 34.05 RCW for WAC 478-108-010.

Summary: Separate parking and traffic rules are needed for the University of Washington, Tacoma (UWT) campus for the safety and general welfare of the UWT students, faculty, staff and guests. Existing parking and traffic rules for the UW Seattle campus (chapter 478-116 WAC) do not apply to the UWT campus location.

Reasons Supporting Proposal: The UWT will soon open its first owned and operated parking lot. These rules are needed (1) to provide the highest level of parking, traffic and pedestrian safety for students, faculty, staff and guests of the UWT campus, and (2) to prevent illegal access to or use of state property.

Name of Agency Personnel Responsible for Drafting and Enforcement: Sandy Boyle, Vice Chancellor for Finance and Administration, UW Tacoma, GWP 308, 1900 Commerce Street, Tacoma, WA, (253) 692-5668; and Implementation: Vicky Carwein, Chancellor, UW Tacoma, GWP 312, 1900 Commerce Street, Tacoma, WA, (253) 692-5646.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: With the opening of the first University of Washington, Tacoma (UWT) owned and operated parking lot, parking, traffic and pedestrian rules are needed to provide for the safety and general welfare of UWT students, faculty, staff, and guests.

Proposal Changes the Following Existing Rules: WAC 478-108-010 would be amended to incorporate the appeals from traffic and parking violations in chapter 478-118 WAC to the University of Washington's list of matters subject to brief adjudication.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 478-118 WAC

does not impose a disproportionate impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. Chapter 478-118 WAC is not considered a significant legislative rule by the University of Washington.

Hearing Location: Room SCI309, Science Building, University of Washington, Tacoma, in Tacoma, Washington, on May 24, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact UW Disability Services Office by June 5, 2002, TDD (206) 543-6452, or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Dearth, Director, Administrative Procedures Office via one of the following routes: United States mail: University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; Campus mail: Box 355509; e-mail admin-pro@u.washington.edu; or fax (206) 616-6294, by May 24, 2002.

Date of Intended Adoption: June 14, 2002.

March 29, 2002

Rebecca Goodwin Dearth, Director
 Administrative Procedures Office

AMENDATORY SECTION (Amending WSR 90-15-005, filed 7/6/90, effective 8/6/90)

WAC 478-108-010 Matters subject to brief adjudication. This rule is adopted in accordance with RCW 34.05.479 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications under RCW 28B.15.013 as established in chapter 478-160 WAC;
- (2) Appeals from traffic and parking violations as provided for in chapters 478-116, 478-117 and 478-118 WAC;
- (3) Challenges to contents of educational records as provided for in chapter 478-140 WAC;
- (4) Proceedings under the animal control policy as detailed in chapter 478-124 WAC;
- (5) Requests for reconsideration of admission decisions as provided for in chapter 478-160 WAC;
- (6) Appeals of library charges as provided in chapter 478-168 WAC;
- (7) Reviews of denials of public records requests as provided in chapter 478-276 WAC;
- (8) Federal financial aid appeals as provided for by federal law;
- (9) Collection of outstanding debts owed by students or employees; and
- (10) Appeals from areas exempt from the rules requirements of chapter 34.05 RCW including standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships (except for all aspects of faculty and librarian employment relationships), and fiscal processes.

PROPOSED

Chapter 478-118 WAC

PARKING AND TRAFFIC RULES OF THE UNIVERSITY OF WASHINGTON, TACOMA

NEW SECTION

WAC 478-118-010 Objectives of parking and traffic rules. The objectives of these rules are:

- (1) To protect and control pedestrian and vehicular traffic on the campus of the University of Washington, Tacoma;
- (2) To assure access at all times for emergency equipment;
- (3) To minimize traffic disturbances;
- (4) To facilitate the operation of the university by assuring access to vehicles;
- (5) To allocate limited parking space for the most efficient use; and
- (6) To protect state property.

NEW SECTION

WAC 478-118-020 Definitions. The following definitions apply to this chapter:

- (1) Campus: The campus of University of Washington, Tacoma.
- (2) Employee: An employee of the university.
- (3) Public safety officers: Employees of the university who are responsible for campus security, safety, and parking and traffic control.
- (4) Student: A person enrolled in the university.
- (5) University: The University of Washington, Tacoma, and collectively those responsible for its control and operations.
- (6) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.
- (7) Visitor: A person who is neither an employee nor a student of the university.

NEW SECTION

WAC 478-118-030 Applicable parking and traffic rules. The applicable parking and traffic rules upon the campus are:

- (1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW;
- (2) The traffic code of the city of Tacoma; and
- (3) The parking and traffic rules in this chapter. If the Washington laws or the Tacoma traffic code conflicts with these rules, the Washington laws or the Tacoma traffic code shall govern.

NEW SECTION

WAC 478-118-040 Enforcement of parking and traffic rules. The university is responsible for parking and traffic management on campus. Duly appointed public safety officers or independent contractors hired by the university are authorized to enforce these parking and traffic rules.

NEW SECTION

WAC 478-118-050 Permits required for vehicles on campus. No person shall park or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus unless the person first purchases a permit from the university or from the operator of the parking lot in which the vehicle is parked. Permission to park on campus will be shown by display of a valid permit, or (if a parking lot does not issue permits) by payment of the fee for parking.

(1) A valid permit is:

- (a) A current vehicle permit displayed in accordance with WAC 478-118-110. Vehicle permits are valid until revoked;
- (b) A temporary permit authorized by the university and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit;
- (c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions; or
- (d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.

(2) Parking permits are not transferable, except as provided in WAC 478-118-060 and 478-118-080.

(3) The university reserves the right to refuse to issue parking permits.

(4) This section does not apply to vehicles that the university owns or operates.

(5) The university may allow persons without permits to drive through the campus without parking.

(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.

NEW SECTION

WAC 478-118-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the university for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool is a group of two or more employees or students who commute to the campus in the same vehicle.

(2) The university provides parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

NEW SECTION

WAC 478-118-070 Permit revocations. (1) Parking permits issued by the university are the property of the university, and may be recalled by the issuer for any of the following reasons:

- (a) When the purpose for which the permit was issued changes or no longer exists;
- (b) When an unauthorized individual uses a permit;
- (c) Falsification on a parking permit application;
- (d) Multiple or continued violations of parking rules;

- (e) Counterfeiting or altering permits; or
 - (f) Failure to comply with a final decision of the citation review committee, or university hearing officer.
- (2) Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 478-118-420.

NEW SECTION

WAC 478-118-080 Transfer of permits limited. (1) Permit holders may transfer one permit between motor vehicles when used by the permit holder. Improper transfer of a permit shall include, but is not limited to, the sale, lending, or transfer of a parking permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

NEW SECTION

WAC 478-118-090 Responsibility of person to whom permit issued. The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit.

NEW SECTION

WAC 478-118-100 Display of permits. (1) Parking permits shall be displayed by hanging from the rear view mirror, and shall be fully visible from the exterior of the motor vehicle.

(2) When applicable, the area designator (numeral, letter, or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.

(3) Motorcycle and scooter permits shall be registered with the university.

(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.

NEW SECTION

WAC 478-118-200 Parking fees. The regents of the University of Washington shall adopt parking fees, specifying the charge per day, quarter, and year.

NEW SECTION

WAC 478-118-210 Allocation of parking spaces. The parking space available on the campus shall be allocated in a manner that will best attain the objectives of these rules.

During special occasions causing additional or heavy traffic and during emergencies, the university may impose additional traffic and parking policies to achieve the specified objectives of this chapter.

NEW SECTION

WAC 478-118-220 Parking within designated spaces.

(1) No motor vehicle shall be parked on the campus except in areas designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

NEW SECTION

WAC 478-118-230 Parking—Operator's responsibility. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first:

(1) Stopping the engine, locking the ignition, and removing the key; and

(2) Effectively setting the brake and transmission to prevent movement of the vehicle.

NEW SECTION

WAC 478-118-240 Regulatory signs, markings, barricades, etc. (1) The university may erect signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by public safety officers in the control and regulation of traffic. Drivers shall also comply with directions given to them by the traffic guides or parking checkers in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the university shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

NEW SECTION

WAC 478-118-250 Speed. No vehicle shall be operated on the campus at a speed in excess of posted limits. If no limit is posted, no vehicle shall exceed twenty miles per hour or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION

WAC 478-118-260 Pedestrian's right of way. (1) The operator of a vehicle shall yield right of way to any pedestrian. However, no pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass that vehicle.

(3) Where a sidewalk is provided, pedestrians shall proceed upon the sidewalk.

NEW SECTION

WAC 478-118-270 Motorcycles, bicycles, scooters.

(1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated in campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including, but not limited to, skateboards, roller skates, and roller blades.

NEW SECTION

WAC 478-118-280 Distribution of literature. No person may distribute literature by placing it on motor vehicles parked on the campus. Literature includes, but is not limited to, pamphlets, flyers, and stickers.

NEW SECTION

WAC 478-118-400 Issuance of traffic citations. Upon probable cause to believe that a violation of these rules has occurred, a public safety officer or designated contractor may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: Attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

NEW SECTION

WAC 478-118-410 Fines and impounding. (1) The current schedule of fines shall be published by the university and made available for review in the safety and security office.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the university's finance office or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the university shall impose an additional fine of ten dollars per offense and may:

- (a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid;
- (b) Delay registration for the following quarter;
- (c) Impound the violator's vehicle;
- (d) Deny future parking privileges to the violator; or
- (e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding vehicles shall include, but not be limited to, the following:

- (a) Blocking a roadway so as to impede the flow of traffic;
- (b) Blocking a walkway so as to impede the flow of pedestrian traffic;
- (c) Blocking a fire hydrant or fire lane;
- (d) Creating a safety hazard;
- (e) Blocking another legally parked vehicle;
- (f) Parking in a marked "tow-away" zone;
- (g) Leaving a vehicle unattended on campus for longer than two days;
- (h) Failing to pay a fine imposed under this chapter; or
- (i) Parking a nonuniversity vehicle in a spot reserved for university use.

Not more than twenty-four hours after impoundment of any vehicle, the university shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The university shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the university.

NEW SECTION

WAC 478-118-420 Appeals of fines and impoundments. (1) Any impoundment or fine under this chapter may be appealed in writing within twenty calendar days from the date of the citation or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation or notice of impoundment. The university will make appeal forms available at the university's finance office. The notice of appeal must explain the reasons for contesting the citation or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten

days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the university in writing within twenty-one days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten days of service of the final decision, file a written notice with the university. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

NEW SECTION

WAC 478-118-500 Report of accident. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of five hundred dollars shall, within twenty-four hours, report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within twenty-four hours after such accident.

NEW SECTION

WAC 478-118-510 Liability of the university. Except for vehicles that the university owns or operates, the university assumes no liability under any circumstances for vehicles on the campus.

WSR 02-08-074

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed April 3, 2002, 8:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-20-102.

Title of Rule: Chapter 308-14 WAC, Regulating court reporters, amending WAC 308-14-085 Examination, 308-14-100 License renewal—Penalties, 308-14-120 Examination appeal procedures, 308-14-130 Standards of professional

practice, 308-14-135 Transcript preparation format and 308-14-210 Application of brief adjudicative proceedings; and repealing WAC 308-14-090 Application.

Purpose: To amend, repeal or retain current rules, which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

Statutory Authority for Adoption: RCW 18.145.050(1).
Statute Being Implemented: RCW 18.145.050(1).

Summary: Amending existing rules to chapter 308-20 WAC which need clarification and repeal rules that duplicate citations of chapter 18.145 RCW.

Reasons Supporting Proposal: The described rules either are unclear, duplicate, or are not necessary to cite statutory authority.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rosie McGrew, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6626.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends six sections and repeals one section in order to clarify existing rules.

Proposal Changes the Following Existing Rules: Amends, repeals rules for chapter 308-14 WAC for clarification and to eliminate duplication.

Under section WAC 308-14-085 Examination, the department is proposing to change the examination from two hundred words per minute to two hundred twenty-five words per minute.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a burden on the industry due to increased fees or increased workloads.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building 2, Conference Room 1, Olympia, WA 98502, on May 8, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Rosie McGrew by May 7, 2002, TDD (360) 586-2788, or (360) 664-6626.

Submit Written Comments to: Rosie McGrew, Court Reporter Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 664-2550, by May 7, 2002.

Date of Intended Adoption: May 10, 2002.

April 2, 2002

Rosie McGrew

Licensing Manager

AMENDATORY SECTION (Amending WSR 91-20-002 and 91-20-044, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91)

WAC 308-14-085 Examination. ~~((1)The examination for "court reporter," "shorthand reporter," "certified court reporter," or "certified shorthand reporter" shall be an exami-~~

nation developed, administered, and graded by the department with the advice of the board or any examination prepared by a recognized person (institution, organization, corporation) approved by the department that meets the requirements stated in this regulation.

(2) Recognition of an examination as the Washington certification examination is conditioned upon the examination meeting the following requirements:

(a) Be a timed tape with content, speed, and quality approved by the department with the advice of the board, prior to use;

(b) The examination requires the applicant be able to report and transcribe at least two hundred words per minute of two-voice testimony for five consecutive minutes;

(c) At least ninety-five percent accuracy is needed to pass the examination;

(d) Be offered at least twice a year;

(e) The pass/fail scores of the state certification applicants are provided to the department within four weeks of the date of the examination to include a complete list of all the applicants;

(f) Examinations statistics are supplied following each examination: The number scheduled, passed, failed, and failed to appear;

(g) The procedures for security and confidentiality of the examination and applicants must meet the requirements of the department of licensing; and

(h) The department will be supplied with the examination tape and all the individual examination papers with grading marks and comments on them for review. The department reserves the final authority for examination results. The department may retain the examination papers for thirty days after final determination regarding scores to allow appeals and review of papers. Sixty days after the examination results are released all examination papers will be destroyed, except those under appeal, which will be held until final disposition.

(3) The Washington state statutory examinations which were held April 1990, October 1990, and April 1991, are recognized as the qualifying examinations for state certification as a shorthand or court reporter.

(4) State applicants who have previously passed the Washington state department of licensing recognized examination within three years of application may be issued certification without additional examination if certified documentation of the passed examination is provided.

(5) Applicants who have failed the examination may apply by submission of a reexamination application and the required fee.) (1) The examination for certification as a "court reporter" as defined in chapter 18.145 RCW shall be approved by the department.

(2) The examination shall be at least two hundred twenty-five words per minute of two-voice testimony for five consecutive minutes.

(3) At least ninety-five percent accuracy is needed to pass the examination.

(4) The department shall retain the examination documents for thirty days after scores are sent to the exam candidates, at which time all examination documents, unless an examinee appeals the score, will be destroyed. Appealed

examination documents shall be held until the appeal is resolved.

(5) Applicants who have failed the examination may reapply for examination by submitting a new application and the required fee.

AMENDATORY SECTION (Amending WSR 90-10-009, filed 4/20/90, effective 5/21/90)

WAC 308-14-100 License renewal—Penalties. (1) Certification must be renewed on or before ((the)) its expiration date ((shown on the certificate. The expiration date is the certificate holder's birthdate)). Failure to renew the ((certificate)) certification by the expiration date will result in a penalty fee ((in an amount determined by the director)).

(2) Certification may be reinstated for up to three years following expiration by payment of ((all)) renewal fees for each year expired and a penalty fee ((for the period for which the certification had lapsed)).

((2)) An individual who fails to renew their certification by the expiration date forfeits all rights to represent themselves as a "shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter" until the certificate has been reinstated.

(3) An individual who has allowed the certification to expire for three years or more is required to file a new complete application and fee and must pass the state approved examination. Upon passage of the exam a certificate will be issued.) (3) A person who has not renewed certification for more than three years must apply for and pass the examination.

AMENDATORY SECTION (Amending WSR 91-20-002 and 91-20-044, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91)

WAC 308-14-120 Examination appeal procedures. ((1)) Any candidate who takes the state examination for licensure and does not pass the examination may request to review their papers.

(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 challenges to examination grading unless the total of the potentially revised score would result in issuance of certification.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date on the letter of notification of examination results sent to the candidate.

(b) The following procedures apply to an appeal of the results of the examination:

(i) In addition to the written request required in (a) of this subsection, the candidate must appear personally in the department office in Olympia to review the examination. The candidate must contact the department to make an appointment for the exam review session with department staff.

(ii) Within fifteen days of the review the candidate, in writing, must specifically identify the challenged portions on

the examination and must state the specific reason(s) why the candidate believes the results should be modified.

(iii) ~~The candidate will be allowed one hour to review the examination.~~

~~(e) The department will review the examination and justification submitted by the candidate. The candidate will be notified in writing of the department's decision.~~

~~(d) Any candidate who is not satisfied with the results of the informal examination review may, within twenty days of the date on the notice of the department's informal review notification, request a formal hearing to challenge the examination results.~~

~~(3) The procedures for requesting a formal hearing are as follows:~~

~~(a) The candidate must complete the informal review process before requesting a formal hearing.~~

~~(b) The request for a formal hearing must be received by the department within twenty days of the date on the notice of the results of the department's informal review.~~

~~(c) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.~~

~~(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.~~

~~(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.~~

~~(f) The formal hearing will be conducted pursuant to the Administrative Procedure Act, chapter 34.05 RCW.~~

~~(g) The candidate will be notified in writing of the director's final decision.)~~ (1) An applicant who fails the examination for certification may request to review their examination documents. The candidate must present clear and convincing evidence of error in the grading of the examination in order for the department to modify the examination results.

(2) In order to review examination documents, a candidate shall satisfy all three of the following criteria:

(a) Send a written request for an examination review to the department within thirty days of the date of the letter of notification of examination results. The department must receive the written request within thirty days of the date the letter of notification was mailed;

(b) Appear in person at the department office in Olympia to review the examination with department staff. The candidate shall have one hour to review the exam;

(c) Within fifteen days of the review, identify in writing the challenged portion on the examination and present clear and convincing evidence of error in the grading that, if corrected will change the exam's results to a passing score.

(3) If the candidate meets the criteria described in subsection (2) of this section, the department will review the evidence presented and rescore the exam.

AMENDATORY SECTION (Amending WSR 91-20-002 and 91-20-044, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91)

WAC 308-14-130 Standards of professional practice. All certified ((~~shorthand~~)) court reporters ((~~CSR~~)) shall

comply with the following professional standards except where differing standards are established by court or agency. Failure to comply with the following standards is deemed unprofessional conduct. Certified ((~~shorthand~~)) court reporters shall:

(1) Include on all transcripts, business cards, and advertisements their ((~~CSR reference~~)) court reporter certificate number((-));

(2) Prepare transcripts in accordance with the transcript preparation guidelines established by WAC 308-14-135 or the court((-));

(3) Preserve and file their shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years. Untranscribed notes shall be retained for no less than ten years or as required by statute, whichever is longer((-));

(4) Meet promised delivery dates((-));

(5) Prepare accurate transcripts((-));

(6) Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties((-));

(7) Be truthful and accurate in advertising qualifications ((~~and/or~~)) services provided((-));

(8) Preserve confidentiality of information in their possession and take all steps necessary to insure its security and privacy((-));

(9) Notify all involved parties when transcripts are ordered((-));

~~(10) Notify all involved parties, when a transcript is ordered by a person not involved in the case, before a copy of the transcript is furnished. If any party objects, the transcript is not provided without a court order.~~

~~(11) Supply certified copies of transcripts to any involved party, upon appropriate request.)~~ before the copy is furnished;

(10) When a transcript is ordered by a nonparty, notify all involved parties before the transcript is furnished. If any party objects, the transcript may not be provided without a court order.

AMENDATORY SECTION (Amending WSR 91-20-002 and 91-20-044, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91)

WAC 308-14-135 Transcript preparation format. The following transcript format will be followed by all certified ((~~shorthand~~)) court reporters ((~~CSR's~~)), except where other formats are recommended or established by court or agency.

(1) No fewer than twenty-five typed lines on a standard 8 1/2 x 11 inch paper.

(2) No fewer than ten characters to the typed inch.

(3) No fewer than sixty characters per standard line.

AMENDATORY SECTION (Amending WSR 97-10-053, filed 5/1/97, effective 6/1/97)

WAC 308-14-210 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request((-)) and ((~~for~~)) at the discretion

of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a certificate meets the minimum criteria for a certificate to practice as a court reporter in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a certificate holder requesting renewal has submitted all required information and whether a certificate holder meets minimum criteria for renewal; and

(4) Whether a certificate holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-14-090 Application.

WSR 02-08-075
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed April 3, 2002, 9:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-001.

Title of Rule: Professional engineers and land surveyors fees, this chapter explains conditions, procedures and amounts of the various fees that are assessed by the Board of Registration for Professional Engineers and Land Surveyors (board).

Purpose: In order for the board to provide the services required under chapter 18.43 RCW, fees are charged to applicants and license holders to cover the costs of processing, examinations, staffing and indirect costs. RCW 43.24.086 requires that professional licensing programs must collect sufficient revenue through the fees to pay for the services provided.

Other Identifying Information: The approved state budget for the 2001-2003 biennium provides a limited opportunity for the Department of Licensing to adopt fees, in excess of the limits imposed under Initiative 601, to meet the requirements of RCW 43.24.086 to be self-supporting.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: Chapter 18.43 RCW.

Summary: The existing fees under chapter 196-26 WAC will not be sufficient to pay for projected increases in program costs in the next six years. This deficit will cause the fund balance in the board's dedicated account (204) to decline into a negative balance by the end of the 05-07 biennium.

Because of the need to collect sufficient revenue to pay for projected program expenses and revise most of the text portions of this chapter to make them easier to read and understand, chapter 196-26 WAC is being repealed in its entirety and replaced with a new chapter 196-26A WAC. This new chapter also shows extensive reorganization from the existing chapter 196-26 WAC.

Reasons Supporting Proposal: This proposal is presenting two issues, first is the increases in fees to maintain long term revenue stability and the second is to provide stakeholders with a more readable and understandable format on how and when certain fees are applied.

Name of Agency Personnel Responsible for Drafting: Rick Notestine, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1578; Implementation and Enforcement: George Twiss, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1565.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules within this chapter are being rewritten and they explain the amounts of the various fees and the conditions under which the fees must be paid. The purpose is to put the engineers, land surveyors, and general public on notice of the fee schedule. It is anticipated that the rewritten chapter will provide a clear concise description of the fees and explanation of the various application and licensing circumstances under which fees must be paid.

Proposal Changes the Following Existing Rules: The existing chapter 196-26 WAC is being completely rewritten to improve clarity. The chapter contains two rules and is being repealed in its entirety. The new chapter will be chapter 196-26A WAC, will have the same title and contains eleven rules to better describe the various fees and the purposes for them.

No small business economic impact statement has been prepared under chapter 19.85 RCW. All but two of these fees relate to the individual engineer or land surveyor applicant who wishes to become licensed in the state by examination or comity and then maintain that license by paying a fee every two years. The burden to pay those fees is on the individual applicant or licensee and not on a business.

The two fees related to business is an application fee for an engineering or land surveying corporation or LLC to obtain a certificate of authority to practice in the state and a renewal fee paid each year to keep the certificate of authority to practice in force. The initial application fee of \$150 did not change. The annual renewal fee increased from \$100 to \$110. The board believes that an increase of \$10 a year will not create an undue burden on small business.

RCW 34.05.328 does not apply to this rule adoption. Neither the Department of Licensing nor the Board of Registration for Professional Engineers and Land Surveyors are one of the named agencies in this statute.

Hearing Location: La Quinta Inn, 1425 East 27th Street, Tacoma, WA 98421, on May 9, 2002, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Kim Chipman by May 6, 2002, TDD (360) 586-2788, or (360) 664-1564.

Submit Written Comments to: Rick Notestine, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9649, Olympia, WA 98507-9649, fax (360) 664-2551, by May 8, 2002.

Date of Intended Adoption: May 24, 2002.

April 3, 2002
 Alan E. Rathbun
 Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 196-26-020 Engineer and land surveyor fees and charges.
- WAC 196-26-030 License renewals.

Chapter 196-26A WAC

PROFESSIONAL ENGINEERS AND LAND SURVEYORS FEES

NEW SECTION

WAC 196-26A-010 State fee authority, applications and payment procedures. The state fees listed in this chapter are adopted by the director of the department of licensing (department) in accordance with RCW 43.24.086. For registration under provisions of chapter 18.43 RCW, the required state fee must accompany all applications. If payment is made by check or money order, the payment should be made payable to the state treasurer. Should an applicant be judged ineligible for examination, the fee shall be retained to cover the costs of processing. An applicant who fails an examination may be scheduled for a retake by paying the required fee within the time frame established by the board of registration for professional engineers and land surveyors (board). Applicants who fail to appear for their scheduled examination will forfeit their fees as determined by the board. Applicants may withdraw from a scheduled examination without forfeiting their fees by submitting a written notice to the board office by the date established by the board.

NEW SECTION

WAC 196-26A-020 Examination vendor, procedures and costs. The board has determined the National Council of Examiners for Engineering and Surveying (NCEES) will administer their examinations on behalf of the board. In addition to state fees, all approved applicants are charged by NCEES for the costs of examinations, exam administration and grading. All these costs must be paid in advance by the applicant to NCEES to reserve a seat at the examination. Applicants who have not paid the required costs will not be admitted to the examination. Applicants who fail to appear

for their scheduled examination will forfeit all moneys paid to NCEES. The schedule of the costs charged by NCEES is available from NCEES or the board offices.

NEW SECTION

WAC 196-26A-025 State fees for examinations.

FUNDAMENTAL EXAMINATIONS:

Fundamentals of Engineering (FE):

- Application fee (incl. wall certificate): \$ 30
- Processing fee to retake the FE examination: \$ 20

Fundamentals of Land Surveying (FLS):

- Application fee (incl. wall certificate): \$ 30
- Processing fee to retake the FLS examination: \$ 20

Note: Additional charges to cover costs of NCEES fundamentals examinations, exam administration and grading will be billed by NCEES to approved applicants.

PROFESSIONAL ENGINEERING EXAMINATIONS:

NCEES Examinations: (All branches other than board prepared examinations)

- Application fee (incl. wall certificate and initial license): \$ 65
- Processing fee to retake the NCEES PE exam: \$ 30

Note: Additional charges to cover costs of NCEES PE examinations, exam administration and grading will be billed by NCEES to approved applicants.

Structural Engineering:

Note: To become licensed in structural engineering a candidate is required to pass sixteen hours of structural examinations when determined eligible under Washington law. The examinations for structural licensing consist of the NCEES Structural II and the Washington Structural III examination. One application is required for structural engineering and when approved a candidate may sit for both examinations when they are offered on successive days.

- Application fee (incl. wall certificate and initial license): \$ 65
- Processing fee to retake the NCEES Structural II or Washington Structural III exams: \$ 30

PROPOSED

Note: Additional charges to cover costs of NCEES Structural II examination, exam administration and grading will be billed by NCEES to approved applicants.

Structural III examination fee: \$ 300
 Examination rescore: \$ 50/item

Forest Engineering:

Application fee (incl. wall certificate and initial license): \$ 65
 Processing fee to retake the forest engineering examination: \$ 30
 Examination rescore: \$ 50/item

Note: The examination for licensure in forest engineering is a Washington specific examination that is offered in April of the year depending upon applications received. Interested applicants should confirm schedule by contacting the board office.

PROFESSIONAL LAND SURVEYING:

Note: The examinations for licensure in professional land surveying include an NCEES PPLS examination, a Washington specific examination and a take-home examination over Washington laws and rules. One application is required and when determined eligible a candidate will sit for the NCEES PPLS examination and the Washington specific examination on the same day.

Application fee (incl. wall certificate, state exams, and initial license): \$ 140
 Processing and examination fee to retake the state PLS exam: \$ 100

Note: Additional charges to cover costs of NCEES LS examination, exam administration and grading will be billed by NCEES to approved applicants.

Processing fee to retake the NCEES PPLS examination: \$ 30

NEW SECTION

WAC 196-26A-030 Applications for comity licensure and temporary permits. For comity licensure under the provisions of chapter 18.43 RCW, the required state fee must accompany all applications. Payment by check or money order must be made payable to the Washington state treasurer. Should an applicant be judged ineligible for licensure by comity, the fee submitted shall be retained to cover the cost of processing.

A temporary permit to practice in the state of Washington is available to nonresidents for a period of not to exceed thirty days total in any one-year period. Eligible applicants must have a valid license to practice engineering in the United States, have no outstanding disciplinary actions against their licensure and meet the experience requirements for licensure in Washington. Temporary permits must be issued prior to any authorized practice in Washington.

NEW SECTION

WAC 196-26A-035 State fees for comity licensure and temporary permit applications.

Professional engineering, comity licensure application: \$ 110

Note: For licensure by comity in structural engineering an applicant must have a current license as a professional engineer, meet the experience requirements established by the board and have passed sixteen hours of rigorous examinations in structural engineering as determined by the board to be equivalent to the examinations required by the Washington board.

Professional engineering, temporary permit application: \$ 110
 Professional land surveying, comity licensure application: \$ 140

Note: For licensure by comity in land surveying an applicant must meet the experience requirements established by the board and have passed a written examination deemed satisfactory to the board. Eligible applicants are required to pass the Washington specific examination on Washington laws and rules.

NEW SECTION

WAC 196-26A-040 Renewals for professional engineer and professional land surveyor licenses. The date of renewal, renewal interval and renewal fee is established by the director of the department of licensing in accordance with chapter 43.24 RCW. To renew a license, the licensee must:

- (1) Include payment of the renewal fee;
- (2) Include the licensee's Social Security number as provided for by RCW 26.23.150; and
- (3) Include any name/address changes that apply.

If a completed application for renewal has not been received by the department by the date of expiration (post-marked before the date of expiration if mailed or transacted on-line before the date of expiration), the license becomes invalid. Licensees who fail to pay the renewal fee within ninety days of the date of expiration are required to pay an additional penalty fee equivalent to the fee for a one-year renewal. It is the responsibility of each licensee to renew their license in a timely manner regardless of whether they received a renewal notice from the department.

The licenses for individuals registered as professional engineers or professional land surveyors shall be renewed every two years or as otherwise set by the director of the department of licensing. The date of renewal shall be the licensee's date of birth. The initial license issued to an individual shall expire on the licensee's next birth date. However, if the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure.

PROPOSED

NEW SECTION

WAC 196-26A-045 Professional engineer, professional land surveyor renewal fees and penalties.

Professional engineer (two years):	\$ 116
Professional land surveyor (two years):	\$ 116
Late renewal penalty (PE and LS only):	\$ 58

Duplicate/replacement wall certificate:	\$ 25
Duplicate/replacement license:	\$ 15

**WSR 02-08-081
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed April 3, 2002, 10:33 a.m.]

PROPOSED

NEW SECTION

WAC 196-26A-050 Application for certificate of authorization. Except for professional service corporations (PS) and professional service limited liability companies (PLLC) as defined by the Washington secretary of state, all corporations, joint stock associations and limited liability companies that offer engineering or land surveying services to the public must obtain a certificate of authorization from the board. Each application must be accompanied by the required state fee made payable to the state treasurer. Should an applicant be judged ineligible for certificate of authority, the fee submitted shall be retained to cover the cost of processing.

NEW SECTION

WAC 196-26A-055 Renewal of certificate of authorization. The date of renewal, renewal interval and renewal fee are established by the director of the department of licensing in accordance with chapter 43.24 RCW. To renew a certificate of authorization, payment of the renewal fee must be received by the department by the date of expiration (post-marked if renewal is mailed by U.S. mail) or the certificate of authorization becomes invalid. The complete renewal must include any changes to: The name of firm, scope of services offered, mailing address of firm and name and address of licensee(s) named in responsible charge for the services provided. A certificate of authorization that is expired is invalid on the date of expiration.

NEW SECTION

WAC 196-26A-060 Certificate of authorization application and renewal fees.

Application fee (incl. wall certificate and initial license):	\$ 150
Renewal fee (one-year):	\$ 110

NEW SECTION

WAC 196-26A-070 Replacement document fees. The department will provide replacement or duplicate certificates or licenses upon written request and payment of the appropriate fee to cover costs of production and mailing.

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-09-027.

Title of Rule: Customer information rules, WAC 480-120-201 through 480-120-209 and WAC 480-120-211 through 480-120-216. The proposed rules would consider the use of information made available to telecommunications companies by customers solely by virtue of the customer-company relationship.

Purpose: The proposed rules would clarify the extent to which customer information may be used by telecommunications companies; establish notice requirements; establish operational requirements for customer approval mechanisms; establish requirements for confirmation of customer approval for the use of customer information; and limit the use, under some circumstances, of subscriber list information. The proposed rules would replace the current rules on this topic: WAC 480-120-144 and 480-120-151 through 480-120-154.

Other Identifying Information: Docket UT-990146, Customer privacy notification rules. This is the second CR-102 proposal in this docket. The first covered general rules and was adopted at WSR 01-15-022. Another proposal will be filed that will address remaining rules.

Statutory Authority for Adoption: RCW 80.01.040 and 80.04.160.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Robert Shirley, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1292; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule concerns the use of customer information made available to telecommunications companies by customers solely by virtue of the customer-carrier relationship. Its purpose is to clarify the uses of the information and the approval, or lack of approval, that must be given by the customer to the company before the information is used.

The anticipated effect is to permit the use of call detail information (e.g., whom you call and when and where you call) only with affirmative approval of a customer (so-called "opt-in" approval). Other, less personal information (e.g.,

whether customer subscribes to one line or two) may be used by companies or entities under common control of or with a telecommunications company after annual notice and opportunity to "opt-out" (i.e., disapprove) the use of that less personal information. Customers will be in a position to control the use of certain very private information and some less private information, while companies will be in a position to conduct the day-to-day operations of their business and use, with the approval of the customer, certain information that may be useful in marketing telecommunications-related services and other products and services.

The proposed rules would clarify permitted and not permitted uses of customer information that has been rendered uncertain by a decision of the 10th Circuit Court of Appeals and a revision of the FCC's rules on this topic. For example, a recent action by one company to use opt-out approval where current rules require opt-in approval resulted in substantial confusion among customers.

Proposal Changes the Following Existing Rules: The proposal would permit customers to opt-out of the use of certain private account information by their telecommunications company. Federal law, 47 U.S.C. § 222, requires customer approval before certain customer information may be used by a company for other than day-to-day operations. The proposed rules replace WAC 480-120-151 through 480-120-154, which did not permit customers to opt-out of certain uses under certain circumstances. Call detail information that once was permitted to be used without affirmative approval and without an opportunity to opt-out under some circumstances, will now require affirmative, opt-in approval before it can be used.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-10 issue of the Register.

A copy of the statement may be obtained by writing to Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150. The small business economic impact statement addresses this proposal and the remaining rules that will be filed under a subsequent proposal.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328(5).

Hearing Location: Washington Utilities and Transportation Commission, Headquarters, Room 206, 1300 South Evergreen Park Drive S.W., Olympia, WA 98502-7250 [98504-7250], on July 26, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Mary De Young by Friday, July 19, 2002, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Docket No. UT-990146, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box

47250, Olympia, WA 98504-7250, fax (360) 586-1150, by May 22, 2002.

Date of Intended Adoption: July 26, 2002.

April 3, 2002

Carole J. Washburn
Secretary

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 02-10 issue of the Register.

WSR 02-08-082

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed April 3, 2002, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-104.

Title of Rule: Discrimination complaint procedure.

Purpose: This is an amendment to the discrimination complaint procedure extending its purview to the general public who participate in activities held on the college campus.

Other Identifying Information: WAC 132H-152-135.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 42.30.075.

Summary: The discrimination complaint procedure advises students, employees and the general public who they may contact when they believe they have been the victim of discrimination, what steps must be taken to register the complaint and establishes timelines for the college's response. It also identifies other state and federal agencies to which one may address a complaint.

Reasons Supporting Proposal: The Office of Civil Rights has requested that Bellevue Community College extend its policy to pertain to the general public when they are using college facilities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lucy Macneil, A101, (425) 564-2445.

Name of Proponent: Bellevue Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The discrimination complaint procedure provides a way for people to seek redress who feel they have suffered discrimination by an employee of Bellevue Community College or while on the college campus.

Proposal Changes the Following Existing Rules: This amendment expands the scope of the current discrimination complaint procedure to include members of the general public who feel they have suffered discrimination while on the Bellevue Community College campus.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment has no impact on small business.

RCW 34.05.328 does not apply to this rule adoption. This rule applies only to internal college regulations.

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., Room A101, Bellevue, WA 98007-6484, on May 7, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Gjomesli by May 1, 2002, TDD (425) 564-4110, or (425) 564-2498.

Submit Written Comments to: Lucy Macneil, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007-6484, fax (425) 564-2445, by May 5, 2002.

Date of Intended Adoption: June 4, 2002.

April 2, 2002
Elise J. Erickson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-01-057, filed 1/15/96 [12/15/95])

WAC 132H-152-135 Discrimination complaint procedure. Introduction. Bellevue Community College, through its affirmative action policy and general policy on sexual harassment, and in accordance with state and federal regulations, prohibits discrimination against students and employees on the basis of race or ethnicity, creed, color, national origin, sex, marital status, sexual orientation, age, religion, the presence of sensory, mental or physical disability, or status as a disabled or Vietnam-era veteran.

All members of Bellevue Community College are responsible for ensuring that their conduct does not discriminate against any other member of the college community. If administrators or supervisors become aware that discrimination is occurring, receive a complaint, or obtain other information indicating possible discrimination, they must notify the vice president of human resources as soon as reasonably possible, to ensure that the matter is addressed, even if the problem or alleged problem is not within their area of responsibility and authority.

These procedures pertain to currently registered students, college employees, ~~(and)~~ applicants for admission and employment, and members of the public participating in college activities or events held in Bellevue Community College facilities. Complaints should be filed within one year after the incident(s) which form(s) the basis of the complaint occurred. This procedure takes precedence over all other student complaint procedures whenever the complaint alleges discrimination or sexual harassment.

Section I: Process overview. Any Bellevue Community College student, employee, or applicant who feels that he/she has been discriminated against, is encouraged to bring his/her concerns to the attention of the college for assistance.

Complaints may be filed with the dean of student services or the vice president of human resources. All allegations of sexual harassment will be referred to the vice president of human resources. All allegations of discrimination related to employment or promotion will be referred to the dean of student services.

The college will act promptly to investigate any complaint. Such action will attempt to protect the rights of the

individual bringing the complaint (the complainant), the alleged discriminator, and any witnesses involved, including the right to protection from any retaliating behavior by the alleged discriminator or any college employee. All complaints shall be kept as confidential as is reasonably possible during the investigation/resolution process. However, all complaints may be subject to public disclosure under the state's Public Disclosure Act, and therefore the college cannot assure confidentiality to any participant in the process.

An individual who seeks assistance because he/she believes he/she is being discriminated against may choose to begin with the informal or formal complaint procedure. Use of the informal procedure is not required prior to initiating a formal complaint.

Both complainants and individuals charged may be represented by an individual of their selection throughout the complaint process. The individual charged will be informed that his/her bargaining unit representative will be notified that a complaint has been filed against her/him, unless she/he requests that no notification be made.

Section II: Informal complaint procedure. The purpose of the informal procedure is to resolve the complaint by achieving a resolution that both the complainant and the accused discriminator agree upon.

An informal complaint may be filed with the dean of student services or the vice president of human resources, as indicated in Section I. That college administrator will investigate the complaint or will appoint a designee to investigate the complaint. Within five working days after the complaint is filed, the investigator will discuss the complaint with the individual charged, that person's supervisor and area dean/vice president, and initiate action to protect the complainant from harm or reprisal. The investigator will meet separately with the complainant and the individual charged to outline the proposed resolution process.

The investigator, after consultation with the appropriate area dean/vice president, will attempt to obtain a resolution of the problem between the parties and will inform the complainant of any proposed resolution. The complainant may either accept the resolution or initiate a formal complaint. If the investigator has not been able to achieve a resolution, he/she will inform the complainant of this and advise the complainant of the option of filing a formal complaint.

Reasonable efforts will be made to complete the informal process within thirty working days after the complaint is filed.

If the investigation and/or resolution indicate that disciplinary action is warranted, the investigator will recommend appropriate disciplinary action which is consistent with college procedure and collective bargaining agreements, as appropriate.

Section III: Formal complaint procedure. The complainant may choose to file a formal complaint instead of first filing an informal complaint. In addition, the complainant may choose to file a formal complaint if a satisfactory resolution cannot be obtained through the informal process. The formal complaint must be made in writing and should include the times, dates, places, and circumstances surrounding the allegation of discrimination. The formal complaint should be filed with the vice president of human resources. Within five

PROPOSED

working days after the formal complaint has been filed, the individual charged in the complaint, his/her immediate supervisor and area dean/vice president will be notified that a complaint has been filed. Complainants, individuals charged, and any witnesses are entitled to representation throughout the complaint process.

The dean of student services/vice president of human resources will investigate the complaint or assign a designee to investigate the complaint as follows:

(1) The investigator will conduct an interview with the complainant and any witnesses to the complainant's allegations. Reasonable efforts will be made to complete such interviews within ten working days.

(2) After the completion of step 1 above, the investigator will interview the alleged discriminator and any witnesses to the alleged discriminator's allegations. Reasonable efforts will be made to complete such interviews within ten working days after the completion of step 1.

(3) After the completion of the investigation, a preliminary report summarizing the findings of the investigation and the investigator's determination as to whether or not discrimination has occurred shall be produced, after consultation with the appropriate area dean/vice president. Reasonable efforts will be made to complete the preliminary report within ten working days after completion of the investigation. Copies of this draft report shall be given to the complainant and the alleged discriminator who shall have ten working days to prepare responses to the report. Once each of them has prepared a response, or declined to take advantage of the opportunity to respond to the draft report, the investigator shall prepare the final report. Copies of the final report shall be provided the complainant, the alleged discriminator, the alleged discriminator's supervisor and area dean/vice president, the dean of student services if the alleged discriminator is a student, the vice president of human resources, and the college president.

(4) The decision regarding what action to take on the complaint, including, but not limited to, appropriate corrective measures and/or disciplinary action, remanding the complaint for further investigation, appointing an alternate investigator, shall be made by the president or his/her designee. Reasonable efforts will be made to take action on the complaint within thirty days after receipt of the report.

(5) If a decision is made to take disciplinary action, such action shall be taken in accordance with appropriate college procedures and collective bargaining agreements.

Section IV: Appeal process.

(1) Appeal of disciplinary action. Appeals of any disciplinary action, including any finding that discrimination occurred, may be made through college procedures, as defined by the appropriate employee contract or student policy.

(2) Complainant appeal. If the complainant is not satisfied with the disposition of the complaint, s/he may file a written request for reconsideration to the president within ten working days after notification of the disposition of the complaint. This request should include any and all additional information s/he wants the president to consider.

The decision regarding what action to take regarding the request for reconsideration, including appropriate corrective

measures, shall be made in writing by the president within fifteen working days after receipt of a request for reconsideration.

Section V: External complaint process. Any registered student, employee, or applicant for admission or employment, who believes he/she has been discriminated against has the right to bypass the internal college process (sections I through III, above) and file a discrimination complaint with one of the agencies listed below or any other agency with the jurisdiction to hear such complaints. Other individuals who believe they have been discriminated against by college action may file a discrimination complaint with one of the agencies listed below or any other agency with the jurisdiction to hear such complaints:

Equal Employment Opportunity Commission
909 First Avenue, Suite 400
Seattle, WA 98104-1061

Human Rights Commission
1511 Third Avenue, Suite 921
Seattle, WA 98101

U.S. Office of Civil Rights
Department of Education
915 Second Avenue
Seattle, WA 98174-1099

Individuals seeking assistance from state and federal agencies need to be aware that many agencies have strict timelines regarding the filing of complaints.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 02-08-085
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed April 3, 2002, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-20-097.

Title of Rule: Rules in chapter 16-462 WAC relating to grape planting stock.

Purpose: The purpose of this rule is to provide the grape industries of Washington with high quality planting stock that is free of harmful pests and true to type.

Statutory Authority for Adoption: Chapter 15.14 RCW. Statute Being Implemented: Chapter 15.14 RCW.

Summary: This proposal would update the grapevine certification program. Under the existing rules registered vines must be propagated from the foundation vineyard at Washington State University. This proposal would allow participants to use the larger foundation vineyards at the University of California.

Reasons Supporting Proposal: Adoption of these amendments to the existing rule would improve the grapevine certification program by increasing the varieties avail-

able as Washington certified stock and by certifying the stock apparently free from two additional virus diseases. Existing text would also be clarified.

Name of Agency Personnel Responsible for Drafting: Tom Wessels, 1111 Washington Street, Olympia, WA, (360) 902-1984; Implementation and Enforcement: Mary Toohey, 1111 Washington Street, Olympia, WA, (360) 902-1907.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 16-462 WAC establishes rules for the registration and certification of grape planting stock. Certified planting stock is considered desirable, because it is grown under standardized conditions specified in rule, that help verify that the stock is free of certain diseases and pests. The stock generally commands a market premium because of this certification for quality. Grower participation in the certification program is voluntary. The changes proposed for the existing rule expand the number of grapevine varieties and clones available to the grower by allowing additional foundation stock from other states to be entered in the program. The proposed changes also expand the scope of the certification to address two additional virus diseases and clarify existing language.

Proposal Changes the Following Existing Rules: This proposal would allow participants in the grapevine certification program to propagate registered vines from foundation sources determined by the director to be equivalent to the foundation block at Washington State University, and clarifies the existing requirement for maintaining documentation of the source of registered and certified stock. It also changes the certification standard to require freedom from two additional viruses, and clarifies existing language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed change will not have a significant economic effect on small business.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency.

Hearing Location: Washington State Department of Agriculture, Conference Room, 21 North 1st Avenue, Yakima, WA 98902, on May 9, 2002, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by May 6, 2002, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Tom Wessels, Plant Services Program Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, e-mail twessels@agr.wa.gov, fax (360) 902-2094, by close of business May 10, 2002.

Date of Intended Adoption: May 17, 2002.

April 3, 2002

Mary A. Martin Toohey

Assistant Director

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

(2) "Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified ~~((plants grown in a green house for one year and certified))~~ in compliance with the provisions of this chapter.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department of agriculture or the director's designee.

(5) "Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, or other equivalent sources approved in writing by the director, that are indexed and found free from viruses designated in this chapter and that are not off-type.

(6) "Index" means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

(7) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(8) "Off-type" means appearing under visual examination to be different from the variety listed on the application for registration ~~((or))~~ and certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

(9) "Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

(10) "Registered vine" means any vine propagated from ~~((the))~~ a foundation block approved by the director, identified ~~((by the number assigned to the original))~~ to a single vine ~~((in the foundation block from which it was propagated))~~ source, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

(11) "Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-020 Requirements for participation in the grape planting stock program. (1) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered blocks and planting stock.

(2) The applicant must maintain ~~((the identity))~~ records identifying the source of registered vines ~~((The applicant~~

PROPOSED

~~must maintain records identifying the source of) and certified planting stock. The applicant must make these records available to the department upon request.~~

(3) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting stock entered in this program. The applicant shall keep all registered blocks and certified planting stock clean cultivated except for approved cover crops.

(4) Following notification by the department the applicant shall remove and destroy immediately any registered vine or certified planting stock found to be off-type or affected by a virus or virus-like disease or a ~~((quarantined))~~ quarantine pest.

(5) ~~((The foundation block,))~~ Registered blocks and certified planting stock must be located at least one hundred feet from any land on which noncertified or nonregistered grape vines have been grown within the past ten years.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to the ~~((original grapevine))~~ single vine source in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3) and (4) of this section, registered plants must be propagated directly from cuttings taken from ~~((the))~~ a foundation block.

(3) Plants propagated from ~~((the))~~ a foundation block by aseptic shoot tip propagation and grown entirely under greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement ~~((grape vines))~~ grapevines.

(5) Grapevines of different varieties in registered blocks must be separated by a minimum of twelve feet within the row. The distance between rows of different varieties must be a minimum of eight feet.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-022 Requirements for certified planting stock. (1) Certified planting stock must be propagated from cuttings taken from registered or foundation grapevines.

(2) Cuttings from registered blocks must be sorted and kept separate by variety and selection number or clone.

(3) Treatment to control nematodes and other soil-borne pests may be required at any time by the department.

(4) All certified planting stock other than greenhouse grown plants must comply with the grades and standards for Washington certified grape planting stock as listed in WAC 16-462-055.

(5) Certification is based solely on ~~((visual inspection of grape planting stock that is found to meet))~~ compliance with

the requirements prescribed in WAC 16-462-050 and other requirements of this chapter.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-025 Foundation, registered, and certified grape planting stock—Inspections. (1) Inspections and indexing of ~~((foundation,))~~ registered grapevines and certified planting stock will be performed by the department at times ~~((it determines))~~ determined to be suitable for the detection of virus and virus-like disease symptoms.

(2) ~~((The foundation block and registered blocks must be indexed and reindexed periodically, as required to comply with))~~ The department will index registered grapevines by methods listed in Appendix 1 of the North American Plant Protection Organization (NAPPO) ((standards for phytosanitary measures—requirements for the importation of grapevines into a NAPPO member country)) Grapevine Standard.

(3) ~~((Two inspections of foundation and registered planting stock must be performed by the department))~~ The department will conduct at least two inspections of registered grapevines during each growing season.

(4) Except for varieties to be used solely as rootstock, ~~((foundation and))~~ registered grape vines used for the production of certified planting stock must be pruned to allow some fruiting.

(5) ~~((Certified planting stock must be inspected))~~ The department will inspect certified planting stock at least three times per ((growing season by the department)) year, twice during the growing season and once during or after harvest.

(6) ~~((Certification or registration will be refused or withdrawn))~~ The department will refuse or withdraw registration or certification for any planting stock ((which)) that is infested or infected with any quarantine pest.

AMENDATORY SECTION (Amending WSR 00-01-149, filed 12/21/99, effective 1/21/00)

WAC 16-462-030 Certified grape nursery stock—Application and fees. (1) The applicant shall furnish all information requested on the application form and shall give consent to the department to take ~~((plants or plant parts))~~ samples from any planting stock enrolled in the program as registered or certified grapevines for inspection or indexing.

(2) Application for ~~((inspection))~~ registration and certification shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(3) Inspection, phytosanitary certification, indexing and testing fees are due upon completion of services.

(4) Fees for inspection, phytosanitary certification, and testing shall be assessed at the appropriate rate established in chapters 16-401 and 16-470 WAC. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-050 Certified grape planting stock—

Requirements. (~~Specific requirements for grape planting stock are based solely on visual inspections conducted according to WAC 16-462-025.~~) Certified plants must be apparently free of (~~grape~~) grapevine fanleaf virus, (~~grape leafroll virus~~) grapevine leafroll-associated viruses, (~~grape~~) grapevine corky bark (~~virus~~) disease agent, grapevine rupestris stem pitting virus, arabis mosaic virus, tomato ringspot virus, grape phylloxera, root knot nematode, crown gall and other visible diseases or serious pest injuries.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-055 Certified grape planting stock—

Grades and standards. All certified stock offered for sale must be bundled in accordance with commercial practice and correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings are as follows:

(a) Grade No. 1 must have one live cane at least nine inches long and must be well rooted.

(b) Grade No. 2 must have one live cane at least six inches long and must be well rooted.

(2) Cuttings must have at least three buds and be at least nine inches long. The basal bud must be within one-half inch of the basal end.

(3) Two-year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) (~~Tolerances.~~) In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot may fail to meet the requirements of the grades set forth in this section.

WSR 02-08-086

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 3, 2002, 11:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-128.

Title of Rule: Chapter 16-484 WAC, Potato virus Y-N quarantine.

Purpose: To amend existing rules, enabling Washington to participate in the USA/Canada PVYⁿ management plan and to prohibit importation of seed potatoes from nonparticipating states. Other modifications may be necessary to acknowledge changes in industry and regulatory practices.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Summary: The proposed changes are necessary to bring Washington state quarantine rules regarding PVYⁿ, a serious,

seed borne virus disease of potatoes, into compliance with the Canada/USA PVYⁿ management plan. Compliance with this internationally negotiated plan is necessary in order for commercial potato growers of Washington to be able to export their crop to processing markets in Canada.

Reasons Supporting Proposal: The North American Free Trade Agreement (NAFTA) has made compliance with international quarantine standards a requirement for all states that wish to continue to export agricultural products. These changes have been requested by the affected industry.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504, (360) 902-1984.

Name of Proponent: Washington State Seed Potato Commission and Washington State Department of Agriculture, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing rule implements a quarantine against a serious viral disease of potato, PVYⁿ. When it was adopted, the purpose was exclusion of this virus, which had been identified in the Maritime Provinces of Canada, by regulating and requiring testing of seed potatoes grown in that major seed potato production area. Since that time, PVYⁿ has been identified in the United States, as well as Canada, and the purpose is now to manage the disease by international agreement, the Canada/USA PVYⁿ management plan. This change will bring the rule into compliance with the plan and is necessary in order for the commercial potato producers of Washington to continue to export their crop to processing markets in Canada.

Proposal Changes the Following Existing Rules: In general, the proposed rule changes bring the existing quarantine rule into compliance with North American Plan Protection Organization (NAPPO) standards for phytosanitary measures by implementing the Canada/USA PVYⁿ management plan negotiated between the two nations. Specifically, the proposed changes would expand the regulated articles, with the effect of restricting all seed potatoes planted for commercial purposes or for seed potato production to either (1) stock grown in a state or district that participates in the plan, or (2) stock tested and found free of the disease by the originating state. The existing rule limits the regulated articles to seed potatoes from certain provinces of Canada where the disease is known to occur and requires testing before these Canadian seed potatoes can be imported into this state. The proposed changes would also require record keeping for documents certifying compliance with the plan and authorize the department to sample and test commercial potatoes for compliance. A few technical and grammatical corrections are also proposed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have a major impact on businesses. Although the proposal requires growers to keep eligibility records, the existing seed potato quarantine, chapter 16-482 WAC, currently requires growers to keep virtually the same records.

PROPOSED

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency.

Hearing Location: County Annex Building, 1000 North Forest Street, Bellingham, WA 98225, on May 15, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by May 9, 2002, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Mary Toohey, P.O. Box 42560, Olympia, WA 98504-2560, e-mail mtoohey@agr.wa.gov, fax (360) 902-2094, by close of business May 16, 2002.

Date of Intended Adoption: May 23, 2002.

April 3, 2002

Mary A. Martin Toohey
Assistant Director

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-210 Quarantine—~~((Potato virus Y necrotic strain))~~ **PVY^a**. A quarantine is established under this chapter against the ~~((disease known as potato virus Y necrotic strain (PVY-N)))~~ **PVY^a**. ~~((PVY-N))~~ **PVY^a** is a serious viral disease of certain species of the family Solanaceae, and is ~~((not known to occur in the United States))~~ designated as a regulated pest in the North American Plant Protection Organization (NAPPO) standards for phytosanitary measures.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-220 Area under quarantine. The following areas are declared to be under quarantine for ~~((PVY-N))~~ **PVY^a**:

- (1) Exterior quarantine. All states and districts of the United States; and
- (2) Interior quarantine. All counties in the state of Washington.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-230 Regulated articles. ~~((1) The following are hereby declared to be hosts or possible carriers of PVY-N and are prohibited entry into the state from any area under exterior quarantine either directly, indirectly, diverted, or reconsigned except as provided in WAC 16-484-240:~~

- ~~((a) All seed potatoes originating in the Province of Prince Edward Island, Canada, potato inspection districts 1 through 4; and~~
- ~~((b) All seed potatoes of the Atlantic variety originating in the Province of Prince Edward Island, Canada, potato inspection districts 5 and 6; and~~
- ~~((c) All seed potatoes originating in the Province of New Brunswick, Canada, that are progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990; and~~

~~((d) All other seed potatoes grown on farms where potatoes identified in (b) and (c) of this subsection have been grown; and~~

~~((e) All seed potatoes originating in any other location within Canada, except the Province of Newfoundland and the Land District of South Saanich of Vancouver Island of British Columbia that are the progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990.~~

~~((2) It is prohibited to cut for seed, plant, move, sell, or transport any regulated article identified in subsection (1)(a) through (e) of this section which arrived in the state of Washington prior to the effective date of this quarantine until inspected and released by the department.))~~ Regulated articles include all seed potatoes to be used for commercial planting or for seed potato production.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-240 Conditions governing the movement of regulated articles into Washington state. (1) ~~((Each shipment of a regulated article shall be accompanied by a certificate issued by the state of origin that clearly identifies each seed lot and shall contain an additional declaration stating that the seed potatoes were tested and found free of PVY-N utilizing a method prescribed by the director.~~

(2) ~~((Persons shipping regulated articles into this state from areas under exterior quarantine shall notify the department's plant protection branch prior to arrival of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver, and the destination. The person to whom the regulated articles are shipped shall hold the same until they are inspected and released by the department.))~~ Except as provided in WAC 16-484-250, all seed potatoes planted for commercial or seed potato production within the state of Washington must:

(a) Originate from a state or district that participates in the Canada/USA PVY^a Management Plan; or

(b) Be tested by and found free of PVY^a by the plant protection organization in the state of origin.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections of commercial potatoes for the purpose of testing and verifying compliance with this chapter.

(3) All growers of commercial potatoes or seed potatoes must obtain documents certifying compliance with the Canada/USA PVY^a Management Plan and must provide those documents to the director upon request.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-250 Special permits and compliance agreements. The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-484-230 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of ~~((PVY-N))~~ **PVY^a**.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

WAC 16-484-260 Disposition of regulated articles entering in violation or found infected with ((PVY-N)) PVY^a. Any regulated article (1) entering the state in violation of this quarantine; or (2) entering the state prior to the effective date of this quarantine which is or may be infected with ((PVY-N)) PVY^a; shall be disposed of in a manner prescribed by the director, returned out-of-state, or destroyed at the option and expense of the owner or the owner's agent.

WSR 02-08-087

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 3, 2002, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-132.

Title of Rule: Chapter 16-324 WAC, Certification of seed potato planting stock.

Purpose: Revision of these rules to bring Washington's seed potato certification program into compliance with North American Plant Protection Organization standards, as agreed upon in NAFTA and GATT, to reflect industry practices and program efficiencies, and to raise testing fees by an amount not to exceed the fiscal growth factor.

Statutory Authority for Adoption: Chapter 15.14 RCW. Statute Being Implemented: Chapter 15.14 RCW.

Summary: Proposed changes would bring the rules into compliance with North American Plant Protection Organization (NAPPO) standards, as agreed upon in NAFTA and GATT. They would also increase fees within the fiscal growth factor, in order to meet the statutory requirement that the certification program be self-supporting. Technical and programmatic changes are necessary to comply with current industry and regulatory practices.

Reasons Supporting Proposal: Compliance with NAPPO standards is necessary in order to maintain export market opportunities in foreign nations and other states. The affected industry has advised the Washington State Department of Agriculture that these proposed changes are desirable.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504, (360) 902-1984.

Name of Proponent: Washington State Seed Potato Commission and Washington State Department of Agriculture, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: About fifteen growers enroll in the Washington seed potato certification program, which is created by these rules. Enrollment and compliance with the requirements of this

grower-supported program are intended to produce a known, high quality agricultural product apparently free of specified diseases and other pests, that normally commands a market premium. Washington certified seed potatoes compete on the domestic and international market, and our rules must comply with international standards as established by the North American Plant Protection Organization (NAPPO).

Proposal Changes the Following Existing Rules: In general, the proposed changes bring the rules into compliance with NAPPO standards, as agreed upon in the North American Free Trade Agreement (NAFTA) and GATT. In order to do this, the proposal would implement a requirement for a North American Certified Seed Potato Health Certificate for all seed potatoes originating in other states or Canada. The proposed changes also increase fees within the current fiscal growth factor. Technical changes include altering the sampling protocols for PVX testing, changing several tolerances for field inspection criteria, and removing a requirement for PVX testing for generation 2 seed potatoes. Proposed changes also include establishing an end date for accepting applications into the program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed change will not have a major impact on the participating growers. The cost to the growers of the 2.79% increase in lab fees will be more than offset by reducing sample size and eliminating the requirement to test G2 class seed potatoes.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency.

Hearing Location: County Annex Building, 1000 North Forest Street, Bellingham, WA 98225, on May 15, 2002, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by May 9, 2002, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Mary Toohey, P.O. Box 42560, Olympia, WA 98504-2560, e-mail mtoohey@agr.wa.gov, fax (360) 902-2094, by close of business May 16, 2002.

Date of Intended Adoption: May 23, 2002.

April 3, 2002

Mary A. Martin Toohey
Assistant Director

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-361 Definitions. (1) "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.

(2) "Cull" means any lot of potatoes rejected for certification for any reason.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department of agriculture or his/her duly appointed representative.

(5) "Disease tested" means tested for and found free of all of the following diseases: Potato virus A (PVA), potato

PROPOSED

PROPOSED

virus M (PVM), potato virus S (PVS), potato virus X (PVX), potato virus Y (PVY), potato leafroll virus (PLRV), potato spindle tuber viroid (spindle tuber), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg) and *Clavibacter michiganense* spp. *sependonicum* (ring rot).

(6) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(7) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(8) "Minitubers" means tubers produced under controlled greenhouse conditions.

(9) "Nematode" means plant parasitic nematodes capable of infesting potatoes, including but not limited to the genus *Meloidogyne*.

(10) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from prenuclear stock, and grown in the field for the first time.

(11) "Plot" means a seed potato planting that is 0.25 acre or less in size.

(12) "Powdery scab" means the disease caused by the fungus *Spongospora subterranea*.

(13) "Prenuclear" means micropropagated plants or tubers and plants or minitubers produced in a greenhouse.

(14) "Quarantine pest" means a pest of potential economic importance and not yet present in the state, or present but not widely distributed and being officially controlled.

(15) "Recertification" means the process of certifying a seed lot that was certified the previous year.

~~((15))~~ (16) "Rogue" means removing diseased or undesirable plants, including all associated plant parts from a seed potato field.

~~((16))~~ (17) "Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

~~((17))~~ (18) "Seed potatoes" means vegetatively propagated tubers used for potato production.

~~((18))~~ (19) "Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

~~((19))~~ (20) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

~~((20))~~ (21) "Tolerance" means the maximum acceptable percentage of potato plants or tubers that is diseased,

infected by plant pests, defective or off-type based on visual inspection or laboratory testing by the director or other authorized person.

~~((21))~~ (22) "Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-375 Application and withdrawal. (1) To apply for certification, applicants must use the form provided by the department and furnish all information requested, including the date, name, signature and address of the applicant, lot number, seed source identification number, variety, class planted, acres, date planted, seed spacing at planting, average length of rows, year the field was last cropped to potatoes, along with their variety and lot number, and a map of the field location. Applications for certification must reach the department on or before June 15 of each year, accompanied by the appropriate fee, field location maps and evidence of eligibility such as tags or certificates. A North American Certified Seed Potato Health Certificate is required for evidence of eligibility for seed lots originating in other states or Canada, and must be submitted with the application. Unless prior approval has been granted, late applications will be assessed a late fee of twenty dollars per application. The department will not accept applications after July 10.

(2) Separate applications are required for each variety seed source, and seed lot.

(3) Separate applications are required for each field location that is separated by more than one hundred feet.

(4) Growers may withdraw a seed potato lot from certification for any reason by notifying the department in writing.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-398 Field inspection disease tolerance.

(1) Compliance with a 0.0% tolerance is not intended, nor should it be construed, to mean that the lot inspected is free from the disease. It means that the disease was not detected during visual inspections of the seed lot.

(2) First and second field inspection tolerances, expressed as percentages.

Factor	Nuclear		G 1		G 2		G 3		G 4		G 5	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.02	0.01	((0.05)) 0.25	((0.04)) 0.25	((0.08)) 0.25	((0.05)) 0.25	((0.20)) 0.25	((0.10)) 0.25
Mosaic	0.00	0.00	((0.00)) 0.10	((0.00)) 0.10	((0.04)) 0.20	((TR*)) 0.20	0.50	((0.25)) 0.50	((0.50)) 1.00	((0.25)) 1.00	2.00	1.00
Leafroll	0.00	0.00	((0.00)) 0.05	((0.00)) 0.05	((0.04)) 0.10	((TR*)) 0.10	((0.03)) 0.25	((0.04)) 0.25	((0.08)) 0.25	((0.05)) 0.25	0.40	((0.20)) 0.25
Total visible virus	0.00	0.00	0.10	0.00	0.50	0.50	((2.00)) 0.75	((1.00)) 0.75	((2.00)) 1.25	((1.00)) 1.25	((2.00)) 2.40	((2.00)) 1.25
Phytoplasmas	0.00	0.00	0.00	0.00	0.10	0.10	0.20	0.20	0.50	0.50	1.00	1.00
Black leg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00	4.00	2.00

PROPOSED

Factor	Nuclear		G 1		G 2		G 3		G 4		G 5	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid <u>and other quarantined pests</u>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

(*TR=Trace)

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-401 Latent virus testing requirements.

(1) PVX testing is required for nuclear and generation 1 (~~and generation 2~~) class seed potatoes. PVX testing is optional for all other classes.

(2) Growers must submit petiole samples for latent virus testing to a laboratory approved by the department. The applicant is responsible for laboratory testing fees.

(3) The minimum number of plants per seed lot to be sampled for PVX testing is one hundred. For nuclear class, a minimum of (~~ten~~) one percent of the total number of plants per lot must be sampled. For generation 1, a minimum of two (~~percent of the total number of plants per lot~~) hundred leaves per acre must be sampled. For generation 2, a minimum of fifty leaves per acre must be sampled. Generation 3, 4 and 5 seed lots should be sampled at a rate of twenty leaves per acre. The department may require additional testing.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-431 Digging, storage and premarketing.

(1) Each seed lot must be stored with its identity maintained. All tubers from a unit planting method must be numbered and stored as an identifiable unit for the next year's planting.

(2) Each storage or room containing more than one seed lot must have a solid barrier between each lot.

(a) The department will reject any seed lot in which ring rot or nematode (~~by a solid barrier~~) is found.

(b) Noncertified potatoes must not be stored in the same facility as certified seed potatoes.

(3) The applicant must notify in writing receivers of any seed lot found to be infected with ring rot. The applicant must provide the department with a copy of this notification when it is sent to the receiver.

(4) All seed classes must be graded according to the United States Standards for Grades of Seed Potatoes.

(5) Each container or sack must be identified with an official Washington seed potato tag listing the grower's name, address, seed lot number, net weight, variety and classification unless such information is printed on the sacks or containers.

(6) The department issues tags to the grower. The grower is required to comply with all of the following:

- (a) Tag the sack or container as the potatoes are sorted;
- (b) Allow inspection of graded seed potatoes at any time;
- (c) Remove the tags from out-of-grade potatoes under the supervision of the department; and

(d) Return all unused tags to the department.

(7) The department may issue a compliance agreement authorizing the grower to tag seed potatoes.

(8) Bulk shipments must be identified with the information required in subsection (5) of this section.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-720 Laboratory testing—Fees. (1) ELISA testing to determine the presence of potato viruses:

# Viruses	# Samples	Price/leaf sample	Price/tuber sample
1	1 to 10	\$(1.00) <u>1.02</u>	\$(1.10) <u>1.13</u>
	11 to 25	\$(0.90) <u>0.92</u>	\$(1.00) <u>1.02</u>
	over 25	\$(0.80) <u>0.82</u>	\$(0.90) <u>0.92</u>
2	1 to 10	\$(1.50) <u>1.54</u>	\$(1.60) <u>1.64</u>
	11 to 25	\$(1.30) <u>1.33</u>	\$(1.40) <u>1.43</u>
	over 25	\$(1.10) <u>1.13</u>	\$(1.20) <u>1.23</u>
3	1 to 10	\$(2.00) <u>2.05</u>	\$(2.10) <u>2.15</u>
	11 to 25	\$(1.70) <u>1.74</u>	\$(1.80) <u>1.85</u>
	over 25	\$(1.40) <u>1.43</u>	\$(1.50) <u>1.54</u>
4	1 to 10	\$(2.50) <u>2.56</u>	\$(2.60) <u>2.67</u>
	11 to 25	\$(2.10) <u>2.15</u>	\$(2.20) <u>2.26</u>
	over 25	\$(1.70) <u>1.74</u>	\$(1.80) <u>1.85</u>
5	1 to 10	\$(3.00) <u>0.08</u>	\$(3.10) <u>3.18</u>
	11 to 25	\$(2.50) <u>2.56</u>	\$(2.60) <u>2.67</u>

PROPOSED

	over 25	\$((2.00)) <u>2.05</u>	\$((2.10)) <u>2.15</u>
6	1 to 10	\$((3.50)) <u>3.59</u>	\$((3.60)) <u>3.70</u>
	11 to 25	\$((2.90)) <u>2.98</u>	\$((3.00)) <u>3.08</u>
	over 25	\$((2.30)) <u>2.36</u>	\$((2.40)) <u>2.46</u>

(2) Spindle tuber viroid testing is provided at the actual cost to the department.

AMENDATORY SECTION (Amending Order 4014, filed 10/22/92, effective 11/22/92)

WAC 16-324-730 ELISA testing for the presence of bacteria—Fees. The fee for ELISA testing for the presence of bacterial ringrot (*Clavibacter michiganensis* subsp. *sepe-donicum*) and *Erwinia c. subsp. atroseptica*, per sample \$((1.20)) 1.23

AMENDATORY SECTION (Amending Order 4014, filed 10/22/92, effective 11/22/92)

WAC 16-324-740 Entry level primary test—Fees.

(1) Crystal violet pectate test for *Erwinia* sp., per sample \$((2.50))
2.56

(2) Nutrient - Yeast extract broth for bac-
teria, per sample \$((2.50))
2.56

AMENDATORY SECTION (Amending Order 4014, filed 10/22/92, effective 11/22/92)

WAC 16-324-750 Tests for bacterial ringrot—Fees.

(1) Gram stain test for bacterial ringrot,
per sample \$((3.75))
3.85

(2) Bioassay (host plant indexing) to con-
firm bacterial ringrot, per sample \$((5.00))
5.13

WSR 02-08-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed April 3, 2002, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-22-083.

Title of Rule: Chapter 388-535 WAC, Dental-related services.

Purpose: The Medical Assistance Administration (MAA) is proposing to amend chapter 388-535 WAC, Dental-related services, to clarify and update existing policy. This includes updating (and deleting where necessary) definitions; clarifying provider requirements and adding cross-references to other provider information; clarifying the services that are covered and not covered; clarifying policy regarding dentures (including replacements for lost dentures to be included in the limitation of one set of dentures allowed in a ten-year period), partials, and laboratory fees; and reorganizing and rewriting sections within the chapter to improve readability and understanding to meet the requirements of Executive Order 97-02.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.035, 74.09.500, 74.09.520, 42 U.S.C. 1396d(a), 42 C.F.R. 440.100 and 440.225.

Statute Being Implemented: RCW 74.09.035, 74.09.500, 74.09.520, 42 U.S.C. 1396d(a), 42 C.F.R. 440.100 and 440.225.

Summary: The proposed rules update program definitions; clarify and add cross-references to provider information; clarify covered and noncovered services; clarify policy regarding dentures (including replacements for lost dentures to be included in the limitation of one set of dentures allowed in a ten-year period), partials, and laboratory fees; and reorganize and rewrite sections within the chapter to improve readability and understanding to meet the requirements of Executive Order 97-02.

Reasons Supporting Proposal: To ensure department policy is accurately reflected in rule, and meet the requirements of EO 97-03.

Name of Agency Personnel Responsible for Drafting: Ann Myers, 925 Plum Street S.E., Olympia, WA 98501, (360) 725-1345; Implementation: Carree Moore, 649 Woodland Square Loop Road, Lacey, WA 98503, (360) 725-1653; and Enforcement: Sharon Morrison, 623 8th Avenue S.E., Olympia, WA 98501, (360) 725-1671.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule clarifies policy regarding dental-related services, including program definitions; provider requirements; covered and noncovered services; and dentures, partials, and laboratory fees.

The purpose is to ensure department policy is accurately reflected in rule, and to meet the regulatory improvement goals of EO 97-02.

The anticipated effects are that department policy will reflect current policy and be more easily understood.

Proposal Changes the Following Existing Rules: The rules described above add and delete program definitions, add cross-references for provider requirements, clarify those services that are covered and noncovered, make replacements for lost dentures subject to the same one-set-in-ten-years requirement that original dentures are subject to, clarify that MAA does not pay laboratory fees directly to a laboratory, and reorganizes and rewrites sections within the section for clarity and readability.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: The Department of Social and Health Services' Medical Assistance Administration (MAA) is proposing to amend chapter 388-535 WAC, Dental-related services. The proposed amendments:

- Update program-related definitions;
- Clarify provider requirements and add cross-references for other provider information;
- Clarify the services that are covered and are not covered under this program;
- Clarify department policy regarding dentures, partials, and laboratory fees; and
- Reorganize and rewrite sections within the chapter to improve readability and understanding to meet the requirements of Executive Order 97-02.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses and outlines the information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business.

The Medical Assistance Administration (MAA) has analyzed the proposed rule, and concluded that although there would likely be an economic impact on the small businesses affected by it, MAA is unable to calculate an exact dollar amount based on specific information. This is because the proposed rule could require dental office staff to contact MAA regarding client eligibility for replacement dentures, and MAA does not know how often this may occur or how much time it may take. In addition, MAA does not currently have the means to track how many dentures have been provided as replacements for lost ones. The proposed rule limits replacement dentures to one set in a ten-year period when the reason for the replacement is that the existing dentures were lost - the same limitation placed on original dentures. Providers may not replace lost dentures without prior authorization when the replacement dentures exceed this limit.

Even though MAA is unable to determine an economic impact which is based on specific information for staff costs and replacement of lost dentures, the following is an estimate based on the information that is available to MAA:

From 1997 through 2001, MAA reimbursed providers for approximately 22,000 "units" (a "unit" is either a partial or a denture) each year. In fiscal year 2000, MAA's reimbursement to providers was approximately \$8,200,000.00 for the entire prosthodontic program, including relines, rebases, repairs to bridges, etc. In order to arrive at a working figure for the calculations below, MAA disregarded the fact that expenses for services other than dentures were included in the total cost, and calculated an average reimbursement per unit \$375.00 ($\$8,200,000 \div 22,000 \text{ units} = \372.73).

Since MAA is currently unable to determine how many dentures are replacements for lost ones, some reasonable assumptions must be made for the purpose of this calculation.

MAA assumes that one-third of the 22,000 units provided are dentures, and that one-third of those are replacements for lost dentures (this is based on the current policy of non-limited replacement of dentures that are: a) lost; b) damaged beyond repair; or c) unserviceable). MAA contracts with approximately 2,000 dental providers, and assumes that one-quarter, or 500, of them provide dentures to Medicaid clients. Based on these figures, the following calculation shows a possible annual economic impact (not including staff time for client eligibility verification) on MAA providers:

- $22,000 \text{ total units} \div 3 = 7,333 \text{ denture units.}$
- $7,333 \text{ denture units} \div 3 \text{ reasons for replacements} = 2,444 \text{ replacements for lost dentures}$
- $2,444 \text{ replacements} \times \$375 \text{ reimbursement per unit} = \$916,500.00 \text{ reimbursement for lost dentures}$
- $\$916,500 \text{ reimbursement} \div 500 \text{ providers} = \$1,833.00 \text{ reimbursement per provider per year}$

EVALUATION OF PROBABLE COSTS AND PROBABLE BENEFITS: The proposed amendments do "make significant amendments to a policy or regulatory program" (see RCW 34.05.328 (5)(c)(iii)). MAA is proposing to amend the policy regarding replacement dentures for those dentures that are lost, applying the same limitation as applies to original dentures. Therefore, MAA has determined the proposed rules do meet the definition of "significant" as defined by the legislature.

As required by RCW 34.05.328 (1)(c), the administration has analyzed the probable costs and probable benefits of the proposed amendments, taking into account both the qualitative and quantitative benefits and costs.

Probable Costs: MAA's analysis above reveals that while the proposed amendments impose no actual "new" costs, providers may receive approximately \$1,833.00 less per year in Medicaid reimbursement for replacement dentures that do not meet the one-set-in-ten-years limitation. Since dental office staff may need to contact MAA to verify a client's eligibility for replacement dentures, there could be some additional administrative costs associated with the proposed amendment, but MAA is unable to calculate these at this time.

Probable Benefits: It is generally recognized that Medicaid reimbursement does not cover the full cost of providing dentures. The proposed amendments require the provider to get prior approval from MAA for replacing lost dentures, if those dentures exceed the one-set-in-ten-years limitation. This allows the provider to verify client eligibility; if eligible, the provider can choose to provide the dentures and accept the Medicaid reimbursement. If the client is not eligible, the provider can choose not to provide the dentures, or make arrangements with the client to pay for the full cost of the dentures. Therefore, the provider has greater control over his/her costs.

Please contact me if you have any questions.

A copy of the statement may be obtained by writing to Ann Myers, DSHS Medical Assistance Administration, P.O. Box 45533, 925 Plum Street S.E., Olympia, WA 98501, phone (360) 725-1345, fax (360) 586-9727.

RCW 34.05.328 applies to this rule adoption. MAA analyzed the proposed rule and concluded that it meets the defi-

PROPOSED

inition of a "significant legislative rule" as defined by the legislature. An analysis of the probable costs and probable benefits may be obtained by contacting the person listed above.

Hearing Location: Office Building - 2 Auditorium (DSHS Headquarters) (parking off 12th and Jefferson), 1115 Washington, Olympia, WA 98504, on May 21, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 17, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., May 21, 2002.

Date of Intended Adoption: No sooner than May 22, 2002.

March 28, 2002

Margaret J. Partlow

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-09 issue of the Register.

WSR 02-08-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed April 3, 2002, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-03-096.

Title of Rule: Amending WAC 388-551-2000 Home health services—General, 388-551-2010 Home health services—Definitions, 388-551-2020 Home health services—Eligible clients, 388-551-2100 Covered home health services—Nursing, 388-551-2110 Home health services—Specialized therapy, 388-551-2120 Home health aid services, 388-551-2130 Noncovered home health services, 388-551-2200 Home health services—Eligible providers, 388-551-2210 Home health services—Provider requirements, 388-551-2220 Home health services—Provider payments; and new section WAC 388-551-2030 Home health skilled services—Requirements.

Purpose: To meet the requirements of the Centers for Medicare and Medicaid Services (CMS), formerly Health Care Financing Administration (HCFA), the department is amending home health services sections in chapter 388-551 WAC that refer to "homebound" criteria. At the same time, the department is changing references to "plan of treatment (POT)" to "plan of care (POC)" to be consistent with Department of Health (DOH). Also, to update rule content, including the addition of a new section, and to reflect current department policy and business practices.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.09.530, and 74.09.500.

Statute Being Implemented: RCW 74.08.090, 74.09.520, 74.09.530, and 74.09.500.

Summary: The rules amend language in the home health services sections that refers to "homebound" criteria. The rules also clarify and update rule content to reflect current department policy, including POC requirements.

Reasons Supporting Proposal: To meet the requirements of CMS to amend sections in the home health services sections that refer to "homebound" criteria. To update rule content to reflect current department policy.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; **Implementation and Enforcement:** Pam Colyar, P.O. Box 45506, Olympia, WA 98504, (360) 725-1582.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments incorporate into rule a mandate by CMS that requires the department to remove references to the "homebound" criteria from the home health services program and rule. In addition, the new rules update, clarify, and add new language to the home health services program.

The purpose of these rules is to meet the mandate to remove the "homebound" requirement from the program's rule and provide clearly written language that is easier to understand.

The anticipated effects are (1) to increase effectiveness of MAA's staff who administer and enforce home health services rules; (2) to improve the quality of home health service care provided to clients; (3) to reduce confusion and, consequently, provide savings to service providers in time and money due to the clarification of the format and content of the POC and what to add to it during a review; (4) to increase the quality of care that a client receives by assuring follow through with needed care from the DSHS case manager after the client discharges from home health services; and (5) to provide savings to home health agency providers by allowing the providers to utilize a client's DSHS case manager instead of their agency's social worker for services that are not MAA-covered services.

Proposal Changes the Following Existing Rules: All references to "homebound" criteria are removed. The verbiage "plan of treatment (POT)" is changed to "plan of care (POC)." The proposal adds a new section WAC 388-551-2030 that incorporates existing MAA policy requirements for home health agency to provide home health skilled services.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the new rules and concluded that no new costs will be imposed on businesses affected by them. The analysis is contained in the cost benefit analysis described below.

RCW 34.05.328 applies to this rule adoption. Although the adoption of WAC 388-551-2030 (new section) meets the definition of a "significant legislative rule," this section and amendments to the other listed sections impose no additional

costs to businesses. A cost benefit analysis was completed and is available upon request from Kathy Sayre, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail SayreK@dshs.wa.gov.

Hearing Location: Office Building - 2 (DSHS Headquarters) (parking off 12th and Jefferson), 1115 Washington, Olympia, WA 98504, on May 21, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 17, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., May 21, 2002.

Date of Intended Adoption: No sooner than May 22, 2002.

March 29, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-09 issue of the Register.

WSR 02-08-092

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 3, 2002, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-123.

Title of Rule: WAC 180-52-070 Approved standardized tests for use by students receiving home-based instruction—Criteria—Examples—Assistance.

Purpose: Add new section to chapter 180-52 WAC.

Other Identifying Information: Add new section indicating the State Board of Education (SBE) will provide a list of examples of normed standardized achievement tests that a parent may use to assess and determine whether their child is making reasonable academic progress.

Statutory Authority for Adoption: RCW 28A.04.120 and 28A.31.118.

Summary: The new section indicates the SBE will provide a list of examples of normed standardized achievement tests.

Reasons Supporting Proposal: Provide information regarding normed standardized achievement tests.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides choice for those testing home-based instructed students.

Proposal Changes the Following Existing Rules: Adds new section.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Office of Superintendent of Public Instruction, Burien Conference Center, 457 S.W. 148th Street, Suites 206-207, Burien, WA 98166, on June 20, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 13, 2002, TDD (360) 664-3631 or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by June 13, 2002.

Date of Intended Adoption: June 21, 2002.

April 1, 2002

Larry Davis

Executive Director

NEW SECTION

WAC 180-52-070 Approved standardized tests for use by students receiving home-based instruction—Criteria—Examples—Assistance. (1) Pursuant to RCW 28A.200.010(3), the state board of education will provide a list of examples of normed standardized achievement tests that a parent may use to assess and determine whether their child is making reasonable academic progress.

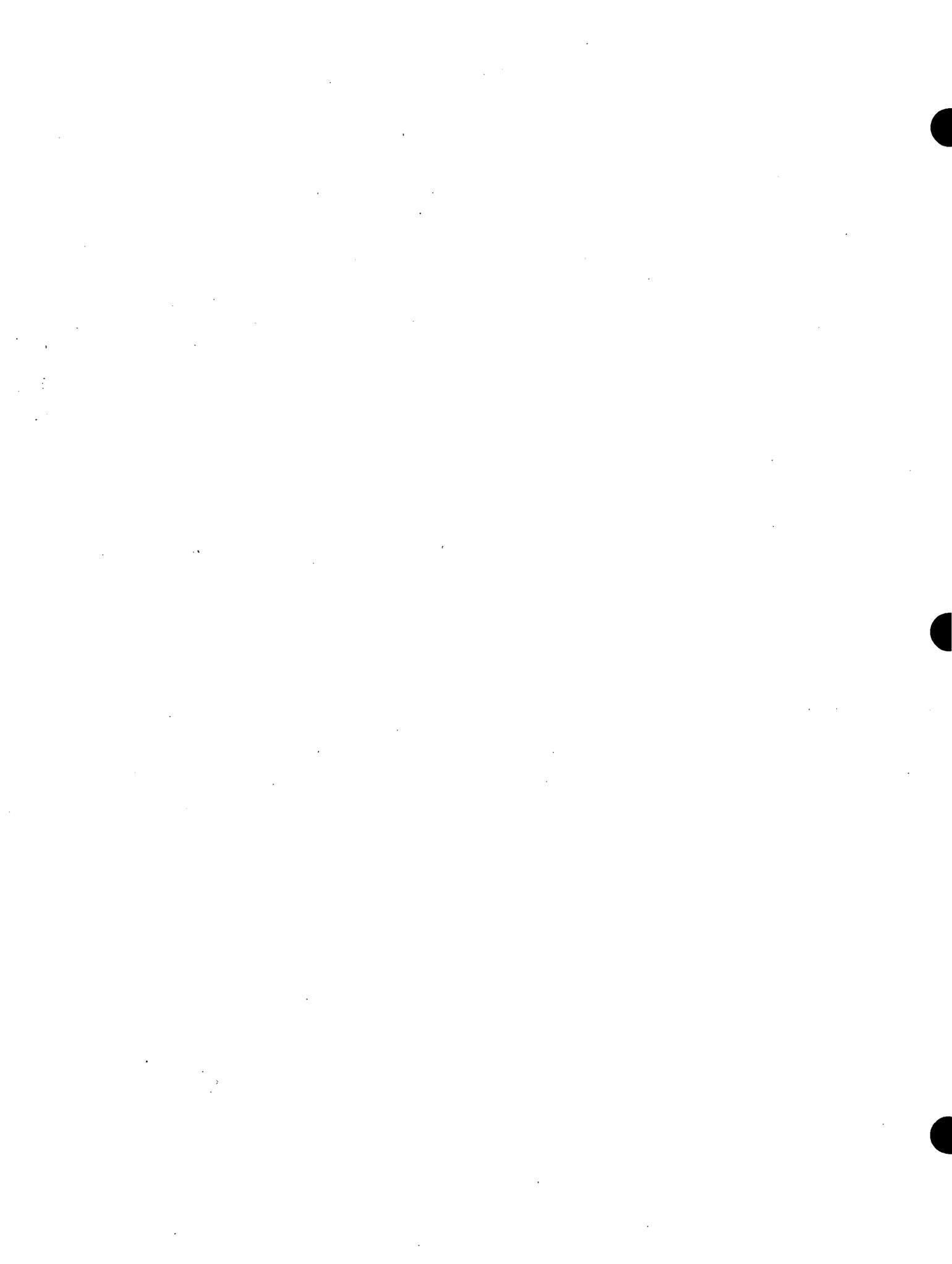
(2) The list of examples of normed standardized achievement tests shall be:

(a) Made available on the web page of the state board;

(b) Included in the following publication of the office of the superintendent of public instruction, "*Washington's State Laws Regulating Home-Based Instruction*;" and

(c) Provided on request.

(3) Parents may contact the state board of education office for assistance in determining if a test of their choosing that is not on the list of examples is normed and standardized.



WSR 02-08-029

EXPEDITED RULES

MARINE EMPLOYEES' COMMISSION

[Filed March 27, 2002, 12:21 p.m.]

Title of Rule: WAC 316-02-001 (1)(b), (e) and (f), application and scope of chapter 316-02 WAC, 316-02-135 Service of process—Method and completion of service on parties, 316-02-150 Service of process—Filing with commission, 316-02-170 Service of process—Notice of hearing, 316-02-300 Subpoenas—Discovery, 316-02-600 Contested cases includes application for adjudicative proceeding—Exceptions, 316-02-610 Contested cases—Commencement, 316-02-620 Contested cases—Denial of application, 316-02-630 Contested cases—Commission action upon filing, 316-02-640 Contested cases—Ex parte communications, 316-02-650 Commission decisions in contested cases—Form and content, 316-02-660 Commission decisions in contested cases—Service, 316-02-820 Commission offices, and 316-65-005 Grievance defined; and repealing WAC 316-02-310 Subpoenas—Issuance to parties, 316-02-340 Subpoenas—Proof of service, 316-02-350 Subpoenas—Quashing, 316-02-360 Subpoenas—Enforcing, and 316-02-370 Subpoenas—Geographical scope.

Purpose: To make housekeeping changes and simplify/reduce language.

Statutory Authority for Adoption: RCW 34.05.230.

Summary: Makes housekeeping changes to chapters 316-02 and 316-65 WAC.

Reasons Supporting Proposal: In compliance with Executive Order 97-02, these rules were reviewed and clarification changes made to these rules.

Name of Agency Personnel Responsible for Drafting: Kathy Marshall, Evergreen Plaza Building, 711 Capitol [Way], (360) 586-6354; Implementation and Enforcement: John D. Nelson, Chairman, 711 Capitol [Way], (360) 586-6354.

Name of Proponent: Marine Employees' Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Makes housekeeping changes. The purpose and anticipated effect is to update the rule information and make the rules clearer and easier to understand.

Proposal Changes the Following Existing Rules: WAC 316-02-001 (1)(b), corrects WAC citation, WAC 316-02-001 (1)(e) and (f), deletes incorrect citation, WAC 316-02-135, revises service of process-method, WAC 316-02-150, revises service of process-filing, WAC 316-02-170, relocates phrase "by the commission," WAC 316-02-300, revises subpoenas, WAC 316-02-310, 316-02-340, 316-02-350, 316-02-360, and 316-02-370, repealed, WAC 316-02-600-316-02-660, changes "contested cases" to "adjudicative proceedings," WAC 316-02-820, adds "Suite 104" to commission address, and WAC 316-65-005, allows consolidation of the same or closely related unfair labor grievances.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kathy Marshall, Marine Employees' Commission, P.O. Box 40902, Olympia, WA 98504-0902, AND RECEIVED BY June 3, 2002.

March 26, 2002

Kathy J. Marshall

Administrator

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-001 Application and scope of chapter 316-02 WAC. Chapter 316-02 WAC has been added to the Washington Administrative Code by the marine employees' commission pursuant to the authority of RCW 47.64.280 and chapter 34.05 RCW, to promulgate comprehensive and uniform rules for practice and procedure before the commission. The provisions of chapter 1-08 WAC shall not be applicable to the proceedings before the commission. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapters 316-25, 316-35, 316-45, 316-55, 316-65, and 316-75 WAC, except;

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-25-070, 316-25-090, 316-35-050, 316-45-050, 316-65-050, and 316-75-110;

(b) WAC 10-08-110, which is supplanted by WAC ~~((316-08-120 through 316-08-180))~~ 316-02-120 through 316-02-180;

(c) WAC 10-08-120, to the extent that it is further limited by WAC 316-02-040 and 316-02-310;

(d) WAC 10-08-140, to the extent that it is further limited by WAC 316-02-040 and 316-02-310;

(e) WAC 10-08-211, which is supplanted by WAC 316-25-390, 316-25-590, 316-25-630, 316-25-670, 316-35-210, 316-35-230, 316-45-350, 316-45-370, 316-65-550, 316-65-555, and 316-75-270~~((and 316-75-290))~~; and

(f) WAC 10-08-230, which is supplanted by WAC 316-02-005, 316-25-150, 316-25-230, 316-25-250, 316-25-270, 316-25-310, 316-35-070, 316-35-150, 316-45-070, 316-45-090, ~~((316-45-230, 316-65-505, 316-65-507,))~~ 316-65-515, and 316-75-210.

(2) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(3) Chapter 316-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(4) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(5) Chapter 316-55 WAC, which contains rules relating to the resolution of impasses occurring in ferry system collective bargaining.

(6) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(7) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(8) Chapter 316-85 WAC, which contains rules relating to surveys of compensation, benefits, and conditions of employment required by chapter 47.64 RCW.

In the event of a conflict between general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-135 Service of process—Method and completion of service on parties. Unless otherwise provided in chapter 47.64 RCW, any notice or other paper served under this chapter shall be in writing. Service thereof is sufficient if mailed by ~~((restricted))~~ certified mail, return receipt requested, addressed to the last known addresses of the parties or sent by electronic facsimile transmission with transaction report verification and same-day United States postal service mailing of copies. Refusal of ~~((restricted))~~ certified mail by any party shall be considered service. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

AMENDATORY SECTION (Amending WSR 01-01-124, filed 12/19/00, effective 1/19/01)

WAC 316-02-150 Service of process—Filing with commission. (1) Papers intended to be filed with the commission shall be deemed filed upon actual receipt by the commission during its regular office hours at its Olympia office.

(2) The following conditions apply for filing papers by fax:

(a) As used in this chapter, "fax" means electronic telefacsimile transmission.

(b) Papers may be filed by fax with the commission office. Filing by fax is perfected when a complete legible copy of the papers is reproduced on the commission office's fax machine during normal working hours, excluding weekends and holidays. If a transmission of papers commences after these office hours, the papers shall be deemed filed on the next succeeding business day.

(c) Any papers filed by fax with the commission office should be accompanied by a cover page or other form identi-

fying the party making the transmission, listing the address, telephone, and fax number of the party, identifying the adjudicative proceeding to which the papers relate, and indicating the date of and the total number of pages included in the transmission.

(d) Papers filed by fax should not exceed fifteen pages in length, exclusive of any cover page.

(e) The party attempting to file the papers by fax bears the risk that the papers will not be timely received or legibly printed, regardless of the cause. If the fax is not received in legible form, it will be considered as if it had never been sent.

(f) The original of any papers filed by fax must be mailed to the commission office within twenty-four hours of the time that the fax was sent.

(3) Service of such shall be deemed to be incomplete if the party making the filing should subsequently fail, when requested to do so by the commission, to provide proof of service upon other parties required to be served.

(4) Filing a copy of the paper(s), together with one of the following shall constitute proof of service upon other parties:

(a) An acknowledgment of service; or

(b) A certificate that the person signing the certificate did serve the paper(s) upon all parties of record in the proceeding by:

(i) Mailing a copy thereof, by ~~((restricted))~~ certified mail, return receipt requested, to each party to the proceeding or to his or her attorney or authorized agent; or

(ii) ~~((Delivery of a copy thereof in person.))~~ Transmitting a copy thereof by fax, and on the same day mailing a copy, to each party to the proceeding or his or her attorney or authorized agent; or

(iii) Delivery of a copy thereof in person.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-170 Service of process—Notice of hearing. In any contested case, all parties shall be served with a notice not less than seven days before the date set for hearing. The notice shall include:

(1) Unless otherwise ordered by the presiding officer, the names and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their representatives;

(2) The official file or other reference number and the name of the proceeding;

(3) The name, official title, mailing address, and telephone number of the presiding officer;

(4) A statement of the time, place, and nature of the proceeding;

(5) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(6) A reference to the particular sections of the statutes and rules involved;

(7) A short and plain statement by the commission of the matters asserted ~~((by the commission))~~;

(8) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding, or be represented therein by agent or counsel, may be held in default.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-300 Subpoenas—~~(Form—)~~Discovery.

(1) Pursuant to RCW ~~((34.05.446 and))~~ 47.64.280, the commission ~~((or))~~ on its own motion or at the request of the attorney of record or a party in whose behalf the witness is required to appear may subpoena any ferry employee ~~((or employees,))~~ or ~~((their))~~ designated representative(s), or any member or representative of the department, and any witness(es).

(2) The commission on its own motion or at the request of an attorney or a party may require attendance of witnesses and the production of all pertinent records in any adjudicative proceeding. Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

(3) Except as otherwise provided by this chapter, the ~~((presiding officer))~~ hearing examiner or arbitrator may decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules.

(4) Every subpoena shall identify the party causing issuance of the subpoena and shall state the name of the commission as: State of Washington, marine employees' commission; shall state the title of the proceeding~~((, if any; shall show on its face the name and address of the party at whose request the subpoena was issued))~~; and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

(5) Subpoenas requiring the attendance and testimony of witnesses or the production of evidence shall be issued ex parte to any party to an adjudicative proceeding: Provided, however, That no subpoena shall be issued to require the attendance and testimony of, or the production of evidence by, any member of the commission or commission staff in any proceeding before the commission. The commission or its hearing examiner or arbitrator may condition the issuance of subpoenas to parties not represented by counsel upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

(a) Witnesses in an adjudicatory proceeding shall be paid the same fees and allowances in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010, except that the commission shall have the power to fix the allowance for meals and lodging in like manner as provided in RCW 5.56.010 as to courts.

(b) The person initiating an adjudicative proceeding or the party requesting issuance of a subpoena shall pay the fees and allowances and the cost of producing records required to be produced by subpoena.

(6) A subpoena may be served by any suitable person over eighteen years of age by exhibiting and reading it to the witness, or by giving him or her a copy, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by filing the subpoena and the affidavit or declaration under penalty of perjury with

the commission. Failure to make proof of service does not affect the validity of the service.

(7) Any motion to quash a subpoena shall be filed and served on all parties within five days after the date of service of the subpoena and, shall be made at or before the time specified in the subpoena for compliance. The person making such motion shall give notice of the motion to the party to whom the subpoena was issued. The commission, hearing examiner or arbitrator may (a) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (b) condition denial of the motion upon just and reasonable conditions.

(8) Upon application and for good cause shown, and upon proof of service of the subpoena involved if such proof was not previously provided pursuant to WAC 316-02-340, the commission may seek judicial enforcement of subpoenas which have not been quashed pursuant to RCW 34.05.588(1).

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-600 ~~((Contested cases includes application for))~~ Adjudicative proceedings (contested cases)—

Exceptions. An application for the commission to investigate, and enter an order thereon, a question concerning (1) representation of ferry system employees, (2) clarification of an existing collective bargaining unit, (3) a complaint charging an unfair labor practice, (4) a grievance based upon alleged violation of rights granted by statute, rule or collective bargaining agreement, (5) union security dispute, or (6) other ferry system labor-management relations disputes, includes an application for the commission to conduct an appropriate adjudicative proceeding whether or not the applicant, complainant, petitioner or grievant expressly requests such proceeding: Provided, That an application for nomination of mediator(s) or arbitrators of impasse(s) in interest arbitration or grievance arbitration from a panel maintained for that purpose in accordance with RCW 47.64.210 or 47.64.240, and/or questions concerning fact-finding procedures or data shall not be deemed to be adjudicative in nature.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-610 ~~((Contested cases))~~ Adjudicative

proceedings—Commencement. An adjudicative proceeding commences when the commission, or assigned commissioner, or the administrative assistant to the commission notifies a party that a prehearing conference, hearing or other stage of an adjudicative proceeding will be conducted.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-620 ~~((Contested cases))~~ Adjudicative

proceedings—Denial of application. If the commission decides not to conduct an adjudicative proceeding in response to a complaint, petition or grievance, the commission shall serve the complainant, petitioner or grievant with a

copy of its decision in writing, with a brief statement of the reason(s) for the commission's denial: Provided, That the commission shall advise said complainant, petitioner or grievant as to the appropriate review of such denial: And further provided, That unless the complainant, petitioner or grievant files a request for review within thirty days following receipt of the denial, the denial shall be entered as an order which shall be final and binding in accordance with RCW 47.64.280.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-630 (~~Contested cases~~) **Adjudicative proceedings—Commission action upon filing.** Upon receipt of an application for adjudicative proceeding under WAC 316-02-600, other than a declaratory order, the commission shall proceed as follows:

(1) Except in situations governed by subsection (2) or (3) of this section, within thirty days after receipt of the application or of the response to a timely request made by the commission under subsection (2) of this section, the commission shall commence an adjudicative proceeding in accordance with the appropriate chapter of these rules, or shall deny the application in accordance with WAC 316-02-620; or

(2) Within thirty days after receipt of the application, the commission shall notify the complainant, petitioner or grievant of any obvious errors or omissions, request any additional information the commission requires to make an initial determination scope or jurisdiction and is permitted by law to require, and shall notify said complainant, petitioner or grievant of the name, mailing address, and telephone number of an office that may be contacted regarding the application; or

(3) If the application seeks relief that is not available when the application is filed but may be available in the future, the commission may maintain the application on the commission's docket awaiting the expected availability of relief and shall notify the complainant, petitioner or grievant of the status of the application.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-640 (~~Contested cases~~) **Adjudicative proceedings—Ex parte communications.** (1) Unless required for the disposition of ex parte matters specifically authorized by statute or unless necessary to procedural aspects of maintaining orderly process, neither the commission nor any commissioner nor employee of the commission may communicate, directly or indirectly, regarding any issue in an adjudicative proceeding, with any person not employed by the commission who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

(2) Unless necessary to procedural aspects of maintaining orderly process, persons to whom the commission or commissioner may not communicate under subsection (1) of this section, may not communicate with commissioners without notice and opportunity for all parties to participate.

(3) If a commissioner receives an ex parte communication of a type that cannot properly be received, that commissioner shall promptly disclose the communication in the manner prescribed in RCW 34.05.455 (5), (6), and (7).

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-650 **Commission decisions in (~~contested cases~~) adjudicative proceedings—Form and content.** Every decision and final order shall:

(1) Be correctly captioned as to name of commission and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-660 **Commission decisions in (~~contested cases~~) adjudicative proceedings—Service.** Every final order issued by the commission shall be served on each party or upon the person or organization designated by the party or by law to receive service of such papers; and a copy shall be furnished to any counsel or person appearing for a party in a representative capacity.

AMENDATORY SECTION (Amending WSR 01-01-124, filed 12/19/00, effective 1/19/01)

WAC 316-02-820 **Commission offices.** The commission maintains its office at Evergreen Plaza Building, Suite 104, 711 Capitol Way South, PO Box 40902, Olympia, Washington 98504-0902. The telephone number is (360) 586-6354, the fax number is (360) 586-0820, the e-mail address is mec@olywa.net, and the internet address is <http://www.marineempcom.org>.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 316-02-310	Subpoenas—Issuance to parties.
WAC 316-02-340	Subpoenas—Proof of service.
WAC 316-02-350	Subpoenas—Quashing.

WAC 316-02-360 Subpoenas—Enforcement.
 WAC 316-02-370 Subpoenas—Geographical scope.

AMENDATORY SECTION (Amending WSR 92-22-044, filed 10/27/92, effective 11/27/92)

WAC 316-65-005 Grievance defined. "Grievance" means a formal statement alleging injury, injustice, or violation of rights granted by rule, statute, collective bargaining agreement, or past practice: Provided, That any grievance involving alleged violations of rights protected by chapter 47.64 RCW may also be termed "unfair labor practices" and may also be filed and processed under chapter 316-45 WAC: And Provided Further, That ~~((because of the limitations on grievance arbitration decisions in RCW 47.64.150, requests for grievance arbitration and unfair labor practice complaints may not be consolidated))~~ when the commission is requested to provide grievance arbitration in a dispute where there is an unfair labor practice issue brought, which in the judgment of the commission raises the same or a closely related subject, and it would further the economy and efficiency of operations, the commission may consolidate such issues for hearing and decision.

WSR 02-08-071

EXPEDITED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed April 2, 2002, 3:36 p.m.]

Title of Rule: WAC 192-150-055 Leaving work because of illness or disability—General rules and definitions, this rule outlines the conditions that must be met for an individual to establish good cause for leaving work because of the illness or disability of that individual or a family member.

Purpose: To clarify the conditions under which good cause can be established for leaving work due to illness or disability of the individual or his/her immediate family, and to define terms. This rule replaces existing WAC 192-16-013, and has been revised to improve readability and understandability.

Other Identifying Information: As part of our ongoing regulatory improvement efforts, the department is organizing its existing rules into chapters organized by topic. This rule, WAC 192-150-055, will be included in chapter 192-150 WAC, Job separations, and replaces a rule adopted in 1997.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.20.050.

Summary: RCW 50.20.050 (2)(b) provides that an individual may establish good cause for leaving work voluntarily because of the illness or disability of the individual or a member of his or her immediate family. This rule clarifies the conditions under which good cause may be established, and defines the terms "disability" and "immediate family." The term "disability" is modified to be consistent with that contained in WAC 192-170-050.

Reasons Supporting Proposal: The rule clarifies the department's policies regarding when an individual has good cause for leaving work voluntarily due to illness or disability. It provides predictability and stability in program administration.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Annette Copeland, 212 Maple Park, Olympia, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule clarifies the conditions under which an individual may be found to have good cause for leaving work due to illness or disability, as provided by RCW 50.20.050 (2)(b). The new rule will have little effect on current policy and practice because it essentially replaces an existing rule that has been in effect since 1977. The new definition of "disability" contained in this rule is consistent with WAC 192-170-050.

Proposal Changes the Following Existing Rules: The new WAC 192-150-055 replaces WAC 192-16-013, which was adopted in 1977. The content of the new rule is substantially the same as that in WAC 192-16-013, except as noted below, and the language has been simplified to improve readability. The changes are adopted under a new rule number for inclusion in chapter 192-150 WAC, Job separations, which will improve access by the regulated community.

The only substantive change between the new WAC 192-150-055 and the former WAC 192-16-013 is the definition of the term "disability." In a new rule discussing suitable work, WAC 192-170-050, the department has adopted a new definition of "disability." There was substantial participation by interested parties before and during the development of WAC 192-170-150. For purposes of consistency, the department is including this new definition in WAC 192-150-055.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Juanita Myers, Employment Security Department, P.O. Box 9046, Olympia, WA 98507, AND RECEIVED BY June 4, 2002.

April 1, 2002

Dr. Sylvia P. Mundy

Commissioner

NEW SECTION

WAC 192-150-055 Leaving work because of illness or disability—General rules and definitions—RCW 50.20.050 (2)(b). (1) **General rule.** To establish good cause for leaving work voluntarily because of your illness or disability or the illness, disability, or death of a member of your immediate family, you must demonstrate that:

- (a) You left work primarily because of such illness, disability, or death; and
- (b) The illness, disability, or death necessitated your leaving work; and
- (c) You first exhausted all reasonable alternatives prior to leaving work, including asking that you be reemployed when you are able to return to work. (You are not required to request reemployment after the job separation has occurred to establish good cause.)

(2) **Exception.** You may be excused from failure to exhaust reasonable alternatives prior to leaving work as required by subsection (1)(c) if you can show that doing so would have been a futile act.

(3) **Definitions.** For purposes of this chapter:

- (a) "Disability" means a sensory, mental, or physical condition that:
 - (i) Is medically recognizable or diagnosable;
 - (ii) Exists as a record or history; and
 - (iii) Substantially limits the proper performance of your job;
- (b) "Immediate family" means your spouse, children (including unborn children), step-children, foster children, or parents of either spouse, whether living with you or not, and other relatives who temporarily or permanently reside in your household.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-16-013	Interpretative regulations— Leaving work because of illness or disability of self or immediate family member— RCW 50.20.050 (2)(b).
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WSR 02-08-080
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed April 3, 2002, 10:05 a.m.]

Title of Rule: Chapter 296-24 WAC, Part A-3 Late night retail worker crime protection; and chapter 296-832 WAC, Late night retail worker crime prevention.

Purpose: Changes to chapter 296-24 WAC, General safety and health standards for late night retail workers crime protection.

The late night retail workers rule is being rewritten and reorganized for clarity and ease of use for employers and employees. We are proposing to repeal the late night retail workers rule from chapter 296-24 WAC and proposing it as a new chapter 296-832 WAC. No requirements have been added.

Repealed Sections:

WAC 296-24-102 Scope and application.

- The requirements in this section have been moved to WAC 296-832-100.
- This section will be repealed.

WAC 296-24-10203 General requirements.

- The requirements in this section have been moved to WAC 296-832-10005, 296-832-10010, 296-832-10015, 296-832-10020, and 296-832-10025.
- This section will be repealed.

New Sections:

WAC 296-832-10000 Scope.

- Moved requirements relating to scope and application.

WAC 296-832-10005 Provide crime prevention training to your employees.

- Moved requirements relating to providing crime prevention training.

WAC 296-832-10010 Provide crime prevention retraining to your employees annually.

- Moved requirements relating to providing crime prevention retraining.

WAC 296-832-10015 Have a safe in your store.

- Moved requirements relating to having a safe.

WAC 296-832-10020 Post a notice about your store's safe and cash register.

- Moved requirements relating to posting a notice.

WAC 296-832-10025 Provide outside lighting.

- Moved requirements relating to security lighting of the outside of the store.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The late night retail worker crime protection rule, WAC 296-24-102, is being rewritten for clarity and ease of use. We are proposing to repeal it from chapter 296-24 WAC and assign it an 800 series chapter number. The rule language is being clarified to make understanding and application easier for employers. Unnecessary and autocratic terminology will be eliminated. There will be no increase in requirements.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; **Implementation and Enforcement:** Michael A. Silverstein, Tumwater, (360) 902-5495.

EXPEDITED

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY June 3, 2002.

April 3, 2002

Gary Moore
Director

Chapter 296-832 WAC

LATE NIGHT RETAIL WORKER CRIME PREVENTION

NEW SECTION

WAC 296-832-10000 Scope. This rule applies to all retail businesses operating between the hours of 11:00 p.m. and 6:00 a.m.

Exemption: These rules do not apply to restaurants, hotels, taverns, and lodging facilities.

Your responsibility:

To make sure all employees receive crime prevention training as part of your accident prevention program.

You must:

Provide crime prevention training to your employees
WAC 296-832-10005

Provide crime prevention retraining to your employees annually

WAC 296-832-10010

Have a safe in your store

WAC 296-832-10015

Post a notice about your store's safe and cash register

WAC 296-832-10020

Provide outside lighting

WAC 296-832-10025.

NEW SECTION

WAC 296-832-10005 Provide crime prevention training to your employees.

Note: These training requirements only apply to employees working any time during the hours of 11:00 p.m. to 6:00 a.m.

This training must be conducted prior to the employee working this time period.

You must:

- Provide crime prevention training as part of your accident prevention program.

- Make sure you have instructed your employees on the purpose and function of robbery and violence prevention to provide them with the knowledge and skills required to maintain their personal safety.

- Provide training and training materials that outline your company's:

- Security policies

- Safety and security procedures

- Personal safety and crime prevention techniques.

- Provide formal instruction about crime prevention through a training seminar or training video presentation that includes these topics:

- How keeping the store clean, neat and uncluttered discourages potential robbers

- Why the cash register should be kept in plain view from outside the store, if your store layout allows

- Reasons for operating your business with only a minimum number of cash registers at night

- Reasons for keeping cash register funds to a minimum

- How to take extra precautions after dark such as ways to keep alert, making sure appropriate lights are on, inspecting dark corners, and identifying possible hiding places for robbers

- Violence prevention procedures in case of a robbery.

- Have employees sign a statement indicating the date, time, and place they received their crime prevention training.

- Keep a record of this information readily available for review when requested by the department of labor and industries.

Note: Employers may keep electronic records of employee training and verification.

- Have a videotape or other materials about crime prevention available to all employees at their request.

NEW SECTION

WAC 296-832-10010 Provide crime prevention retraining to your employees annually. You must:

- Provide a refresher course in crime prevention training annually.

NEW SECTION

WAC 296-832-10015 Have a safe in your store. You must:

- Have a drop-safe, limited access safe, or comparable device in your store.

NEW SECTION

WAC 296-832-10020 Post a notice about your store's safe and cash register. You must:

- Post a notice in an obvious place on a window or door stating:

- There is a safe in the store

EXPEDITED

- Employees have no access to the safe
- The cash register contains only enough cash to do business.

- Notes:
- You will not be cited by WISHA for having money in the cash register over the minimal amount needed to do business.
 - All displays and other materials posted in the window(s) or door(s) should be arranged to provide an unobstructed view of the cash register if it is visible from the street.

NEW SECTION

WAC 296-832-10025 Provide outside lighting. You must:

- Light the store's approach area and parking lot during all night hours your business is open.

- Note: You can do this by:
- Providing surveillance lighting to observe pedestrian and vehicle entrances
 - Providing lighting of a minimum of one foot candle to comply with ANSI/IES RP7-1983. Lighting levels can be measured with a light meter; for comparison purposes 1 foot-candle = 1 lumen incident per square foot = 10.76 lux.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|------------------|------------------------|
| WAC 296-24-102 | Scope and application. |
| WAC 296-24-10203 | General requirements. |

EXPEDITED

WSR 02-08-001
PERMANENT RULES
WASHINGTON STATE LOTTERY

[Filed March 20, 2002, 3:06 p.m.]

Date of Adoption: March 15, 2002.

Purpose: Clarify rules regarding removal of lottery terminal.

Citation of Existing Rules Affected by this Order: Amending WAC 315-20-010 Removal of lottery terminal when license is suspended or revoked.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 02-03-108 on January 22, 2002.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

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

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

March 18, 2002

Mary Jane Ferguson
 Rules Coordinator

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-20-010 Director may temporarily suspend license and remove terminal pending a hearing. (1) After review and consideration, the director may temporarily suspend a license or addendum thereto issued pursuant to these rules pending a hearing upon suspension or revocation of the license, or issuance of a renewal thereof, when in the opinion of the director:

(a) The lottery retailer has obtained the license or addendum by fraud, trick, misrepresentation, concealment, or through inadvertence or mistake; or

(b) The lottery retailer has engaged in any act, practice or course of operation as would operate as a fraud or deceit on any person, or has employed any device, scheme or artifice to defraud any person; or

(c) The lottery retailer has violated, failed, or refused to comply with any of the provisions, requirements, limitations, or duties imposed by chapter 67.70 RCW and any amendments thereto or any rules adopted by the commission pursuant thereto; or

(d) Immediate cessation of the licensed activities by the lottery retailer is necessary for the protection or preservation

of the welfare of the community within which these activities are being conducted.

(2) After review and consideration, if the director determines that a retailer's license shall be revoked or suspended, the lottery shall immediately remove all lottery terminals and material from the retailer's store(s), in order to prevent any financial loss or harm to the integrity of the lottery. The retailer shall have the right to appeal the decision of the director, and, if the retailer prevails in a final court action which is not appealed, the lottery shall bear the cost of reinstallation of the lottery terminal(s).

(3) Notice of such temporary suspension((s)) and/or terminal removal shall be served in accordance with WAC 10-08-110.

WSR 02-08-019

PERMANENT RULES

OFFICE OF THE

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2001-12—Filed March 25, 2002, 1:29 p.m.]

Date of Adoption: March 25, 2002.

Purpose: Amend WAC 284-04-120 to allow an additional exemption for one licensee to rely upon the compliance of another licensee.

Citation of Existing Rules Affected by this Order: Amending WAC 284-04-120.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.30.010, 48.44.050, 48.46.100, 48.46.200, 48.43.505, Gramm-Leach-Bliley Act (Public Law 102-106) sections 501(b) and 505 (b)(2).

Adopted under notice filed as WSR 02-01-033 on December 10, 2001.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

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

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

March 25, 2002

Mike Kreidler

Insurance Commissioner

PERMANENT

AMENDATORY SECTION (Amending Matter No. R 2000-08, filed 1/9/01, effective 2/9/01)

WAC 284-04-120 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Affiliate" means any company that controls, is controlled by or is under common control with another company.

(2) "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

Examples.

(a) Reasonably understandable. A licensee makes its notice reasonably understandable if it:

(i) Presents the information in the notice in clear, concise sentences, paragraphs, and sections;

(ii) Uses short explanatory sentences or bullet lists whenever possible;

(iii) Uses definite, concrete, everyday words and active voice whenever possible;

(iv) Avoids multiple negatives;

(v) Avoids legal and highly technical business terminology whenever possible; and

(vi) Avoids explanations that are imprecise and readily subject to different interpretations.

(b) Designed to call attention. A licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

(i) Uses a plain-language heading to call attention to the notice;

(ii) Uses a typeface and type size that are easy to read;

(iii) Provides wide margins and ample line spacing;

(iv) Uses boldface or italics for key words; and

(v) In a form that combines the licensee's notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

(c) Notices on websites. If a licensee provides a notice on a web page, the licensee designs its notice to call attention to the nature and significance of the information in it if the licensee uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice and ensure that other elements on the website (such as text, graphics, hyperlinks or sound) do not distract attention from the notice, and the licensee either:

(i) Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

(ii) Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature, and relevance of the notice.

(3) "Collect" means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

(4) "Commissioner" means the insurance commissioner of the state.

(5) "Company" means a corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship or similar organization.

(6) "Consumer" means an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family or household purposes and about whom the licensee has nonpublic personal information, or that individual's legal representative.

Examples.

(a) An individual who provides nonpublic personal information to a licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship.

(b) An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer.

(c) An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as agent for, or provides processing or other services to, that financial institution.

(d) An individual is a licensee's consumer if:

(i) The individual is a beneficiary of a life insurance policy underwritten by the licensee;

(ii) The individual is a claimant under an insurance policy issued by the licensee;

(iii) The individual is an insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee; or

(iv) The individual is a mortgagor of a mortgage covered under a mortgage insurance policy; and

(v) The licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under WAC 284-04-400, 284-04-405, and 284-04-410.

(e) Provided that the licensee provides the initial, annual and revised notices under WAC 284-04-200, 284-04-205, and 284-04-220 to the plan sponsor, group or blanket insurance policy holder or group annuity contract holder, workers' compensation plan participant and further provided that the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about such an individual other than as permitted under WAC 284-04-400, 284-04-405, and 284-04-410, an individual is not the consumer of such licensee solely because he or she is:

(i) A participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer or fiduciary;

(ii) Covered under a group or blanket insurance policy or annuity contract issued by the licensee; or

(iii) A beneficiary in a workers' compensation plan.

(f) The individuals described in (e)(i) through (iii) of this subsection are consumers of a licensee if the licensee does not meet all the conditions of (e) of this subsection.

(g) In no event shall such individuals, solely by virtue of the status described in (e)(i) through (iii) of this subsection, be deemed to be customers for purposes of this chapter.

(i) An individual is not a licensee's consumer solely because he or she is a beneficiary of a trust for which the licensee is a trustee.

(ii) An individual is not a licensee's consumer solely because he or she has designated the licensee as trustee for a trust.

(7) "Consumer reporting agency" has the same meaning as in section 603(f) of the Federal Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

(8) "Control" means:

(a) Ownership, control or power to vote twenty-five percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;

(b) Control in any manner over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company; or

(c) The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company, as the commissioner determines.

(9) "Customer" means a consumer who has a customer relationship with a licensee.

(10) "Customer relationship" means continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes.

Examples.

(a) A consumer has a continuing relationship with a licensee if:

(i) The consumer is a current policyholder of an insurance product issued by or through the licensee; or

(ii) The consumer obtains financial, investment or economic advisory services relating to an insurance product or service from the licensee for a fee.

(b) A consumer does not have a continuing relationship with a licensee if:

(i) The consumer applies for insurance but does not purchase the insurance;

(ii) The licensee sells the consumer airline travel insurance in an isolated transaction;

(iii) The individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

(iv) The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee;

(v) The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option;

(vi) The customer's policy is lapsed, expired, paid up or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of twelve consecutive months, other than annual privacy notices, material required by law or regulation, communication at the direction of state or federal authority or promotional materials;

(vii) The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity; or

(viii) For the purposes of this chapter, if the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(11) "Financial institution" means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(a) Financial institution does not include:

(i) Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(ii) The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); or

(iii) Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as such institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

(12) "Financial product or service" means any product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

Financial service includes a financial institution's evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

(13) "Health care" means: Preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, services, procedures, tests or counseling that:

(a) Relates to the physical, mental or behavioral condition of an individual; or

(b) Affects the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs or any other tissue; or

(c) Prescribing, dispensing or furnishing to an individual drugs or biologicals, or medical devices or health care equipment and supplies.

(14) "Health care provider" means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with state law or a health care facility.

(15) "Health information" means any information or data, except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or the consumer that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

PERMANENT

(c) Payment for the provision of health care to an individual.

(16) "Insurer" includes health care service contractor, HMO, and fraternal benefit society.

(17) "Insurance product or service" means any product or service that is offered by a licensee pursuant to the insurance laws of this state.

Insurance service includes a licensee's evaluation, brokerage or distribution of information that the licensee collects in connection with a request or an application from a consumer for an insurance product or service.

(18) "Licensee" means all licensed insurers, health care service contractors, HMO's, and fraternal benefit societies, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to the insurance law of this state.

(a) A licensee is not subject to the notice and opt out requirements for nonpublic personal financial information set forth in WAC 284-04-100 through 284-04-400 or the notice and policy development and implementation procedures of WAC 284-04-500 if the licensee is an employee, agent or other representative of another licensee ("the principal") and:

(i) The principal otherwise complies with, and provides the notices required by, the provisions of this regulation; and

(ii) The licensee complies with the principal's privacy policies and does not disclose any nonpublic personal information to any person other than the principal or its affiliates in a manner permitted by this regulation.

(b)(i) Subject to (b)(ii) of this subsection, "licensee" shall also include an unauthorized insurer that accepts business placed through a licensed excess lines broker in this state, but only in regard to the excess lines placements placed pursuant to section [insert section] of this state's laws.

(ii) An excess lines broker or excess lines insurer shall be deemed to be in compliance with the notice and opt out requirements for nonpublic personal financial information set forth in WAC 284-04-100 through 284-04-400 provided:

(A) The broker or insurer does not disclose nonpublic personal information of a consumer or a customer to nonaffiliated third parties for any purpose, including joint servicing or marketing under WAC 284-04-405, except as permitted by WAC 284-04-410 and 284-04-415; and

(B) The broker or insurer delivers a notice to the consumer at the time a customer relationship is established on which the following is printed in 16-point type:

PRIVACY NOTICE

"NEITHER THE U.S. BROKERS THAT HANDLED THIS INSURANCE NOR THE INSURERS THAT HAVE UNDERWRITTEN THIS INSURANCE WILL DISCLOSE NONPUBLIC PERSONAL INFORMATION CONCERNING THE BUYER TO NONAFFILIATES OF THE BROKERS OR INSURERS EXCEPT AS PERMITTED BY LAW"

(19) "Licensee" shall also include an unauthorized insurer that places business through a licensed excess line broker in this state, but only in regard to the excess line placements placed pursuant to of this state's laws.

(20) "Nonaffiliated third party" means any person except:

(a) A licensee's affiliate; or

(b) A person employed jointly by a licensee and any company that is not the licensee's affiliate (but nonaffiliated third party includes the other company that jointly employs the person).

Nonaffiliated third party includes any company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in section 4 (k)(4)(H) or insurance company investment activities of the type described in section 4 (k)(4)(I) of the Federal Bank Holding Company Act (12 U.S.C. 1843 (k)(4)(H) and (I.))

(21) "Nonpublic personal information" means nonpublic personal financial information and nonpublic personal health information.

(22)(a) "Nonpublic personal financial information" means:

- (i) Personally identifiable financial information; and
- (ii) Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

(b) Nonpublic personal financial information does not include:

- (i) Health information;
- (ii) Publicly available information, except as included on a list described in (a)(i) of this subsection; or
- (iii) Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

Examples of lists.

Nonpublic personal financial information includes any list of individuals' names and street addresses that is derived in whole or in part using personally identifiable financial information that is not publicly available, such as account numbers.

Nonpublic personal financial information does not include any list of individuals' names and addresses that contains only publicly available information, is not derived in whole or in part using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

(23) "Nonpublic personal health information" means health information:

- (a) That identifies an individual who is the subject of the information; or
- (b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

(24) "Personally identifiable financial information" means any information:

- (a) A consumer provides to a licensee to obtain an insurance product or service from the licensee;
- (b) About a consumer resulting from any transaction involving an insurance product or service between a licensee and a consumer; or

(c) The licensee otherwise obtains about a consumer in connection with providing an insurance product or service to that consumer.

Examples.

(i) Information included. Personally identifiable financial information includes:

(A) Information a consumer provides to a licensee on an application to obtain an insurance product or service;

(B) Account balance information and payment history;

(C) The fact that an individual is or has been one of the licensee's customers or has obtained an insurance product or service from the licensee;

(D) Any information about the licensee's consumer if it is disclosed in a manner that indicates that the individual is or has been the licensee's consumer;

(E) Any information that a consumer provides to a licensee or that the licensee or its agent otherwise obtains in connection with collecting on a loan or servicing a loan;

(F) Any information the licensee collects through an Internet "cookie" (an information collecting device from a web server); and

(G) Information from a consumer report.

(ii) Information not included. Personally identifiable financial information does not include:

(A) Health information;

(B) A list of names and addresses of customers of an entity that is not a financial institution; and

(C) Information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names or addresses.

(25)(a) "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

(i) Federal, state or local government records;

(ii) Widely distributed media; or

(iii) Disclosures to the general public that are required to be made by federal, state or local law.

(b) Reasonable basis. A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

(i) That the information is of the type that is available to the general public; and

(ii) Whether an individual can direct that the information not be made available to the general public and, if so, that the licensee's consumer has not done so.

(c) Examples.

(i) Government records. Publicly available information in government records includes information in government real estate records and security interest filings.

(ii) Widely distributed media. Publicly available information from widely distributed media includes information from a telephone book, a television or radio program, a newspaper or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public.

(iii) Reasonable basis.

(A) A licensee has a reasonable basis to believe that mortgage information is lawfully made available to the general public if the licensee has determined that the information is of the type included on the public record in the jurisdiction where the mortgage would be recorded.

(B) A licensee has a reasonable basis to believe that an individual's telephone number is lawfully made available to the general public if the licensee has located the telephone number in the telephone book or the consumer has informed you that the telephone number is not unlisted.

WSR 02-08-023

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed March 26, 2002, 9:22 a.m., effective May 1, 2002]

Date of Adoption: March 15, 2002.

Purpose: To provide traffic and parking rules specifically for the collocated University of Washington, Bothell/Cascadia Community College campus. Since both institutions share the same campus location and parking infrastructure, the identical new rules are being filed separately as chapter 478-117 WAC, Parking and traffic rules of the University of Washington, Bothell, and as chapter 132Z-116 WAC for Cascadia Community College. Additionally, the University of Washington seeks to amend WAC 478-108-010, the university's list of matters subject to brief adjudication, by adding the appeals process for parking and traffic violations outlined in the new chapter 478-117 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 478-108-010.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130 for chapter 478-117 WAC, chapter 34.05 RCW for WAC 478-108-010.

Adopted under notice filed as WSR 02-03-085 on January 17, 2002.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 26, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, 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 26, Amended 1, Repealed 0.

Effective Date of Rule: May 1, 2002.

March 25, 2002

Rebecca Goodwin Deardorff, Director
Administrative Procedures Office

PERMANENT

AMENDATORY SECTION (Amending WSR 90-15-005, filed 7/6/90, effective 8/6/90)

WAC 478-108-010 Matters subject to brief adjudication. This rule is adopted in accordance with RCW 34.05.479 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications under RCW 28B.15.013 as established in chapter 478-160 WAC;
- (2) Appeals from traffic and parking violations as provided in chapters 478-116 and 478-117 WAC;
- (3) Challenges to contents of educational records as provided in chapter 478-140 WAC;
- (4) Proceedings under the animal control policy as detailed in chapter 478-124 WAC;
- (5) Requests for reconsideration of admission decisions as provided for in chapter 478-160 WAC;
- (6) Appeals of library charges as provided in chapter 478-168 WAC;
- (7) Reviews of denials of public records requests as provided in chapter 478-276 WAC;
- (8) Federal financial aid appeals as provided for by federal law;
- (9) Collection of outstanding debts owed by students or employees; and
- (10) Appeals from areas exempt from the rules requirements of chapter 34.05 RCW including standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships (except for all aspects of faculty and librarian employment relationships), and fiscal processes.

**Chapter 478-117 WAC
Parking and Traffic Rules of
the University of Washington, Bothell**

NEW SECTION

WAC 478-117-005 Authority. RCW 28B.50.140(10) authorizes the board of trustees of Cascadia Community College to adopt rules for pedestrian and vehicular traffic on the college campus. RCW 28B.10.560 similarly authorizes the board of regents of the University of Washington to adopt rules governing pedestrian and vehicular traffic and parking upon lands and facilities of the university. The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the two institutions.

NEW SECTION

WAC 478-117-010 Objectives of parking and traffic rules. The objectives of these rules are:

- (1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia Community College.
- (2) To assure access at all times for emergency equipment.

- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the institutions by assuring access to vehicles.
- (5) To allocate limited parking space for the most efficient use.
- (6) To protect state property.

NEW SECTION

WAC 478-117-020 Definitions. The following definitions apply to this chapter:

- (1) Campus: The colocated campus of University of Washington, Bothell and Cascadia Community College.
- (2) College: Cascadia Community College, and collectively those responsible for its control and operations.
- (3) Employee: An employee of the college or the university.
- (4) Institutions: The college and the university.
- (5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.
- (6) Student: A person enrolled in the college or the university.
- (7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.
- (8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.
- (9) Visitor: A person who is neither an employee nor a student of the college or the university.

NEW SECTION

WAC 478-117-030 Applicable parking and traffic rules. The applicable parking and traffic rules upon the campus are:

- (1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW.
- (2) The traffic code of the city of Bothell.
- (3) The parking and traffic rules in this chapter. If the Washington laws or the Bothell traffic code conflicts with these rules, the Washington laws or the Bothell traffic code shall govern.

NEW SECTION

WAC 478-117-040 Enforcement of parking and traffic rules. The institutions share responsibility for parking and traffic management on campus. Duly appointed public safety officers or independent contractors hired by the institutions are authorized to enforce these parking and traffic rules.

NEW SECTION

WAC 478-117-050 Permits required for vehicles on campus. No person shall park, or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus without a permit issued by the institutions. Permission to park on campus will be shown by display of a valid permit.

PERMANENT

(1) A valid permit is:

(a) A current vehicle permit displayed in accordance with WAC 478-117-110. Vehicle permits are valid until revoked.

(b) A temporary permit authorized by the institutions and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit.

(c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions.

(d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.

(2) Parking permits are not transferable, except as provided in WAC 478-117-060 and 478-117-090.

(3) The college and university reserve the right to refuse to issue parking permits.

(4) This section does not apply to vehicles that the institutions own or operate.

(5) The institutions may allow persons without permits to drive through the campus without parking.

(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.

NEW SECTION

WAC 478-117-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the institutions for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool is a group of two or more employees or students who commute to the campus in the same vehicle.

(2) The institutions provide parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

NEW SECTION

WAC 478-117-070 Permit revocations. Parking permits are the property of the institutions, and may be recalled by the issuer for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used by an unauthorized individual.

(3) Falsification on a parking permit application.

(4) Multiple or continued violations of parking rules.

(5) Counterfeiting or altering permits.

(6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

NEW SECTION

WAC 478-117-080 Right to appeal revocation. Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 478-117-320.

NEW SECTION

WAC 478-117-090 Transfer of permits limited. (1) Permit holders may transfer one permit between motor vehicles when used by the permit holder. Improper transfer of a permit shall include, but is not limited to, the wrongful sale, lending, or transfer of a parking permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

NEW SECTION

WAC 478-117-100 Responsibility of person to whom permit issued. The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit.

NEW SECTION

WAC 478-117-110 Display of permits. (1) Parking permits shall be displayed by hanging from the rear view mirror or displayed face up on the dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.

(2) When applicable, the area designator (numeral, letter or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.

(3) Motorcycle and scooter permits shall be registered with the affiliated institution.

(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.

NEW SECTION

WAC 478-117-200 Parking fees. The institutions' governing boards shall adopt parking fees, specifying the charge per day, quarter, and year. Each institution may set its own rates for quarterly and yearly permits, but the rates for daily parking permits must be uniform for both institutions. Each institution shall sell quarterly and yearly permits to the employees and students only of its own institution. Each institution may also sell quarterly and yearly permits in its discretion to regular visitors to that institution.

NEW SECTION

WAC 478-117-210 Allocation of parking spaces. The parking space available on the campus shall be allocated in a manner that will best attain the objectives of these rules.

During special occasions causing additional or heavy traffic and during emergencies, the institutions may impose additional traffic and parking policies to achieve the specified objectives of this chapter.

NEW SECTION**WAC 478-117-220 Parking within designated spaces.**

(1) No motor vehicle shall be parked on the campus except in areas designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

NEW SECTION

WAC 478-117-230 Parking—Operator's responsibility. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first:

(1) Stopping the engine, locking the ignition, and removing the key.

(2) Effectively setting the brake and transmission to prevent movement of the vehicle.

NEW SECTION

WAC 478-117-240 Regulatory signs, markings, barricades, etc. (1) The institutions may erect signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by public safety officers in the control and regulation of traffic. Drivers shall also comply with directions given to them by the traffic guides or parking checkers in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the institutions shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

NEW SECTION

WAC 478-117-250 Speed. No vehicle shall be operated on the campus at a speed in excess of posted limits. If no limit is posted, no vehicle shall exceed twenty miles per hour or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION

WAC 478-117-260 Pedestrian's right of way. (1) The operator of a vehicle shall yield right of way to any pedestrian. However, no pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass that vehicle.

(3) Where a sidewalk is provided, pedestrians shall proceed upon the sidewalk.

NEW SECTION**WAC 478-117-270 Motorcycles, bicycles, scooters.**

(1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated on campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including, but not limited to, skateboards, roller skates, and roller blades.

NEW SECTION

WAC 478-117-280 Distribution of literature. No person may distribute literature by placing it on motor vehicles parked on the campus. Literature includes, but is not limited to, pamphlets, flyers, and stickers.

NEW SECTION

WAC 478-117-300 Issuance of traffic citations. Upon probable cause to believe that a violation of these rules has occurred, a public safety officer or designated contractor may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: Attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

NEW SECTION

WAC 478-117-310 Fines and impounding. (1) The current schedule of fines shall be published by the institutions and made available for review in the central plant building.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

- (a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.
- (b) Delay registration for the following quarter.
- (c) Impound the violator's vehicle.
- (d) Deny future parking privileges to the violator.
- (e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding vehicles shall include, but not be limited to, the following:

- (a) Blocking a roadway so as to impede the flow of traffic.
- (b) Blocking a walkway so as to impede the flow of pedestrian traffic.
- (c) Blocking a fire hydrant or fire lane.
- (d) Creating a safety hazard.
- (e) Blocking another legally parked vehicle.
- (f) Parking in a marked "tow-away" zone.
- (g) Leaving a vehicle unattended on campus for longer than two days.
- (h) Failing to pay a fine imposed under this chapter.

Not more than twenty-four hours after impoundment of any vehicle, the institution shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

NEW SECTION

WAC 478-117-320 Appeals of fines and impoundments. (1) Any impoundment or fine under this chapter may be appealed in writing within twenty calendar days from the date of the citation or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation or notice of impoundment. The institutions will make appeal forms available at the university's cashier's office in Room UW1 176 and at the college's cashier's office in Room CC1 103. The notice of appeal must explain the reasons for contesting the citation or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten days of taking action. If the appeal is denied, the decision

shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the institution in writing within twenty-one days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten days of service of the final decision, file a written notice with the institution. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

NEW SECTION

WAC 478-117-400 Report of accident. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of five hundred dollars shall, within twenty-four hours, report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within twenty-four hours after such accident.

NEW SECTION

WAC 478-117-410 Liability of institutions. Except for vehicles that the institutions own or operate, the institutions assume no liability under any circumstances for vehicles on the campus.

WSR 02-08-026

PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-66—Filed March 27, 2002, 10:33 a.m.]

Date of Adoption: March 25, 2002.

Purpose: Amend commercial bottomfish and forage fish rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-48-005, 220-49-013, and 220-49-056.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-02-061 on December 28, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-48-005(12), 220-48-015, and 220-48-029, withdrawn.

WAC 220-49-056, restore proposed deletion, withdraw proposed addition, and substitute, "at all times, and those waters of Sinclair Inlet west of a line due south from the ferry dock in Bremerton are open only 8:01 a.m. Wednesday through 7:59 a.m. Friday of each week during the open period."

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

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

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

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

March 26, 2002

Debbie Nelson
for Russ Cahill, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-48-005 Puget Sound bottomfish—General provisions. (1) It is unlawful to possess any English sole less than 12 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(2) It is unlawful to possess any starry flounder less than 14 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(3) It is unlawful to possess lingcod taken with any commercial gear the entire year in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 24A, 24B, 24C, 24D, 25B, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to possess any lingcod less than 26 inches in length or greater than 40 inches in length taken by any commercial gear in all state waters east of the Bonilla-Tatoosh line.

(5) It is unlawful to possess lingcod taken by any commercial gear from June 16 through April 30 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, 25E, and 29.

(6) It is unlawful to possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-063 and 220-52-066.

(7) Incidental catch.

(a) It is lawful to retain bottomfish taken incidental to any lawful salmon fishery, provided the bottomfish could be lawfully taken.

(b) It is unlawful to retain salmon or sturgeon taken incidental to any lawful bottomfish fishery in Puget Sound.

(c) It is unlawful to retain any species of shellfish taken incidental to any bottomfish fishery in Puget Sound, except that it is lawful to retain octopus and squid.

(d) It is unlawful to retain any whiting taken incidental to any bottomfish fishery in Catch Areas 24B, 24C or 26A except using pelagic trawl gear when these areas have been opened by the director for a directed whiting fishery.

(8) A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(9) Pacific cod.

(a) It is unlawful to discard any Pacific cod taken by any commercial fishing gear.

(b) All Pacific cod taken by a commercial gear shall be landed at a licensed commercial dealer.

(10) Sablefish. It is unlawful to take more than 300 pounds of sablefish per vessel trip or more than 600 pounds of sablefish per two-month cumulative limit from open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas. A two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two-fixed calendar month period. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December.

(11) Sixgill shark. It is unlawful to retain sixgill shark taken by commercial fishing gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-49-013 Herring, anchovy and smelt fishing—Dip bag net. (1) Lawful dip bag net gear in the Puget Sound herring and anchovy fisheries shall not exceed 18 square feet. Lawful dip bag net gear in the Puget Sound smelt fishery shall not exceed 36 inches across the frame. It is unlawful to operate a dip net from a vessel under power, and it is unlawful to operate more than one dip net at one time.

(2) Licensing:

(a) A smelt dip bag net fishery license is a license required to operate the gear provided for in this section and allows the operator to retain smelt and anchovy.

(b) A herring dip bag net fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-49-056 Smelt fishing—Seasons. It shall be unlawful to take, fish for or possess smelt for commercial

purposes in Puget Sound except during the following seasons:

- (1) Areas 20A and 21A - July 1 to April 15.
- (2) Area 22B - November 1 to April 15.
- (3) Areas 24A, 24B, 24C, and 24D - July 1 to April 15.
- (4) Areas 25A and 25E - November 1 to April 15.
- (5) Areas 26B, 26C, 26D, 27B, 27C, 28B, and 28C -

October 1 to April 15 except those waters within 200 feet of shore adjacent to department property at Ross Point in Area 26C are closed to commercial smelt harvest at all times, and those waters of Sinclair Inlet west of a line due south from the ferry dock in Bremerton are open only 8:01 a.m. Wednesday through 7:59 a.m. Friday of each week during the open period.

- (6) Areas 28A and 28D - September 1 to April 15.
- (7) All other areas open the entire year.

WSR 02-08-027
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-54—Filed March 27, 2002, 10:36 a.m., effective May 1, 2002]

Date of Adoption: March 25, 2002.

Purpose: Amend marine protected area rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-16-480.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-02-072 on December 28, 2001.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

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

Effective Date of Rule: May 1, 2002.

March 26, 2002

Debbie Nelson

for Russ Cahill, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 99-215, filed 12/16/99, effective 1/16/00)

WAC 220-16-480 Sund Rock (~~(Marine Preserve)~~) **Conservation Area**. The "Sund Rock (~~(Marine Preserve)~~) Conservation Area" is defined as those waters and bed lands

enclosed by a line originating at the shore of Hood Canal, at the mouth of Sund Creek (47° 26.4'N, 123° 7.1'W), thence due east to 123° 6.9'W, thence due south to 47° 26'N, thence due west until it intersects the beach, thence north along the ordinary high water line to the point of origin, including all of the underwater feature known as Sund Rock.

WSR 02-08-047
PERMANENT RULES
HEALTH CARE AUTHORITY
[Order 01-09—Filed March 29, 2002, 3:21 p.m.]

Date of Adoption: March 28, 2002.

Purpose: Adds a new section WAC 182-12-230 which defines the process for collection of premium due and termination of coverage procedures for employer groups with a delinquent account.

Citation of Existing Rules Affected by this Order: Adds a new section WAC 182-12-230.

Statutory Authority for Adoption: RCW 41.05.160, 41.05.021 (1)(h).

Adopted under notice filed as WSR 02-05-078 on February 20, 2002.

Changes Other than Editing from Proposed to Adopted Version: Included "employee organizations representing state civil service employees" to the definition of "employer groups." This group had not been included in the definition in error.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

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

March 29, 2002

Melodie Bankers
Rules Coordinator

NEW SECTION

WAC 182-12-230 Employer groups. This section applies to all employer groups participating in PEBB insurance programs.

(1) For purposes of this section, "employer group" means those employee organizations representing state civil service employees, K-12 school districts, educational service districts, county, municipality, and political subdivisions that

meet the participation requirements of WAC 182-12-111 (2), (3) and (4) and that participate in PEBB insurance programs.

(2)(a) Each employer group shall determine an employee's eligibility for PEBB insurance coverage in accordance with the applicable sections of this chapter (chapter 182-12 WAC) and chapter 41.05 RCW.

(b) Each employer group applying for participation in PEBB insurance programs shall submit required documentation and meet all participation requirements set forth in the then-current PEBB Coverage K-12 and Political Subdivisions booklet(s).

(3)(a) Each employer group applying for participation in PEBB insurance programs shall sign an interlocal agreement with the health care authority.

(b) Each employer group already participating in PEBB insurance programs as of the effective date of this section shall sign an interlocal agreement with the health care authority no later than June 30, 2002. Failure to sign such an agreement by that date will result in termination of the employer group's participation in PEBB insurance programs effective as of the end of the month of the last full premium payment, and disenrollment of all employees of the employer group. Termination and disenrollment are subject to subsections (8) and (9) of this section.

(c) Each interlocal agreement shall be renewed no less frequently than once in every two-year period.

(4) At least twenty days prior to the premium due date, the health care authority shall cause each employer group to be sent a monthly billing statement. The statement of premium due will be based upon the enrollment information provided by the employer group.

(a) Changes in enrollment status shall be submitted to the health care authority prior to the twentieth day of the month during which the change occurs. Changes submitted after the twentieth day of each month may not be reflected on the billing statement until the following month.

(b) Changes submitted more than one month late shall be accompanied by a full explanation of the circumstances of the late notification.

(5) Beginning with the July 2002 premium (billed to employer groups no later than June 26, 2002, and due not later than July 20, 2002), an employer group shall remit the monthly premium as billed or as reconciled by it.

(a) If an employer group determines that the invoiced amount requires one or more changes, the employer group may adjust its remittance only if an insurance eligibility adjustment form detailing the adjustment accompanies the remittance. The proper form for reporting adjustments will be attached to the interlocal agreement as Exhibit A.

(b) Each employer group is solely responsible for the accuracy of the amount remitted and the completeness and accuracy of the insurance eligibility adjustment form.

(6) Each employer group shall remit the entire monthly premium due including the employee share, if any. The employer group is solely responsible for the collection of any employee share of the premium. The employer shall not withhold portions of the monthly premium due because it has failed to collect the entire employee share.

(7) Nonpayment of the full premium when due will subject the employer group to disenrollment and termination of each employee of the group.

(a) Prior to termination for nonpayment of premium, the health care authority shall cause a notice of overdue premium to be sent to the employer group, which notice will provide a one-month grace period for payment of all overdue premium.

(b) An employer group that does not remit the entirety of its overdue premium no later than the last day of the grace period will be disenrolled effective the last day of the last month for which premium has been paid in full.

(c) Upon disenrollment, notification will be sent to both the employer group and each affected employee.

(d) Employer groups disenrolled due to nonpayment of premium shall have the right to a dispute resolution hearing in accordance with the terms of the interlocal agreement.

(e) Employees terminated due to the nonpayment of premium by the employer group are not eligible for continuation of group health plan coverage according to the terms of the Consolidated Omnibus Budget Reconciliation Act (COBRA). Terminated employees shall have conversion rights to an individual insurance policy as provided for by the employer group.

(f) Claims incurred by terminated employees of a disenrolled group after the effective date of disenrollment will not be covered.

(g) The employer group is solely responsible for refunding any employee share paid by the employee to the employer group and not remitted to the health care authority.

(8) A disenrolled employer group may apply for reinstatement in PEBB insurance programs under the following conditions:

(a) Reinstatement must be requested and all delinquent premium paid in full no later than ninety days after the date the premium was first due, as well as a reinstatement fee of one thousand dollars.

(b) Reinstatement requested more than ninety days after the effective date of disenrollment will be denied.

(c) Employer groups may be reinstated only once in any two-year period and will be subject to immediate disenrollment if, after the effective date of any such reinstatement, subsequent premiums become more than thirty days delinquent.

(9) Upon written petition by the employer group, disenrollment of an employer group or denial of reinstatement may be waived by the administrator upon a showing of good cause.

WSR 02-08-048
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-53—Filed March 29, 2002, 3:26 p.m., effective May 1, 2002]

Date of Adoption: February 9, 2002, and March 25, 2002.

Purpose: Amend personal use rules and marine protected area rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-307, 232-12-147 and 232-12-151; and amending WAC 220-16-028, 220-20-010, 220-20-025, 220-56-100, 220-56-105, 220-56-116, 220-56-128, 220-56-210, 220-56-265, 220-56-270, 220-56-282, 220-56-285, 220-56-310, 220-56-315, 220-56-335, 220-56-350, 220-56-355, 220-56-380, 232-12-011, 232-12-019, 232-12-168, 232-12-619, 232-28-619, and 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-21-126 on October 24, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-16-760, seaward boundary changed to a line farther from shore.

WAC 220-16-770 and 220-16-800, withdrawn.

WAC 220-16-780, Admiralty Head changed from a conservation area to a marine preserve.

WAC 220-16-790, seaward boundary changed to follow eight-five foot depth contour.

WAC 220-20-100, add Admiralty Head Marine Preserve and allow harvest only of sea cucumbers and sea urchins; delete Scatchet Head as withdrawn; delete Sund Rock as changed to a conservation area by Order 02-54.

WAC 220-56-105, add mouth of Chelan River.

WAC 220-56-235, require release of all yelloweye rockfish in Catch Record Card Areas 1-4.

WAC 220-56-265, add clarification that unlawful to harvest forage fish from vessel under power, and add unlawful to use more than one forage fish dip net bag at a time.

WAC 220-56-310, restore six Dungeness crab limit.

WAC 220-56-350, adjust clam seasons based on harvest availability.

WAC 220-56-380, adjust oyster seasons based on harvest availability.

WAC 232-12-168, restore contest definition to six or more anglers.

WAC 232-12-619, change yearly wild steelhead limit to five fish.

WAC 232-28-619, allow electric motors in Amber Lake; Box Canyon Creek selective gear rules from waterfall to 4930 Bridge; Lake Chelan closed within 400 feet of tributaries south of Purple Point/Painted Rocks line and within 400 feet of tributaries north of this line open, and only retain lake trout during general season; Chelan River proposal withdrawn; Cispus River, North Fork, release cutthroat; Cle Elum River selective gear rules to outlet of Hyas Lake; Colville River walleye special daily limit five fish no more than one over eighteen inches in length, and unlawful to fish for sturgeon; Cowlitz Falls Reservoir release cutthroat; Cowlitz River Clear and Muddy Forks release cutthroat; Echo Lake to eliminate split season, restore opening day season; Eloika Lake bass to statewide rules; Fazon Lake bass to statewide rules; Fisher Slough delete wild steelhead retention; Goodwin Lake bass to statewide rules; Grande Ronde River mouth to County Road Bridge trout minimum length ten inches, delete June and July steelhead release County Road Bridge to Oregon state line; split out Lower Green Lake (Okanogan) and allow electric motors; I-82 ponds 1 and 2 delete walleye release; Indian Creek above waterfall no limit on brook trout; Jump-Off Joe Lake bass to statewide rules; Lewis River East

Fork mouth to top boat ramp year-round season and top boat ramp to Horseshoe Falls June 1 through March 15 season, all open waters release all fish except up to two hatchery steelhead per day; Little Pend Oreille River selective gear Buffalo Road to Crystal Falls and five brook trout daily limit; Mill Creek (Walla Walla) tributaries closed from Roosevelt Street Bridge upstream, selective gear in mainstem Roosevelt Street Bridge to Panjab Bridge, and closed above Panjab Bridge; Moses Lake special bass limit twelve to seventeen inches not more than three over fifteen inches, special walleye limit of five walleye eighteen to twenty-four inches no more than one over twenty-four inches; Pattison Lake bass to statewide rules; Phantom Lake bass to statewide rules; Potholes Reservoir crappie eight inch minimum length withdrawn; Lake Roosevelt San Poil closure to outlet of French John's Lake and all waters unlawful to fish for sturgeon; Roses Lake to statewide rules; Rufus Woods Lake unlawful to fish for sturgeon; Satsop River delete proposal; Serene Lake delete split season, restore opening day season; Showcraft Lake bass to statewide rules; Snake River special bass limit twelve to seventeen inches not more than three over fifteen inches, special walleye limit of five walleye eighteen to twenty-four inches no more than one over twenty-four inches, and no daily limit on channel catfish; Spokane River SR 25 Bridge to Seven Mile Bridge walleye limit five, no more than one over eighteen inches and upstream of Upriver Dam release all fish; Stan Coffin Lake release bass; Stickney Lake delete split season, restore opening day season; Touchet River mouth to forks statewide rules June 1 through October 31, Robinson Fork open general season selective gear and release steelhead, North Fork upstream from Spangler closed August 31, South Fork upstream from Griffin Creek closes August 31, and Wolf Fork and upstream from Coates Creek closes August 31, mainstem additional November 1 through April 15 season barbless hooks and release all fish except hatchery steelhead and brown trout; Tucannon River Cummings Street Bridge closure upstream to 500 feet above Rainbow Lake intake, intake to Cow Camp Bridge add release steelhead, and closed waters above Cow Camp Bridge; Washburn Island Pond bass to statewide rules; add Wenaha River tributaries within Washington June 1 through August 31 season; Wynoochee River delete boat prohibition; Yakima River mouth to Prosser Dam no daily limit on channel catfish, mouth to Highway 223 Bridge no limit on bass less than twelve inches in length, release twelve to seventeen inches, maximum one greater than seventeen inches, Highway 223 to Roza Dam salmon season deleted; above Roza Dam whitefish gear may be used December 1 through last day in February. Brook trout no limit and no minimum size Lake Easton to Keechelus Dam.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 24, Repealed 3.

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

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

Effective Date of Rule: May 1, 2002.

March 26, 2002

Debbie Nelson
for Russ Cahill, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-16-028 Definitions—Dip bag net. "Dip bag net" shall be defined as a section of netting distended by a rigid frame and ~~((includes hand dip nets and smelt rakes))~~ attached directly to a rigid handle.

NEW SECTION

WAC 220-16-760 Keystone Conservation Area. "Keystone Conservation Area" is defined as all bedlands and tidelands and the waters over these starting at the extreme high water line on the east side of the jetty at Keystone then easterly along the extreme high water line to 122°40'07"W, 48°09'30"N, then along a line perpendicular to the shore southeasterly for 600 feet then southwest parallel to the shoreline to a point due south of the southern tip of the jetty, then north to the extreme high water line on the southern tip of the jetty, then along the extreme high water line on the east side of the jetty to the point of origin.

NEW SECTION

WAC 220-16-780 Admiralty Head Marine Preserve. "Admiralty Head Marine Preserve" is defined as waters and bedlands inside a line beginning at the extreme low water line on the west shore of Whidbey Island at 48° 09.40' N then northerly along the extreme low water line for 0.6 nautical miles, then due west 400 yards, then southerly parallel to the shore to 48° 09.40' N, 122° 41.14' W, then due east to the point of origin.

NEW SECTION

WAC 220-16-790 Zee's Reef Marine Preserve. "Zee's Reef Marine Preserve" is defined as waters and bedlands inside a line beginning at the extreme low water line on the northeast side of Fox Island at 47° 14.56' N, 122° 35.98' W, then 0.5 nautical mile northerly along the extreme low water line to 47° 14.96' N, 122° 36.37' W, then due northeast to the eighty-five foot depth contour, then southeast along the eighty-five foot depth contour to a point on a due northeast-southwest line through the point of origin, then southwest to the point of origin.

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other food fish and shellfish. (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department.

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the commission or director, unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	(<i>Hippoglossus stenolepis</i>)
Pacific herring (except as prescribed in WAC 220-49-020)	(<i>Clupea harengus pallasii</i>)
Salmon	
Chinook	(<i>Oncorhynchus tshawytscha</i>)
Coho	(<i>Oncorhynchus kisutch</i>)
Chum	(<i>Oncorhynchus keta</i>)
Pink	(<i>Oncorhynchus gorbuscha</i>)
Sockeye	(<i>Oncorhynchus nerka</i>)
Masu	(<i>Oncorhynchus masu</i>)

(4) It shall be unlawful for any person to fish for food fish or shellfish while in possession in the field of food fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked.

(a) Shellfish pot, bottom fish pot, set line and set net gear must be marked with a buoy to which shall be affixed in a visible and legible manner the department approved and registered buoy brand issued to the license, provided that:

(i) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(ii) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

PERMANENT

(b) It is unlawful to operate any gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, a buoy, float, or some other form of marker, visible on the corkline of the net, on which shall be marked in a visible, legible and permanent manner the name and gill net license number of the fisher.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the department.

(9) It shall be unlawful for any person licensed by the department to fail to make or return any report required by the department relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) It shall be lawful to use a dip net or club in the landing of food fish taken by personal-use angling unless otherwise provided and it shall be lawful to use a gaff in the landing of tuna, halibut and dogfish in all catch record card areas.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches during the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a spear to take carp as provided for in WAC 220-56-280.

(e) It shall be lawful to snag herring, smelt, anchovies, pilchard, sand lance, and squid when using forage fish jigger gear or squid jigs.

(f) It shall be lawful to shoot halibut when landing them with a dip net or gaff.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species and it is unlawful to possess food fish or shellfish mutilated in any manner such that the natural length or weight cannot be determined if a length or weight limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director, or to perform any act not specifically authorized in said document or in the regulations of the commission or director.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director.

(17) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fish and wildlife enforcement office in Olympia prior to testing.

(18) It is unlawful for any person or corporation either licensed by the department or bringing food fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

(19) ~~(It is unlawful to fish for or possess food fish or shellfish taken from any conservation area defined in chapter 220-16 WAC.~~

~~(20))~~ It is unlawful for any person to possess live bottom fish taken under a commercial fishery license.

(20) It is unlawful for any person to use chemical irritants to harvest fish, shellfish or unclassified marine invertebrates except as authorized by permit issued by the department.

AMENDATORY SECTION (Amending Order 00-149, filed 8/16/00, effective 9/16/00)

WAC 220-20-025 General provisions—Shellfish. (1) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257. A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess ~~((any))~~ soft-shelled crab for any commercial purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

~~(4) ((It is unlawful to use any chemicals when taking or fishing for octopus except for persons granted a scientific collector's permit from the department for the harvest of octopus for display or scientific purposes.~~

~~(5))~~ It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be

immediately returned to the water with the least possible damage to the crab.

~~((6))~~ (5) It is unlawful to fish for or possess shellfish taken for commercial purposes from the San Juan Islands Marine Preserve, except it is lawful to fish for crab in Parks Bay.

~~((7))~~ (6) It is unlawful to fish for, harvest, or possess shellfish taken from the Titlow Beach Marine Preserve, the Sund Rock Marine Preserve or the Colvos Passage Marine Preserve.

NEW SECTION

WAC 220-20-100 General provisions—Marine protected areas. (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Zee's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

AMENDATORY SECTION (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

WAC 220-56-100 Definitions—Personal use fishing. The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin.

(12) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures may have only one single hook measuring not more than 3/4 inch point to shank, no weights may be attached

below or less than twelve inches above a buoyant lure, and all hooks must be attached within three inches of the bait or lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with ((a)) barbless single hooks or lures with ((a)) barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(27) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chambers Creek - Burlington Northern Railroad Bridge.

Chehalis River - Highway 101 Bridge in Aberdeen.

Chelan River - Railroad Bridge.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.

Hoquiam River - Highway 101 Bridge.

Humtulpis River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

~~((Tuacannon River - State Highway 261 Bridge.))~~

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - Between markers on the east and west shores downstream of the Burlington Northern Railroad Bridge except when buoys are in place southerly from the shore to the buoys and east and west between the buoys.

Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.

Willapa River - South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

WAC 220-56-116 Salmon—~~((Marine))~~ Coastal waters hook rules. ~~((1)) It is unlawful to use barbed hooks while angling for salmon in all marine waters of Puget Sound, the Pacific Ocean, Grays Harbor, Willapa Bay, and waters at the mouth of the Columbia River westerly of a line drawn true north-south through Buoy 10.~~

~~((2)) It is unlawful to fish for salmon in Catch Record Card Areas 1 through 4 except with single point barbless hooks other than in the Westport and Ocean Shores boat basins, which have special terminal gear restrictions as provided for in WAC 220-56-123.~~

AMENDATORY SECTION (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

WAC 220-56-128 Food fish fishing—Closed areas. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Build-

ing to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

~~(14) ((Waters of the Sund Rock Marine Preserve in Hood Canal are closed to the taking of food fish other than salmon at all times.~~

~~(15) Waters of the Titlow Beach Marine Preserve Area are closed to the taking of food fish at all times except that it is lawful to fish for salmon with artificial lures only from shore or a nonmotorized vessel.~~

~~(16)) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.~~

~~((17)) (15) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.~~

~~((18)) (16) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers~~

at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

~~((19)) (17) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.~~

~~((20)) (18) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.~~

~~((21)) (19) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.~~

~~((22)) (20) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.~~

~~((23)) (21) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.~~

~~((24)) (22) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.~~

~~((25) The following conservation areas are closed year round:~~

~~(a) Brackett's Landing Shoreline Sanctuary Conservation Area.~~

~~(b) City of Des Moines Park Conservation Area.~~

~~(c) Octopus Hole Conservation Area.~~

~~(d) Orchard Rocks Conservation Area.~~

~~(e) South 239th Street Park Conservation Area.)~~

AMENDATORY SECTION (Amending Order 01-31, filed 3/6/01, effective 4/6/01)

WAC 220-56-210 Fly fishing. (1) It is unlawful to fish in waters restricted to "fly fishing only" with the use of:

(a) A fixed spool reel.

(b) Fishing line other than conventional fly line, except that other line may be used for backing and leader if it is attached to not less than 25 feet of conventional fly line.

~~(c) ((Monofilament leader greater than fifteen feet in length or with a breaking strength of more than 12 pounds.~~

~~(d)) Hooks that exceed 1/2 inch when measured from point to shank.~~

~~((e) A lure other than a fly)) (d) Not more than two flies each with a barbless single hook.~~

~~((f)) (e) Bait.~~

~~((g)) (f) Weight attached to the leader or line.~~

(2) "Fly" means a lure on which thread, feathers, hackle, or yarn cover a minimum of half the shank of the hook. Metallic colored tape, tinsel, mylar, or beadyes may be used as an integral part of the design of the fly pattern.

(3) Notwithstanding the provisions of this section, persons who have a permanent disability that significantly limits the use of one or both upper extremities may use spinning gear in fly fishing only waters as provided for in this section.

(a) A fisher with a disability must apply for a fly fishing special use permit by presenting a letter from a physician stating that the fisher's disability is permanent and that, because of the inability to use one or both upper extremities, the fisher is physically incapable of using conventional fly fishing gear.

(b) The fisher will be issued a fly fishing special use permit in the form of a wearable tag. The fisher must have the special use permit in his or her possession at all times while using spin casting gear in fly fishing only waters, and may display the permit on outer clothing.

(c) It is lawful for persons in possession of a fly fishing special use permit to use the following gear:

(i) Fishers may use spin casting gear with a casting bubble.

(ii) Monofilament line is permitted with no limit on the breaking strength of the line (~~(-but the leader beyond the bubble may not exceed fifteen feet in length or have a breaking strength greater than 12 pounds)).~~

(iii) Hook size and barb restrictions, fishing fly requirements, and bait and weight prohibitions as provided for in this section apply to both conventional fly fishing and spin-bubble fly fishing.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-56-265 Forage fish—Lawful gear. It shall be unlawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use except with ~~((smelt rake,))~~ hand dip net gear not exceeding 36 inches across the bag frame and forage fish jigger gear having not more than three treble or nine single hooks. It is unlawful to use a dip bag net to take forage fish unless the operator of the net holds the handle at all times the netting is in the water. It is unlawful to operate a dip bag net to harvest forage fish from a vessel under power, or to use more than one forage fish dip net at a time. Only persons with a disability license may use a hand-operated gate on a dip net while fishing for forage fish. Forage fish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch.

AMENDATORY SECTION (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

WAC 220-56-270 Smelt—Areas and seasons. (1) Smelt fishing is permitted the entire year on Pacific Ocean beaches and in all rivers concurrent with a salmon or gamefish opening, except closed in the Columbia River and tributaries.

(2) Smelt fishing is open in Puget Sound and the Strait of Juan de Fuca the entire year except closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except forage fish jigger gear.

~~((3) The Columbia River and tributaries are closed to the fishing for or retention of smelt.))~~

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year in saltwater and open in freshwater concurrent with a salmon or gamefish opening unless otherwise provided, except:

(a) It is unlawful to fish for sturgeon from a floating device May 1 through ~~((June 30))~~ July 15 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock;

(b) It is unlawful to fish for sturgeon inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore; and

(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal use limit of ten sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

(10) It is unlawful to totally or partially remove oversize sturgeon from the water.

~~((11) It is unlawful to retain sturgeon taken from the following waters:~~

~~(a) Those waters of the Snake River and tributaries upstream from lower Granite Dam;~~

~~(b) Those waters of the Columbia River and tributaries upstream from Priest Rapids Dam; and~~

~~(c) Those waters of the Columbia River and tributaries between the upstream line of Bonneville Dam and a line 400 feet below McNary Dam during the period September 1 through December 31.)~~

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-285 Shad—Areas and seasons. It is lawful ~~((the entire year))~~ to fish for or possess shad taken for personal use concurrent with a salmon or gamefish opening, except Columbia River waters downstream from Bonneville Dam are closed to shad fishing April 1 through May 15.

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 220-56-310 Shellfish—Daily limits. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters:

~~((a) In all Puget Sound waters except those contiguous waters south of a line from Tala Point to Foulweather Bluff, 18 oysters in the shell, minimum size 2 1/2 inches across the longest dimension of the shell.~~

~~(b) In the Puget Sound contiguous waters south of a line from Tala Point to Foulweather Bluff and waters of the Pacific Ocean, Grays Harbor and Willapa Bay,)) 18 oysters, shucked and the shells left on the beach. Minimum size before shucking two and one-half inches along the longest dimension of the shell.~~

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all Puget Sound waters ~~((except Shrimp Districts 1, 3 and 5))~~ - total weight 10 pounds, fishers must retain the heads of all shrimp taken while in the field. Spot shrimp: Maximum 80 shrimp as part of the 10 pound limit. Spot shrimp minimum size one and three-sixteenths inch from the base of the eyestalk to the top rear edge of the carapace except in the Hood Canal and Port Angeles Shrimp Districts.

(b) In ~~((Shrimp District 1-))~~ the Discovery Bay((3)) Shrimp District - Spot shrimp: Maximum 50 shrimp as part of the 10 pound limit. ~~((Spot shrimp minimum size one and three-sixteenths inch from base of eyestalk to top rear edge of carapace.))~~

(c) In ~~((Shrimp District 3-))~~ the Port Angeles((3)) Shrimp District - ~~((Total weight 10 pounds.))~~ Spot shrimp: No minimum size.

(d) In ~~((Shrimp District 5-))~~ the Hood Canal((3)) Shrimp District - 80 shrimp. No minimum size for spot shrimp.

(10) Octopus: ~~((2))~~ 1 octopus.

(11) Pinto abalone: Closed statewide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs:

(a) In all waters except the Columbia River - 6 male crabs.

(b) In the Columbia River - 12 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed statewide.

AMENDATORY SECTION (Amending Order 01-39, filed 3/14/01, effective 4/14/01)

WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts. (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters other than Hood Canal Shrimp District it is unlawful to use at any one time more than two units of crab gear ~~((for the purpose of taking crabs))~~ and two additional units of shrimp gear ~~((for the purpose of taking shrimp)).~~

(b) In Hood Canal Shrimp District it is unlawful to use more than one shrimp pot and a total of two star traps or ring nets during the Hood Canal shrimp season.

(c) It is unlawful for the operator of any boat from which shrimp pots are set or pulled in Catch Record Card Areas 4 through 13 to have on board or to fish more than four shrimp pots.

(d) In the Columbia River it is unlawful to use more than three units of crab gear.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

(9) Each unit of gear must be attached to its own buoy line and have a separate buoy for each unit of gear.

(10) No fisher may set or pull shellfish pots, ring nets or star traps from a vessel in all state waters from one hour after official sunset to one hour before official sunrise.

(11) It is unlawful to possess soft-shelled crab for any personal use purpose. Violation of this subsection shall be an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-56-335 Crab—Unlawful acts. (1) It is unlawful for any person to take or possess for personal use any female Dungeness crabs.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use which measure less than the following sizes:

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) ~~((except those waters of Hood Canal south of the Hood Canal Floating Bridge))~~ - 6 1/4 inch minimum size.

(b) ~~((In those waters of Hood Canal south of the Hood Canal Floating Bridge—6 inch minimum size.~~

~~((e)))~~ In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Grays Harbor, Willapa Bay - 6 inch minimum size.

~~((d)))~~ (c) In the Columbia River - 5 3/4 inch minimum size.

(3) It is unlawful to take or possess any red rock crabs taken for personal use that measure less than five inches.

(4) All measurement shall be made at the widest part of the shell (caliper measurement) immediately in front of the points (tips).

(5) It is unlawful to possess in the field any crab or parts thereof without retaining the back shell.

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Ben Ure Spit: Open ~~((January))~~ May 1 through May 31.

(b) Brown Point (DNR 57-B): Open January 1 through ~~((July 31))~~ June 30.

(c) Cama Beach State Park: Closed the entire year.

(d) Camano Island State Park: Open June 1 through June 30.

(e) Cline Spit: Closed the entire year.

(f) Cutts Island State Park: Open January 1 through June 15.

(g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(h) Dosewallips State Park: Open ~~((July))~~ March 1 through September 15 only in area defined by boundary markers and signs posted on the beach.

(i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are ~~((closed to the harvest of clams))~~ open March 1 through December 31.

(j) Dungeness Spit - Open May 15 through September 30.

(k) Eagle Creek: Open January 1 through May 31.

(l) Fort Flagler State Park: Open April 1 through June 30.

(m) Freeland County Park - Open January 1 through June 30.

~~((n))~~ (n) Frye Cove - Open January 1 through ~~((May 31))~~ June 30.

~~((n))~~ (o) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park

PERMANENT

Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

~~((p))~~ (p) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

~~((q))~~ (q) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.

~~((r))~~ (r) Hope Island State Park (South Puget Sound): Open April 1 through April 30.

~~((s))~~ (s) Illahee State Park: Closed the entire year.

~~((t))~~ (t) Kayak Point County Park: Open May 1 through May 15 ~~((and August 1 through August 15))~~, except mussels open the entire year.

~~((u))~~ (u) Kitsap Memorial State Park: Open ~~((June 1))~~ May 15 through June 30.

~~((v))~~ (v) Kopachuck State Park: ~~((Closed the entire year))~~ Open June 1 through June 30.

~~((w))~~ (w) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

~~((x))~~ (x) McNeil Island - All tidelands on McNeil Island are closed the entire year.

~~((y))~~ (y) Mukilteo State Park - Closed the entire year.

~~((z))~~ (z) Mystery Bay State Park: Open October 1 through April 30.

~~((aa))~~ (aa) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

~~((ab))~~ (ab) North Sequim Bay State Park - Open May 16 through June 15.

~~((bb))~~ (bb) Oak Bay County Park: Open July 1 through July 15.

~~((cc))~~ (cc) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open ~~((March 1 through September 30))~~ the entire year.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

~~((de))~~ (de) Penrose Point State Park: Open ~~((May))~~ April 1 through ~~((May 15))~~ April 30.

~~((ee))~~ (ff) Picnic Point County Park: Closed the entire year.

~~((ff))~~ (ff) Pillar Point County Park: ~~Open November 1 through April 30.~~

~~((gg))~~ (gg) Pitship Point: Closed the entire year.

(hh) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(ii) Point Whitney (excluding Point Whitney Lagoon): ~~((May))~~ April 1 through ~~((June))~~ April 30.

(jj) Point Whitney Lagoon: Open ~~((June))~~ May 1 through ~~((June 30))~~ May 31.

(kk) Port Townsend Ship Canal: Open ~~((April))~~ January 1 through ~~((May 15))~~ March 31.

(ll) Potlatch DNR tidelands: Open April 1 through July 15.

(mm) Potlatch East: Open April 1 through July 15.

(nn) Potlatch State Park: Open April 1 through July 15.

(oo) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(pp) Quilcene Bay - . All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign on the beach are open April 1 through ~~((September 30))~~ December 31, daily from official sunrise to official sunset only.

(qq) Rendsland Creek: Open January 1 through ~~((April 30))~~ May 31.

(rr) Saltwater State Park: Closed the entire year.

(ss) Scenic Beach State Park - Open April 16 through June 15.

(tt) Seahurst County Park: Closed the entire year.

(uu) Sequim Bay State Park - Open May 1 through June ~~((30))~~ 15.

(vv) Shine Tidelands: Open January 1 through May 15.

(ww) South Indian Island County Park: Open May 1 through August ~~((31))~~ 15.

(xx) Spencer Spit State Park: Open ~~((April))~~ March 1 through July 31.

(yy) ~~((Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.~~

~~((zz))~~ Triton Cove Oyster Farm: Closed the entire year.

~~((aaa))~~ (zz) Triton Cove State Park: Open April 1 through June 30.

~~((bbb))~~ (aaa) Twanoh State Park: Closed the entire year.

~~((eee))~~ (bbb) West Dewatto: DNR Beach 44A is open January 1 through ~~((May 31))~~ June 30.

~~((ddd))~~ (ccc) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

~~((eee))~~ (ddd) Wolfe Property State Park: Open January 1 through May 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

WAC 220-56-355 Clams—Unlawful acts. (1) It shall be unlawful for any person digging (~~(hardshell)~~) clams other than razor clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

(2) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

(3) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell.

(4) It is unlawful to return any eastern softshells, horse clams, or geoducks to the beach or water regardless of size or condition. All such clams taken for personal use must be retained by the digger as part of the daily limit.

(5) Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-380 Oysters—Areas and seasons. (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: Closed the entire year.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(c) Dosewallips State Park: Open ~~((July))~~ March 1 through September 15 only in areas defined by boundary markers and signs posted on the beach.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are ~~((closed))~~ open to the harvest of oysters ~~((the entire year))~~ March 1 through December 31.

(e) ~~((Eagle Creek: Open January 1 through June 30.~~

~~((f))~~ Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

~~((g))~~ (f) Illahee State Park: ((Closed the entire year)) Open May 1 through May 31.

~~((h))~~ (g) Kitsap Memorial State Park: Open ((June 1)) May 15 through August 31.

~~((i))~~ (h) Kopachuck State Park: Open ((May)) March 1 through ~~((May 31))~~ June 30.

~~((j))~~ (i) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

~~((k))~~ (j) Mystery Bay: Open October 1 through April 30.

~~((l))~~ (k) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

~~((m))~~ (l) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers - open ~~((March 1 through September 30))~~ the entire year.

(ii) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

(iii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

~~((n))~~ (m) Penrose Point State Park: Open ((May)) April 1 through ((June)) April 30.

~~((o))~~ (n) Point Whitney (excluding Point Whitney Lagoon): Open April 1 through ((August 31)) December 31.

~~((p))~~ (o) Potlatch East: Open April 1 through ((July 15)) September 30.

~~((q))~~ (p) Potlatch State Park: Open April 1 through ((July 15)) September 30.

~~((r))~~ (q) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those tidelands on the west side of the bay defined by boundary markers and a sign at the beach are open April 1 through ((September 30)) December 31, daily from official sunrise to official sunset, only.

~~((s))~~ (r) Scenic Beach State Park: Open April 16 through ((July 15)) September 30.

~~((t))~~ South Indian Island County Park: Open May 1 through August 31.

~~((u))~~ (s) Triton Cove Oyster Farm: Open May 1 through September 30.

~~((v))~~ (t) Triton Cove State Park: Open April 1 through June 30.

~~((w))~~ West Dewatto: DNR Beach 44A is open January 1 through September 30.

~~((x))~~ (u) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

~~((y))~~ (v) Wolfe Property State Park: Open January 1 through ((June)) May 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-307 Shellfish—Closed areas.

AMENDATORY SECTION (Amending Order 00-149, filed 8/16/00, effective 9/16/00)

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
Aleutian Canada goose	<i>Branta Canadensis leucopareia</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Common Loon	<i>Gavia immer</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamius minimus</i>
yellow-pine chipmunk	<i>Tamius amoenus</i>
Townsend's chipmunk	<i>Tamius townsendii</i>
red-tailed chipmunk	<i>Tamius ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata;</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; (~~all wildlife within Titlow Beach Marine Preserve, the Sund Rock Marine Preserve, the Colvos Passage Marine Preserve, and the conservation areas defined in chapter 220-16 WAC;~~) mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 232-12-168 Fishing contests. (1) Contest defined: By definition, a fishing contest exists when 6 or more licensed persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) Fishing contest permit applications should be submitted to the department by November 1 of each year for contests that are to take place the following calendar year. After November 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

PERMANENT

(b) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per permit.

(c) For purposes of application for a fishing contest permit, "permittee" means a "person" as defined in RCW 77.08.010. All applications from a permittee must be in a single name.

(3) Approval:

(a) Fishing contests which adversely affect fish or wild-life resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, Dolly Varden or bull trout.

~~((e) Contests involving only juveniles or the handicapped may exceed the participation limits in contests per month, contests per year, or boats per contest day with permission from the director. Also, contests involving only juveniles may target any fish species except sea-run cutthroat trout, Dolly Varden or bull trout, under one permit.))~~

(4) Prize value: Total prize value per contest will not exceed ~~(((\$400))~~ \$1,000 when trout, steelhead, char, whitefish, grayling, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize. ~~((Contests involving only juveniles are not required to meet 90 percent live release requirements even if bass or walleye are included as a target species.))~~

(5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests where all participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than three consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	((CONTESTS PER MONTH*))		BOATS PER CONTEST DAY	
		CONTESTS PER DAY	PER MONTH*	CONTESTS PER YEAR	
				BASS	WALLEYE
Less than 300	1	+	5	0	15
301 - 3,000	1	2	10	2	35
3,001 - 6,000	((+)) 2	3	15	2	((60)) 50

6,001 - 10,000	((+)) 2	4	25	2	((125)) 100
More than 10,000((**))	((2)) 3	5	35	2))	((300)) 250

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

~~((** Two separate contest permits may be issued with no more than 150 boats per contest.))~~

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit and result in denial of fishing contest permits to the permittee and related organizations or individuals sponsoring contests for two years.

(6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials. ~~((Contests involving only juveniles are not required to meet the 90 percent live release requirement for any approved species.))~~

(b) During bass and walleye contests only, participants may continue to fish while holding up to five fish in possession, as long as one fish is released immediately upon catching a fish which would make the angler in excess of five fish if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than five fish in the livewell.

(c) During bass contests, contestants may not use live bait ~~((except that contests involving only juveniles which include bass as a target species may use bait)).~~

(d) During bass and walleye contests participants may retain up to five bass and walleye of any size to be weighed in. A tournament angler may not be in possession of more than five bass or walleye from the water being fished, except as authorized under (6)(e) below.

(e) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(f) Livewell dimensions: During walleye tournaments, all livewells used to hold walleye must be at least 34 inches in length and have a water capacity of at least 20 gallons. Not more than 6 walleye may be placed in a single livewell. All livewells must have both a functional freshwater pump and backup aeration capability.

PERMANENT

(g) Boat identification: All boats used for fishing in bass and walleye contests must be clearly identified according to criteria established by the department.

(7) Zebra mussel decontamination. Prior to participating in a Washington state fishing contest:

(a) All contest participants are required to sign a zebra mussel decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters east of the Continental Divide for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters the participant must complete a decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, and any zebra mussels, if found, have been disposed of in a garbage container; and

(ii) The vessel has been decontaminated by the hull having been:

(A) Pressurized washed with hot soapy water; or

(B) Washed with a household bleach solution of one part bleach to 19 parts water, or the equivalent;

(iii) The motor has been run in a household bleach solution of one part bleach to 19 parts water, or the equivalent, for a minimum of one minute; and

(iv) The bilge and any livewells have been flushed, and the flush water disposed in such a manner that the wastewater will not directly enter state waters, either ground or surface.

(b) The zebra mussel decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

NEW SECTION

WAC 232-12-272 Juvenile fishing events. (1) Juvenile fishing events are restricted to persons under fifteen years of age. A juvenile fishing event exists when ten or more juveniles fish competitively and determine winners, regardless of prize value.

(2) It is unlawful for a juvenile fishing event sponsor to fail to notify the department regional office in the region in which the event will occur prior to holding a juvenile fishing event. The department shall approve or deny the juvenile fishing event. It is unlawful to sponsor a juvenile fishing event if the department has denied approval of the event.

(3) Juvenile fishing events that may adversely affect fish or wildlife resources or other recreational opportunity may be denied. Juvenile fishing events are not allowed on sea-run cutthroat trout, Dolly Varden, or bull trout.

(4) The daily limit for the juvenile fishing event shall not exceed the daily limit for the species being fished in the body of water where the event is being held, except that the event sponsor may set a daily limit lower than the daily limit for the body of water. Events are restricted to approved waters.

(5) Events may not exceed three consecutive days.

(6) Event participants may not restrict public access at boat launches.

(7) The total prizes awarded for any juvenile fishing event may not exceed \$1,000.

(8) Juvenile fishing event sponsors requesting fish from the department are required to apply for fish by February 1st of the year in which the event is planned.

Sponsors who receive fish are required to report event information required by the department by February 1st of the year following the event. Failure to report event information will result in a denial of fish for the calendar year following the calendar year during which the event was held.

AMENDATORY SECTION (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

WAC 232-12-619 Permanent Washington statewide game fish rules. The following statewide rules apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day and fishing is allowed 24 hours per day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or exceptions to state-wide rules.

(3) Seasonal steelhead limit: Each angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead April 1st through the following March 31st of which no more than five may be wild steelhead from waters in which wild steelhead retention is allowed.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(6) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(7) Free fishing weekend: The Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.

(8) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steel-

head trout may be caught and released while using bait until the daily limit is retained.

(9) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(10) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of five hooks may be used.

(11) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.
RIVERS, STREAMS AND BEAVER PONDS:	JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - (not more than three) <u>release bass greater than twelve but less than seventeen inches in length, only one over ((fifteen)) seventeen inches may be retained</u> Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None
GRASS CARP.... TROUT (except Eastern Brook trout)	It is unlawful to fish for or retain grass carp. A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds. No more than two of the trout daily catch limit of 5 may be Steelhead.	None in Lakes, Ponds, and Reservoirs. Eight inches in Rivers, Streams, and Beaver Ponds.

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the trout daily catch limit.	None
BURBOT	Five	None
CHANNEL CATFISH	Five (if taken from lakes, ponds or reservoirs).	((Twelve inches if taken in lakes, ponds or reservoirs with no more than one greater than 24 inches in length.)) None.

(a) The following game fish species are managed as trout:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Grayling
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho

(b) Wild steelhead release is required year-round except as provided in exceptions to statewide rules.

(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	Five, not more than one over (twenty-four) <u>twenty-two</u> inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	((Eighteen) <u>Sixteen</u> inches
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	No Limit	None

PERMANENT

(14) ~~((Seasonal)) Daily wild steelhead ((limits—From April 1st through the following March 31st)) limit:~~

~~((a)) It is unlawful for any person to retain more than ((two)) one wild steelhead ((from the Hoh River, including the mainstem, south fork and tributaries thereto.~~

~~(b) It is unlawful for any person to retain more than ten wild steelhead in the aggregate from all of the following rivers and tributaries thereto:~~

- ~~(i) Bogachiel River.~~
- ~~(ii) Calawah River.~~
- ~~(iii) Dickey River.~~
- ~~(iv) Sol Due River.~~
- ~~(v) Quillayute River.~~

~~(c) It is unlawful for any person to retain more than ten wild steelhead from the Clearwater River)) per day from those waters in which wild steelhead retention is allowed.~~

(15) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(16) Marine waters rules: These rules apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Straight of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(a) Fishing hours: Twenty-four hours per day year around except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a sport catch record card, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the catch record card using the words Marine Area and followed by the appropriate marine area code number.

(c) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(d) All species: Release all fish except up to two hatchery steelhead may be retained per day.

AMENDATORY SECTION (Amending Order 95-103, filed 8/15/95, effective 9/15/95)

WAC 232-12-019 Classification of game fish. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class *Osteichthyes* are classified as game fish:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Salvelinus confluentus</i>	Bull Trout
<i>Catostomus columbianus</i>	Bridgelip Sucker
<i>Catostomus macrocheilus</i>	Largescale Sucker
<i>Catostomus catostomus</i>	Longnose Sucker
<i>Catostomus platyrhynchus</i>	Mountain Sucker
<i>Ctenopharyngodon idella</i>	Grass Carp
<i>Esox lucius</i> and hybrids involving genus <i>Esox</i>	Northern Pike Tiger Muskellunge
<i>Meilocheilus caurinus</i>	Peamouth Chub
<i>Oncorhynchus tshawytscha</i> (in its landlocked form as defined in WAC 232-12-018)	Chinook salmon
<i>Oncorhynchus kisutch</i> (in its landlocked form as defined in WAC 232-12-018)	Coho salmon
<i>Pylodictus olivaris</i>	Flathead Catfish
<i>Ptychocheilus oregonensis</i>	Northern ((Squaw- fish)) <u>Pikeminnow</u>

Northern ~~((squawfish))~~ pikeminnow lawfully taken may be offered for sale, sold, purchased or traded.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-12-147 Maximum number of fishing lines and hooks—Snagging and gaffing fish unlawful.
- WAC 232-12-151 Fly fishing rules.

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barn-

PERMANENT

aby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length (~~twelve~~) fourteen inches. Release wild cutthroat. Release all steelhead June 1 through August 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

~~((Alder Lake (Reservoir) (Pierce/Thurston counties): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

American River (Yakima County): Selective gear rules.

~~((Ancient Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: July 1 through July 31 and September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31. Daily limit two fish, release all salmon except sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters June 1 through August 31.

~~((Ballinger Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Banks Lake (Grant County): Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

~~((Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.))~~

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

~~((Beaver Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through October 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~ Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season except closed August 16 through October 31 from mouth to Rodgers Street: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rodgers Street to the Highway 101 Bridge. Selective gear rules. All game fish: Release all fish. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

~~((Black Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5,

including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): (~~March~~) April 1 through September 30 season. (~~Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.~~)

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to (~~bridge on USFS Road No. 4930~~) waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): (~~Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.~~) Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (~~and inlet streams~~) (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. (~~Terminal gear limited to one single hook. Release all fish other than~~) Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):
From mouth to Calispell Lake: Year around season.
From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

~~((Campbell Lake (Skagit County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five,

minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release pink and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~ Salmon: Open only October 1 through November 30. Daily limit 2 salmon. Release wild coho.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cashmere Pond (Chelan County): Juveniles only.

~~((Cassidy Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): ~~((March))~~ April 1 through ~~((March 31 and September 1 through))~~ September 30 season(s).

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to Grist Mill Bridge: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release Kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

~~((Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, September 1

through January 31 from mouth to Porter Bridge, and October 16 through February 28 from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. September 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho and one adult chinook, and release all chum. October 16 through November 30, Porter Bridge to High Bridge, the daily limit may contain no more than one wild adult coho, and release chum and adult chinook. December 1 through February 28, Porter Bridge to High Bridge, release chum, adult chinook and wild adult coho. Sturgeon: Open year-round from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): ~~((Year-round season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point.))~~ Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit ((two 15 inches minimum except May 15 through September 30 east of Fields Point daily limit)) 5 ((, minimum length 8 inches no more than 2 over 15 inches in length)). Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. ((Salmon: Landlocked salmon rules apply, except minimum length 15 inches.)) Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: ~~((July))~~ August 1 through ~~((October 31))~~ September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. ~~((Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except))~~ Whitefish gear rules apply.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, ~~((steelhead only-))~~ release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon January 1 through September 30 and no more than 4 fish may be adult salmon October 1 through December 31. Salmon minimum size 8 inches. Release wild coho.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Land-locked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained-))~~

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. ~~((Whitefish-))~~ Above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules. Additional December 1 through March 31 season mouth to Cle Elum Dam. ~~((Release all fish except))~~ Whitefish gear rules apply. ~~((Terminal gear restricted to one single hook-))~~

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through ~~((August 31))~~ September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

~~**((Colville River (Stevens County):**~~

~~From mouth to bridge at Town of Valley: Year round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit eight fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.~~

~~From bridge at Valley upstream and tributaries: Selective gear rules-))~~

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park (~~(Family Fishing)~~) Pond (Benton County): Juveniles and (~~(Licensed adults accompanied by a juvenile)~~) holders of disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through August 15 daily limit 2 salmon, except the daily limit may contain no more than 1 chinook. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho salmon less than 16 inches in length. August 16 through September 30, daily limit 3 salmon, except the daily limit may contain no more than one chinook. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. October 1 through December 31 daily limit 6 fish of which no more than 3 may be adult salmon and not more than one of the three may be a chinook. Release chum, sockeye, and wild coho. January 1 through March 31 daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only (~~(August-1)~~) May 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, (~~(and)~~) wild coho and adult chinook.

From the I-5 Bridge to the Highway 395 Bridge at Pasco (~~(, including Drano Lake)~~): Closed waters: (1) From

the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. September 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island. (2) It is unlawful to fish for sturgeon except with hand-casted lines from shore from Bonneville Dam to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (3) It is unlawful to fish for sturgeon or possess sturgeon taken from a floating device May 1 through July 15 downstream from the Bonneville Dam boating deadline to a line between markers on the shore at Beacon Rock. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only (~~(August-1)~~) June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum(~~(;)~~) and sockeye(~~(, and)~~). Release wild coho ((except wild coho may be retained in the daily limit from The Dalles Dam to McNary)) downstream of Bonneville Dam. Release adult chinook June 16 through July 31.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. (~~(Release wild coho.)~~) Ringold Hatchery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only May 15 through July 31 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead. Salmon: Daily limit 2 fish.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. (~~(Release wild coho.)~~)

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through ~~((December 31))~~ October 22. Daily limit 6 fish of which no more than 2 may be adult salmon ~~((except November 1 through December 31 release adult salmon))~~. ~~((Release wild coho.))~~

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): ~~((March))~~ April 1 through ~~((July 31))~~ September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

~~((Cow Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches. Release cutthroat. Salmon: Landlocked salmon rules apply except October 1 through December 31 daily limit 6 fish, of which not more than 4 may be adult salmon and of which not more than five may be trout.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year-round season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin. Salmon: Open only August 1 through April 30 mouth to Barrier Dam. Daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through December 31 daily limit may contain 6 hatchery adult coho. Release chum and wild coho August 1 through April 30.

Release chinook August 1 through December 31. Release wild chinook January 1 through July 31.

From Mayfield Dam to mouth of Muddy Fork: Year-round season. Trout: Release cutthroat. Salmon: Open ~~((year-around))~~ year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon, except up to 4 adults may be retained October 1 through December 31. Salmon minimum size 8 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained. Release cutthroat.

Coyote Creek and Ponds (Adams County): ~~((March))~~ April 1 through September 30 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln ~~((County))~~/Grant counties) and tributaries: Year-round season. Closed waters: March 1 through May 31 from State Highway 17 to Grant County Road 7.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): ~~((March))~~ April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): ~~((Closed waters.))~~ December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Deep River (Wahkiakum County): Year-round season. Trout: Minimum length 14 inches. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through December 31 daily limit six fish of which no more than two may be adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: ~~((June 1 through March 31))~~ year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

~~((Desire Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

~~((Dollar Lake (Grant County): March 1 through July 31 season.))~~

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season

except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~ Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers, October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 30 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through ~~((June 30 and September 1 through))~~ October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

PERMANENT

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

~~((Elbow Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook. Release chum.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Trout: Minimum length fourteen inches. Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of ~~((Foster Road))~~ Highway 4 Bridge.

~~((Eloika Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. ~~((Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except))~~ Whitefish gear rules apply.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two. ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~

~~Finnel Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): ~~((Last Saturday in April))~~ March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

~~((Flowing Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): ~~((March))~~ April 1 through ~~((March 31 and September 1 through))~~ September 30 season((s)).

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length ~~((twelve))~~ fourteen inches. Release wild cutthroat. Release steelhead June 1 through August 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): ~~((June 1 through last day in February season.))~~ Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ~~((twelve))~~ ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through ~~((August))~~ October 31 season. Selective gear rules. ~~((Trout: Minimum length twelve inches.))~~ Additional season ~~((September))~~ November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead ~~((with a missing adipose fin and a healed sear at the fin site))~~.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season ~~((except closed from the Hatchery Road Bridge to posted sign at hatchery outlet))~~. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge except closed from Hatchery Road Bridge to posted sign at hatchery outlet. Release all fish other than hatchery steelhead.

Green Lake ~~((and Green Lake, Lower))~~ (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to South 277th Street Bridge in Auburn: June 1 through ~~((August 15))~~ July 31 and September 15 through last day in February season except waters from the SW 43rd Street/South 180th Street Bridge to the South 277th Street Bridge are closed September 15 through September 30. Nonbuoyant lure restriction and night closure September 15 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July ~~((+))~~ 31 through August 15 and September 15 through ~~((the last day in February))~~ November 30. Salmon: Open only September 15 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. Wild steelhead may be retained July 1 through July 31 and October 16 through ~~((last day in February))~~ November 30. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Wild steelhead may be retained July 1 through ~~((last day in February))~~ November 30. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through November 30 the daily limit may contain 4 adult salmon. Release chum and wild coho. April 1 through July 31 release wild chinook. August 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

~~((H Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Halfmoon Lake (Adams County): ~~((March))~~ April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

~~((Hallin Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): ~~((March))~~ April 1 through ((July 31)) September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

~~((Hart Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): ~~((March))~~ April 1 through September 30 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from DNR Oxbow Campground Boat Launch to mouth of south fork, selective gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 mouth to Morgan's Crossing Boat Launch and June 1 through August 31 from Morgan's Crossing Boat Launch to Olympic National Park boundary below mouth of South Fork. Daily limit 6 fish of which no more than 2 may be adult salmon except release wild adult chinook salmon May 16 through August 31 upstream from mouth to DNR Oxbow Campground, May 16 through October 15 release adult salmon from DNR Oxbow Campground to Morgan's Crossing Boat Launch and June 1 through August 31 release adult salmon from Morgan's Crossing Boat Launch upstream to Olympic National Park boundary below mouth of South Fork.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches.

From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. All species: Release all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook. Release chum.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): ~~((March))~~ April 1 through ((March 31 and September 1 through)) September 30 season(s).

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humtulpis River (Grays Harbor County), from mouth to forks: June 1 through ~~((March 31))~~ last day in February season. Nonbuoyant lure restriction, night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, adult chinook, and wild adult coho.

Humtulpis River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpis Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humtulpis River, West Fork (Grays Harbor County): Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional November 1 through ~~((March 31))~~ last day in February season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): ~~((March))~~ April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

~~I-82 Ponds, 1 and 2 (Yakima County): Walleye: Unlawful to retain walleye.))~~

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

~~((Island Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

~~Island Lake (Pacific County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 from Highway 109 Bridge to Ocean

Beach Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Johns Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 from mouth to Ballon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook. Release chum.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

~~((Kahlotus Lake (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Minimum length 20 inches. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through December 31 daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. Release wild chinook January 1

through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

~~((Kapowsin Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

~~Kathleen Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. ~~((All species except))~~ Whitefish ~~((= Selective gear rules and release all fish. Whitefish: Single hook only))~~ gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

PERMANENT

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

~~((Kitsap Lake (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~ Kiwanas Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: May 1 through January 31 season. Game fish: Closed December 1 through January 31. Trout: Minimum length twelve inches. Steelhead and salmon: May 1 through May 31 daily limit one hatchery steelhead or one salmon. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through January 31 daily limit 6 fish of which no more than 2 may be adult chinook. ~~((Release wild coho.))~~

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. Daily limit 6 fish of which no more than 2 may be adult salmon, except June 1 through July 31 release adult salmon and September 1 through November 30 daily limit 6 fish of which no more than 2 may be adult chinook. ~~((Release wild coho. Whitefish.))~~ Additional December 1 through March 31 season. ~~((Release all fish except))~~ Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~ Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

~~((Lawrence Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

~~((Leland Lake (Jefferson County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Lemna Lake (Grant County): ~~((March))~~ April 1 through ~~((March 31 and September 1 through))~~ September 30 season(s).

Lenice Lake (Grant County): March 1 through ~~((October 31))~~ November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open year-round. May 1 through July 31 daily limit one fish. August 1 through April

30 daily limit of 6 fish of which no more than 2 may be adult salmon, except September 1 through December 31 daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through October 31 upstream from Johnson Creek. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open year-round. May 1 through July 31 daily limit one fish. August 1 through April 30 daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through December 31 daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through October 31. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open only August 1 through September 30 and January 1 through April 30. Daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through September 30 daily limit 6 fish of which no more than two may be adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited. Trout: Daily limit 5 fish.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream.

~~((From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release cutthroat.))~~

Mouth to top boat ramp at Lewisville Park: ~~((Trout))~~ Year-round season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained. Top boat ramp at Lewisville Park to 400 feet below Horseshoe Falls: ((Additional April 16)) June 1 through ((May 31)) March 15 season. Selective gear rules. All fish: Release all fish except up to two hatchery steelhead per day may be retained.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

~~((Little Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from Buffalo Road to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. ~~((Whitefish:))~~ Additional December 1 through March 31 season. ~~((Release all fish except))~~ Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

PERMANENT

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 minimum size twelve inches. Release wild cutthroat. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon, except September 1 through December daily limit six fish of which not more than two may be adult chinook. ~~((Release wild coho at all times.))~~

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

~~((Long Lake (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30. ~~((Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Long Lake (Thurston County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

~~((Lyons Park Pond (at College Place) (Walla Walla County): Juveniles only.))~~ Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

~~((Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.))~~

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

~~((Mason Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~ Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Salmon: Landlocked salmon rules apply.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from a line 50 feet north of and parallel to Mud Bay Road Bridge to a line 100 feet upstream of and parallel to the south bridge on Highway 101. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through ~~((October 31))~~ November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek ~~((:))~~. Additional season: December 1 through March 31. ~~((Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except))~~ Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): ~~((Closed waters.))~~ June 1 through August 31 and November 1 through March 15 seasons. Trout: Minimum length fourteen inches. Release wild cutthroat.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): ~~((June 1 through last day in February season.))~~ Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead ~~((with a missing adipose fin and a healed scar at the fin site))~~ September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

~~((From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout: Daily limit five.))~~

From ~~((Bennington Lake flood diversion dam))~~ Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Mainstem from Roosevelt Street Bridge to Panjab Bridge: Selective gear rules. Trout: Maximum length twenty inches. Upstream from Panjab Bridge: Closed waters.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum. All species: Release all fish except chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): ~~((March))~~ April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. ~~((Whitefish:))~~ Additional December 1 through March 31 season. ~~((Release all fish except))~~ Whitefish gear rules apply. ~~((Terminal gear restricted to one single hook.))~~

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

~~((Nahwatzel Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Downstream from the Crown Main Line Bridge fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31

from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook or chum.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. All ((species)) game fish: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All ((species)) game fish: Release all fish. Additional November 1 through last day in February season. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and holders of disability licenses only.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road August 16 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 on North and Middle Nemah and on South Nemah from mouth to confluence with Middle Nemah. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one

may be a wild adult coho and no more than two may be adult chinook or adult chum.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. Night closure and nonbuoyant lure restriction and single point barbless hooks required August 16 through November 30 from mouth to Gheer Creek. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through February 28 from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 16 through November 30 the daily limit may contain no more than one wild adult coho. Release chum and adult chinook. Release wild adult coho December 1 through February 28.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

~~((Newman Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release pink.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through ~~((March 15))~~ last day in February season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through ~~((March 15))~~ last day in February. Nonbuoyant lure restriction and night closure August 1

through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. Open only October 15 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook and wild coho.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through ~~((March 15))~~ last day in February season. Selective gear rules. Non-buoyant lure restriction and night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 15 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through ~~((October 31))~~ November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

~~((Offut Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season. Single point barbless hooks, non-buoyant lure restriction and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook.

Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

- Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.
- Palmer Lake (Okanogan County): (~~Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.~~) Burbot: Set line gear allowed.
- Pampa Pond (Whitman County): (~~Last Saturday in April~~) March 1 through September 30 season. Fishing from any floating device prohibited.
- Panhandle Lake (Mason County): Last Saturday in April through October 31 season.
- Panther Creek (Chelan County): Closed waters.
- Panther Creek (tributary to Wind River) (Skamania County): Closed waters.
- Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.
- Para-Juvenile Lake (Adams/Grant counties): (~~March~~) April 1 through (~~July 31~~) September 30 season. Juveniles only.
- Park Lake (Grant County): Last Saturday in April through September 30 season.
- Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.
- Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.
- Pataha Creek (Garfield County):
Within the city limits of Pomeroy: Juveniles only.
From city limits of Pomeroy upstream: Selective gear rules.
- Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.
- Pattison Lake (Thurston County): Last Saturday in April through October 31 season. (~~Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.~~)
- Peabody Creek (Clallam County): Juveniles only.
- Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.
- Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.
- Perch Lake (Grant County): Last Saturday in April through September 30 season.
- Percival Creek (Thurston County): Trout: Minimum length fourteen inches.
- Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.
- Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.
- Phalon Lake (Stevens County): Closed waters.
- (~~Phantom Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.~~)
- Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.
- Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.
- Phillips Lake (Mason County): Last Saturday in April through October 31 season.
- Phillips Lake (Stevens County): Last Saturday in April through October 31 season.
- Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches. (~~Wild steelhead may be retained.~~)
- Pilchuck River (Snohomish County)
From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. (~~Wild steelhead may be retained.~~)
From 500 feet below diversion dam to diversion dam: Closed waters.
- Pillar Lake (Grant County): (~~March~~) April 1 through (~~March 31 and September 1 through~~) September 30 season(s).
- Pine Lake (King County): Last Saturday in April through October 31 season.
- Pine Lake (Mason County): Last Saturday in April through October 31 season.
- Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.
- Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.
- Pit Lake (Douglas County): Juveniles only.
- Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.
- Plummer Lake (Lewis County): Last Saturday in April through last day in February season.
- Poacher Lake (Grant County): (~~March~~) April 1 through (~~March 31 and September 1 through~~) September 30 season(s).
- Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon. Release pink.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

~~((Ridley Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.))~~

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from ~~((mouth of Manilla Creek))~~ outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit ~~((8))~~ 5 fish not more than one of which may be longer than ~~((20))~~ 18 inches. ~~((Release walleye 16 to 20 inches in length.))~~ Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

~~((Roses Lake (Chelan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): ~~((Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.))~~ Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): ~~((March))~~ April 1 through ~~((March 31 and September 1 through))~~ September 30 season ~~((s)).~~

~~((Saint Clair Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Nonbuoyant lure restriction and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park and on Middle and West forks upstream from Cougar Smith Road. All open periods: Trout: Minimum length fourteen inches.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except that the daily limit may contain no more than one adult chinook and one wild adult coho. Release chum.

East Fork, from bridge at Schafer State Park upstream: Single point barbless hooks required August 16 through October 31.

Middle Fork (Turnow Branch), from mouth to Cougar-Smith Road: Additional November 1 through last day in February season. West Fork, from mouth to Cougar-Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

~~((Seabrook Lake (Grant County): March 1 through July 31 season.))~~

~~Seanewa Lake (Cowlitz County): Trout: Release cutthroat.))~~

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

~~((Seooteny Reservoir (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through ~~((June 30 and September 1 through))~~ October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): ~~((March))~~ April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

~~((Shoecraft Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Shoveler Lake (Grant County): ~~((March))~~ April 1 through ~~((March 31 and September 1 through))~~ September 30 season((s)).

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

~~((Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.))~~

Silver Lake (Pierce County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

~~Silver Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Silver Lake, North (Spokane County): Fly fishing only. All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. ~~((Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except))~~ Whitefish gear rules apply.

From Enloe Dam to Canadian border: ~~((Whitefish:))~~ Additional December 1 through March 31 season. ~~((Release all fish except))~~ Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. ~~((Whitefish:))~~ Additional December 1 through March 31 season. ~~((Release all fish except))~~ Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~ Salmon: Open only August 15 through December 31. Daily limit 4 salmon of which no more than two may be coho or two may be chum. Release chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to ~~((pipeline crossing at Sedro Woolley))~~ Gilligan Creek: June 1 through March 31 season. Trout

except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~ Salmon: Open only August 15 through December 31. Daily limit 4 salmon of which no more than two may be coho or two may be chum. Release chinook.

From ~~((pipeline crossing at Sedro Woolley))~~ Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June 1 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30 ~~((upstream from Gilligan Creek))~~. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~ Salmon: Open only July 1 through July 31 from Dalles Bridge to the Baker River~~((:))~~, daily limit 2 sockeye~~((: Open only August 15 through December 31 from the pipeline crossing to Gilligan Creek. Daily limit 4 salmon of which not more than two may be coho or two may be chum, except))~~, and Dalles Bridge to Cascade River October 1 through October 31, daily limit two coho. Release chinook at all times.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30 and 6 salmon October 1 through December 15, except October 1 through December 15 the daily limit may contain no more than 4 adult fish and

of these adults not more than one may be an adult chinook. August 1 through October 15 release chum salmon.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of ~~((Church))~~ Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): ~~((June 1 through last day in February season.))~~ Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks, night closure and nonbuoyant lure restriction August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 16 through November 30 the daily limit may contain no more than one wild adult coho and December 1 through the last day in February release adult wild coho. Release chum and adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited November 1 through ~~((April 30))~~ last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February. Additional March 1 through April 30 season. Selective gear rules. Nonbuoyant lure restriction and night closure March 1 through April 30. Fishing from any floating device prohibited from the boat ramp~~

~~below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. All species: Release all fish.))~~ Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook.

From the mouth of the Sultan River to the forks: June 1 through ~~((March 31))~~ last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~ Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks, nonbuoyant lure restriction and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon:

Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): ~~((March))~~ April 1 through ~~((March 31 and September 1 through))~~ September 30 season~~((s))~~.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through ~~((March 31))~~ last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~ Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through ~~((March 31))~~ last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through ~~((March 31))~~ last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~ Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the ~~((Highway 101 Bridge downstream from Snider Creek))~~ Olympic National Park boundary. November 1 through April 30 from the Highway 101 Bridge downstream from Snider Creek to the Olympic National Park boundary unlawful to fish from a floating device and all species: Release all fish. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season. September 1 through October 31 - night closure. Trout: Minimum length fourteen inches. Salmon: Open only October 13 through October 28 to fishing by juveniles only. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

~~((Spectacle Lake (Kittitas County): Trout: Daily limit sixteen.))~~

Spectacle Lake (Okanogan County): March 1 through July 31 season.

~~((Spencer Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Spirit Lake (Skamania County): Closed waters.

PERMANENT

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit ~~((eight))~~ five, no minimum length, no more than one over ~~((twenty))~~ eighteen inches in length. ~~((Release walleye sixteen inches to twenty inches in length, and))~~ April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. ~~((Trout: Daily limit one, minimum length 12 inches. Salmon: Landlocked salmon rules apply.))~~ All species: Release all fish.

~~((Sportsman's Lake (San Juan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Sprague Lake (Adams/Lincoln counties):

~~((Waters northeast of the lakeside edge of the reeds: Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

~~((Spring Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release ~~((fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained))~~ all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: An additional ten kokanee may be retained above the five fish daily limit.))~~ Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Stevens Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through ~~((June 30 and September 1 through))~~ October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~ Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook and coho.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed June 1 through November 30. Trout: June 1 through November 30 release all fish except hatchery steelhead. Minimum length fourteen inches December 1 through last day in February ~~((and wild steelhead may be retained))~~. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook and coho. Minimum size 14 inches.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches ~~((and wild steelhead may be retained))~~.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Game fish: Selective gear rules and release all fish. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Single point barbless hooks required. Daily limit 2 coho salmon.

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

~~((Tee Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

PERMANENT

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. ~~((Trout: Daily limit five, no minimum length. Whitefish:))~~ Additional December 1 through March 31 season ~~((Release all fish except))~~; Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish, except October 1 through December 31 the daily limit may contain up to 4 adult salmon. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through ~~((March 31))~~ last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February.))~~

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. ~~((Trout: Minimum length ten inches.))~~ All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

~~((Totem Lakes 1 and 2 (Whatcom County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Touchet River (Columbia/Walla Walla counties):

~~((From mouth to confluence of north and south forks: June 1 through October 31 season. Trout: Daily limit five. Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and brown trout.))~~

From confluence of north and south forks upstream, including Robinson and Wolf Forks: ~~((June 1 through October 31 season.))~~ Selective gear rules. Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through November 30 daily limit 6 fish. Release chum and chinook. Release wild coho.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100

Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead (~~(with a missing adipose fin and a healed scar at the fin site)~~).

~~((Tradition Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the ~~((Highway 261 Bridge))~~ mouth upstream to Turner Road Bridge: ~~((Trout: Daily limit five, no more than two of which may be steelhead.))~~ Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to ~~((a sign referencing Deer Lake about 3/4 mile upstream of the Tucannon hatchery))~~ 500 feet above the Rainbow Lake intake: Closed waters.

From ~~((a sign referencing Deer Lake))~~ 500 feet above the Rainbow Lake intake to the ~~((Panjab Creek))~~ Cow Camp Bridge: Selective gear rules. Release steelhead.

From ~~((the Panjab Creek))~~ Cow Camp Bridge upstream: Closed waters.

~~((Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.))~~

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all

fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish except sturgeon may be retained downstream from Highway 300 Bridge. From Highway 300 Bridge upstream to watershed boundary: Selective gear rules.

From Highway 300 Bridge to lower bridge on Old Belfair Highway: Closed waters August 16 through October 31.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish and of the adult fish not more than one may be a wild adult coho. Release chum and adult chinook.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. (~~Game fish: Closed September 2 through October 31.~~) Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From the mouth to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. (~~Wild steelhead may be retained December 1 through last day in February.~~)

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season. (~~Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.~~)

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. (~~Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.~~) Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 seasons. Nonbuoyant lure restriction and night closure September 1 through October 31. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except hatchery steelhead.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~ Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. ~~((Kokanee not counted in daily trout limit.))~~ Release kokanee ~~((daily limit five))~~. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. ~~((All other areas and times: Closed waters. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except))~~ Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through December 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure August 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: July 1 through March 31 season. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. ~~((Release wild coho.))~~ October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. ~~((Release wild coho.))~~ November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

~~((Whitestone Lake (Okanogan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

~~Whitman Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): ~~((March))~~ April 1 through ~~((March 31 and September 1 through))~~ September 30 season((s)).

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

PERMANENT

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season. Nonbuoyant lure restriction, night closure and single point barbless hooks required August 16 through November 30. Fishers may not allow their line, lures or bait to remain stationary in the water August 16 through November 30. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: Nonbuoyant lure restriction and night closure August 16 through October 31. All species: Release all fish except up to two hatchery steelhead may be retained. Additional November 1 through last day of February season. Nonbuoyant lure restriction and night closure November 1 through November 30. All species: Release all fish except that up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

~~((Willow Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.))~~

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season. Mouth to High Bridge: May 1 through June 30: Nonbuoyant lure restriction and night closure. Salmon and steelhead: Open May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31 from mouth to railroad bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. ~~((Release wild coho.))~~

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

~~((Wiser Lake (Whatcom County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook. Release chum.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season. ~~((Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.))~~

Wynoochee River (Grays Harbor County): Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required

August 16 through November 30. Trout: Minimum length fourteen inches.

7400 line bridge to barrier dam: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than 1 wild adult coho and 1 adult chinook. Release chum.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted. Channel catfish: No daily limit. Salmon: Open only September 16 through October 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. ~~((Terminal gear restricted to bait and one single point barbless hook. Release all fish except))~~ Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). ~~((Trout:))~~ Selective gear rules((, and)) except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used for whitefish December 1 through last day in February. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size from Lake Easton to Keechelus Dam. ((Whitefish: Bait and one single pointed, barbless hook only may be used for whitefish December 1 through last day in February.

~~From Lake Easton to Keechelus Dam: Selective gear rules:))~~

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) July 1 through August 31 - Daily limit of 2 salmon, except, release chum and wild coho salmon. Chinook retention will be prohibited when 2000 chinook quota is estimated to be reached.

(b) September 1 through September 30 - Daily limit of 2 salmon, except release chinook and chum.

(c) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

(d) February 16 through April 10 - Daily limit of 1 salmon.

(2) Catch Record Card Area 6:

(a) August 1 through September 30 - Daily limit of 2 salmon, except release chinook, chum and wild coho salmon.

(b) Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp open only October 1 through October 31 - Daily limit of 2 coho salmon, release all salmon except coho salmon.

(c) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

(d) February 16 through April 10 - Daily limit of 1 salmon.

(3) Catch Record Card Area 7:

(a) July 1 through July 31 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(b) August 1 through September 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon, release chum and wild coho.

(c) October 1 through October 31 - Daily limit of 2 salmon, except release chinook salmon.

(d) November 1 through November 30 - Daily limit of 2 salmon, no more than one of which may be a chinook salmon.

(e) February 16 through April 10 - Daily limit of one salmon.

(f) Notwithstanding the provisions of this subsection, during the period August 16 through October 31 the daily limit in Bellingham Bay and adjacent waters described in

WAC 220-56-195(1) is 4 salmon, no more than 1 of which may be chinook.

(4) Catch Record Card Area 8-1:

(a) August 1 through September 30 - Daily limit of 4 salmon, no more than two of which may be coho or chum, and release chinook.

(b) October 1 through October 31 - Daily limit 2 salmon, release chinook.

(c) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(d) February 16 through April 10 - Daily limit of one salmon.

(5) Catch Record Card Area 8-2:

(a) August 1 through September 30 - Daily limit of 4 salmon, no more than two of which may be coho or chum, and release chinook.

(b) October 1 through October 31 - Daily limit 2 salmon, release chinook.

(c) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday, July 1 through September 30. Daily limit of 2 salmon not more than 1 of which may be a chinook salmon.

(d) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(e) February 16 through April 10 - Daily limit of one salmon.

(6) Catch Record Card Area 9:

(a) August 1 through September 30 - Daily limit of 2 salmon except release chinook and chum salmon.

(b) October 1 through October 31 - Daily limit of 2 salmon except release chinook.

(c) November 1 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Edmonds fishing pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum August 1 through September 30.

(e) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Hood Canal Bridge Fishing pontoon - Daily limit of 2 salmon not more than one of which may be a chinook salmon, except release chinook July 1 through August 31 and release chum salmon August 1 through October 15.

(f) February 16 through April 10 - Daily limit of one salmon.

(7) Catch Record Card Area 10:

(a) July 1 through October 31 - Daily limit of 2 salmon except release chinook salmon, release chum July 1 through September 15, and:

(i) During the period July 1 through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except waters east of a line from Pier 91 to Duwamish Head open July 20 through July 22, July 27 through July 29, August 3 through August 5, and August 10 through August 12 - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum.

(ii) During the period July 1 through August 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period July 1 through September 15, waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point and west of a line projected true south from Point White - Daily limit of 2 salmon, release chum July 1 through September 15.

(b) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(c) December 1 through December 15 - Release all salmon. Only one single pointed hook allowed.

(d) December 16 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(e) March 1 through April 10 - Daily limit of 1 salmon.

(f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Elliott Bay public fishing pier at Terminal 86, Seacrest pier, Waterman pier, Bremerton boardwalk, and the Illahee State Park pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum July 1 through September 15.

(g) During all salmon openings in the Duwamish Waterway provided for in this section, it is unlawful to fish with terminal gear other than bait suspended above the bottom on a float. The Duwamish Waterway is defined as those waters downstream from the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island.

(8) Catch Record Card Area 11:

(a) June 1 through June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(b) July 1 through October 31 - Daily limit of 2 salmon, release pink salmon.

(c) November 1 through December 31 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) February 16 through April 10 - Daily limit of one salmon.

(e) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point Dock and the Point Defiance Boathouse Dock - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) July 1 through September 30 in waters south of Ayock Point - Daily limit of 4 salmon, not more than two of which may be chinook salmon and release chum salmon.

(b) August 16 through October 15 in waters north of a true east-west line from Point Whitney to the Toandos Peninsula - Daily limit of 4 coho salmon only.

(c) September 1 through September 30 in the waters north of Ayock Point - Daily limit of 4 coho salmon only.

(d) October 1 through October 15 - Daily limit of 4 coho only.

(e) October 16 through November 30 - Daily limit of 2 salmon, release chinook salmon.

(f) March 1 through March 31 - Daily limit of 1 salmon.
 (g) Waters of the Hoodspout Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(h) The Hood Canal Bridge fishing pier is managed under Area 9.

(10) Catch Record Card Area 13:

(a) May 1 through December 31 - Daily limit of 2 salmon not more than one of which may be a chinook salmon May 1 through June 30 and November 1 through December 31 and release wild coho salmon July 1 through October 31.

(b) January 1 through February 15 - Release all salmon. Only one single pointed hook allowed.

(c) February 16 through April 10 - Daily limit of one salmon.

(d) April 11 through April 30 - Release all salmon. Only one single pointed hook allowed.

(e) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Fox Island public fishing pier - Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(11) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

WSR 02-08-072

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed April 2, 2002, 3:37 p.m.]

Date of Adoption: March 15, 2002.

Purpose: The rules codify and clarify the department's policies regarding the eligibility for unemployment benefits of claimants who are able to work less than full-time, or who leave work, due to a disabling condition. The rules also clarify the requirements such claimants must meet to maintain eligibility for unemployment benefits.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-021.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010.

Adopted under notice filed as WSR 01-21-123 on October 24, 2001.

Changes Other than Editing from Proposed to Adopted Version: Language added to WAC 192-150-060 clarifying that the claimant's notification to the employer of the disability must include any known work-related restrictions that result from the disability.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, 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 3, Amended 0, Repealed 1.

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

April 1, 2002

Dr. Sylvia P. Mundy

Commissioner

NEW SECTION

WAC 192-150-060 Leaving work because of disability—Notice to employer—RCW 50.20.050 (2)(b). (1) If you leave work because of a disability you must notify your employer about your disabling condition before the date you leave work or begin a leave of absence. Notice to the employer shall include any known restrictions on the type or hours of work you may perform.

(2) Any restrictions on the type or hours of work you may perform must be supported by a physician's statement or by the terms of a collective bargaining agreement or individual hiring contract.

(3) Nothing in unemployment insurance law requires your employer to offer you alternative suitable work when you have a disability, or modify your duties so that you can perform your current job. However, any offer from your employer of other suitable work must be made prior to the date you leave work or begin a leave of absence. You are not required to request alternative work from your employer to be found available for work.

(4) If your employer offers you alternative work or otherwise offers to accommodate your disability, you must demonstrate good cause to refuse the offer. This may include, but is not limited to, information from your physician that the accommodation offered by your employer was inadequate to reasonably accommodate your medical condition, or information demonstrating that the alternative work offered you by your employer was not suitable.

(5) If you refuse an offer of work from any employer after your job separation or after beginning a leave of absence, the department will determine whether you refused an offer of suitable work as provided in RCW 50.20.080.

(6) If you are on a leave of absence due to your disability, you must promptly request reemployment from your employer when you are again able to return to work.

(7) This section also applies to individuals on a leave of absence because of a pregnancy-related disability.

PERMANENT

**CHAPTER 192-170
AVAILABILITY FOR WORK**

NEW SECTION

WAC 192-170-050 Suitable work factors—RCW 50.20.100 and RCW 50.20.110. (1) **Physical fitness.** In determining whether work is suitable as defined by RCW 50.20.100 and RCW 50.20.110, the department will consider whether you have a disability that prevents you from performing the essential functions of the job without a substantial risk to your health or safety.

(a) For purposes of this section, the term "disability" means a sensory, mental, or physical condition that:

- (i) Is medically recognizable or diagnosable;
- (ii) Exists as a record or history; and
- (iii) Substantially limits the proper performance of your job.

(b) The department may determine in individual circumstances that less than full-time work is suitable if:

- (i) The disability prevents you from working the number of hours that are customary to the occupation;
- (ii) You are actively seeking work for the occupation and hours you have the ability to perform; and
- (iii) The restriction on the number of hours you can work, the essential functions you can perform, and the occupations you are seeking does not substantially limit your employment prospects within your general area.

(c) To be considered available for suitable work, you must be available for employment in an occupation in keeping with your prior work experience, education, or training. If such employment is not available in your general area, you must be willing to accept any employment which you have the physical or mental ability to perform.

(d) Disabilities resulting from pregnancy will be treated the same as other disabilities, except that the department will also consider the risk to your pregnancy when deciding whether work is suitable.

(e) The department will require verification from a physician of your disability, including:

- (i) The restrictions on the tasks or work-related functions you can perform;
- (ii) The restrictions on the number of hours you can work, if any;
- (iii) The expected duration of the disability and resulting work restrictions; and
- (iv) The types of tasks or work-related functions you are able to perform with this disability, if known by the physician.

(2) **Definitions.** For the purposes of this chapter:

(a) "General area" means an individual's labor market area and includes the geographic area within which an individual would customarily seek work in a given occupation.

(b) "Physician" means a person licensed to practice one or more of the following professions: Medicine and surgery (including, but not limited to, psychiatry); osteopathic medicine and surgery; chiropractic; naturopathic medicine; podiatry.

NEW SECTION

WAC 192-180-012 Requirements of individuals who leave work due to illness or disability. If you leave work because of your illness or disability:

(1) To be eligible for unemployment benefits, you must meet the job search requirements described in RCW 50.20.240; and

(2) The department will provide you with a directive that lists the job search requirements you must meet to maintain your eligibility for benefits. These job search requirements will not be more stringent than those imposed on claimants who are not disabled.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-16-021	Interpretive regulations— Suitable work factors—RCW 50.20.100
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WSR 02-08-076**PERMANENT RULES****FREIGHT MOBILITY****STRATEGIC INVESTMENT BOARD**

[Filed April 3, 2002, 9:47 a.m.]

Date of Adoption: March 26, 2002.

Purpose: Revise and clarify administrative rules and procedures.

Citation of Existing Rules Affected by this Order: Amending WAC 226-01-040, 226-01-050, 226-12-080, 226-16-160, and 226-20-010.

Statutory Authority for Adoption: Chapter 4706A [47.06A RCW].

Adopted under notice filed as WSR 02-03-038 on January 8, 2002.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

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

Effective Date of Rule: Thirty-one days after filing.
 March 28, 2002
 Karen Schmidt
 Director

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-01-040 Time and place of meetings. Regular public meetings of the board shall be held on the third Friday of every odd numbered month. Each such regular meeting shall be held in SeaTac, Washington, and begin at the hour of 9:00 a.m. ~~((or at such other time and place as designated by the board))~~ unless otherwise designated by the board and at which time will be posted to the register and FMSIB website at least twenty days prior to the meeting.

A special meeting of the board may be called by the chairperson or by a majority of the members of the board, by delivering personally or by mail written notice to all other members of the board at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting, and all provisions of chapter 42.30 RCW shall apply.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-01-050 Address of board. Persons wishing to obtain information or to make submissions or requests of any kind shall address their correspondence to:

Executive Director, Freight Mobility Strategic Investment Board
 ((Washington State Department of Transportation Highways & Local Programs Service Center))
1063 Capitol Way, Room 201
 Post Office Box 40965
 Olympia, Washington 98504-0965

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-12-080 Priority criteria for freight mobility projects. ~~((From the effective date of this act through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the board and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program."))~~ The board shall use a multicriteria analysis and scoring framework, which may be periodically refined, for evaluating and ranking eligible freight mobility and freight mitigation projects. The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination

of project priority. ~~((For projects funded after June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the board.))~~

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-16-160 Work progress on freight mobility projects. The lead agency must begin work on a project within twelve months of the date the board approves the project, unless the board grants an extension. To determine if work has begun, the board will assess the project progress as compared to the information provided the board when the project was authorized for funding. If project activity has not started and it appears the project is falling behind the proposed schedule, the board may review the project status to determine if board funds should be withdrawn from the project and reallocated to another proposed project. The board may grant an extension if, in the board's opinion, the project will begin work shortly after the original twelve-month period has elapsed. For purposes of this section, "begin work" means the date that a contract is advertised.

AMENDATORY SECTION (Amending WSR 99-18-048, filed 8/27/99, effective 9/27/99)

WAC 226-20-010 Matching ratios for freight mobility program funds. The board gives preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, unless the board grants a special exception. The maximum amount of funding on a project from the freight mobility board shall be fifty million dollars. The board may allow the use of matching ratios greater than the original matching ratio on any phase of a project to facilitate project development, with the understanding that the total payments made by project completion shall not exceed the original matching ratio. The board allows other state funds to be considered part of the local matching funds, and port funds expended off of port property will be considered private funds.



WSR 02-07-015
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Rehabilitative Services Administration)
[Filed March 8, 2002, 4:51 p.m., effective March 11, 2002]

Date of Adoption: March 8, 2002.

Purpose: The department is amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740 and 388-805-750, and implementing new WAC 388-805-035 and 388-805-040, regulating opiate substitution treatment programs. An emergency WAC adoption will modify rules to begin recognizing Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration (SAMHSA) certification standards, and implement the requirements of SSB 5417, an act relating to opiate substitution treatment programs effective July 22, 2001.

Citation of Existing Rules Affected by this Order: Amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750.

Statutory Authority for Adoption: Chapter 70.96A RCW and chapter 242, Laws of 2001.

Other Authority: 42 Code of Federal Regulations (C.F.R.), Part 8.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The CSAT, SAMHSA adopted 42 C.F.R., Part 8, Certification of Opioid Treatment Programs January 17, 2001, effective May 18, 2001, regulating opiate substitution treatment programs. SSB 5417, an act relating to opiate substitution treatment programs was effective July 22, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 11, Repealed 0.

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

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

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

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

Effective Date of Rule: March 11, 2002.

March 1, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-005 What definitions are important throughout this chapter? "Added service" means the adding of certification for chemical dependency levels of care to an existing certified agency at an approved location.

"Addiction counseling competencies" means the knowledge, skills, and attitudes of chemical dependency counselor professional practice as described in Technical Assistance Publication No. 21, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services 1998.

"Administrator" means the person designated responsible for the operation of the certified treatment service.

"Adult" means a person eighteen years of age or older.

"Alcoholic" means a person who has the disease of alcoholism.

"Alcoholism" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic.

"Approved supervisor" means a person who meets the education and experience requirements described in WAC 246-811-030 and 246-811-045 through 246-811-049 and who is available to the person being supervised.

"Area" means the county in which an opiate substitution treatment program applicant proposes to locate a certified program, and counties adjacent or near to the county in which the program is proposed to be located.

"Authenticated" means written, permanent verification of an entry in a patient treatment record by an individual, by means of an original signature including first initial, last name, and professional designation or job title, or initials of the name if the file includes an authentication record, and the date of the entry. If patient records are maintained electronically, unique electronic passwords, biophysical or passcard equipment are acceptable methods of authentication.

"Authentication record" means a document that is part of a patient's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

- (1) Full printed name;
- (2) Signature including the first initial and last name; and
- (3) Initials and abbreviations indicating professional designation or job title.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. The pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Branch site" means a physically separate certified site where qualified staff provides a certified treatment service, governed by a parent organization. The branch site is an

extension of a certified provider's services to one or more sites.

"CSAT" means the Federal Center For Substance Abuse Treatment, a substance abuse service center of the Substance Abuse and Mental Health Services Administration.

"Certified treatment service" means a discrete program of chemical dependency treatment offered by a service provider who has a certificate of approval from the department of social and health services, as evidence the provider meets the standards of chapter 388-805 WAC.

"Change in ownership" means one of the following conditions:

- (1) When the ownership of a certified chemical dependency treatment provider changes from one distinct legal entity (owner) to a distinct other;
- (2) When the type of business changes from one type to another; or
- (3) When the current ownership takes on a new owner of five percent or more of the organizational assets.

"Chemical dependency" means a person's alcoholism or drug addiction or both.

"Chemical dependency counseling" means face-to-face individual or group contact using therapeutic techniques that are:

- (1) Led by a chemical dependency professional (CDP), or CDP trainee under supervision of a CDP;
- (2) Directed toward patients and others who are harmfully affected by the use of mood-altering chemicals or are chemically dependent; and
- (3) Directed toward a goal of abstinence for chemically dependent persons.

"Chemical dependency professional" means a person certified as a chemical dependency professional by the Washington state department of health under chapter 18.205 RCW.

"Child" means a person less than eighteen years of age, also known as adolescent, juvenile, or minor.

"County coordinator" means the person designated by the chief executive officer of a county to carry out administrative and oversight responsibilities of the county chemical dependency program.

"Criminal background check" means a search by the Washington state patrol for any record of convictions or civil adjudication related to crimes against children or other persons, including developmentally disabled and vulnerable adults, per RCW 43.43.830 through 43.43.842 relating to the Washington state patrol.

"Danger to self or others," for purposes of WAC 388-805-520, means a youth who resides in a chemical dependency treatment agency and creates a risk of serious harm to the health, safety, or welfare to self or others. Behaviors considered a danger to self or others include:

- (1) Suicide threat or attempt;
- (2) Assault or threat of assault; or
- (3) Attempt to run from treatment, potentially resulting in a dangerous or life-threatening situation.

"Department" means the Washington state department of social and health services.

"Determination of need" means a process used by the department for opiate substitution treatment program certification applications as described in WAC 388-805-040.

"Detoxification" or **"detox"** means care and treatment of a person while the person recovers from the transitory effects of acute or chronic intoxication or withdrawal from alcohol or other drugs.

"Disability, a person with" means a person whom:

- (1) Has a physical or mental impairment that substantially limits one or more major life activities of the person;
- (2) Has a record of such an impairment; or
- (3) Is regarded as having such an impairment.

"Discrete treatment service" means a chemical dependency treatment service that:

- (1) Provides distinct chemical dependency supervision and treatment separate from any other services provided within the facility;
- (2) Provides a separate treatment area for ensuring confidentiality of chemical dependency treatment services; and
- (3) Has separate accounting records and documents identifying the provider's funding sources and expenditures of all funds received for the provision of chemical dependency treatment services.

"Domestic violence" means:

- (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;
- (2) Sexual assault of one family or household member by another;
- (3) Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member; or
- (4) As defined in RCW 10.99.020, RCW 26.50.010, or other Washington state statutes.

"Drug addiction" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. Drug addiction is characterized by impaired control over use of drugs, preoccupation with drugs, use of a drug despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic.

"Essential requirement" means a critical element of chemical dependency treatment services that must be present in order to provide effective treatment.

"First steps" means a program available across the state for low-income pregnant women and their infants. First steps provides maternity care for pregnant and postpartum women and health care for infants and young children.

"Governing body" means the legal entity responsible for the operation of the chemical dependency treatment service.

"HIV/AIDS brief risk intervention (BRI)" means an individual face-to-face interview with a client or patient, to help that person assess personal risk for HIV/AIDS infection and discuss methods to reduce infection transmission.

"HIV/AIDS education" means education, in addition to the brief risk intervention, designed to provide a person

with information regarding HIV/AIDS risk factors, HIV antibody testing, HIV infection prevention techniques, the impact of alcohol and other drug use on risks and the disease process, and trends in the spread of the disease.

"Medical practitioner" means a physician, advanced registered nurse practitioner (ARNP), or certified physician's assistant. ARNPs and midwives with prescriptive authority may perform practitioner functions related only to indicated specialty services.

"Misuse" means use of alcohol or other drugs by a person in:

- (1) Violation of any law; or
- (2) Breach of agency policies relating to the drug-free work place.

"Off-site treatment" means provision of chemical dependency treatment by a certified provider at a location where treatment is not the primary purpose of the site; such as in schools, hospitals, or correctional facilities.

"Opiate substitution treatment ((agency) program)" means an organization that administers or dispenses an approved drug as specified in 212 CFR Part 291 for treatment or detoxification of opiate substitution. The agency is:

(1) ~~((Approved by the Federal Food and Drug Administration))~~ Certified as an opioid treatment program by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration;

(2) ~~((Registered with))~~ Licensed by the Federal Drug Enforcement Administration;

(3) Registered ~~((with))~~ by the state board of pharmacy;

(4) ~~((Licensed by the county in which it operates))~~ Accredited by an opioid treatment program accreditation body approved by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration; and

(5) Certified as an opiate substitution treatment ~~((agency))~~ program by the department.

"Outcomes evaluation" means a system for determining the effectiveness and efficiency of results achieved by patients during or following service delivery, and patient satisfaction with those results for the purpose of program improvement.

"Patient" is a person receiving chemical dependency treatment services from a certified program.

"Patient contact" means time spent with a client or patient to do assessments, individual or group counseling, or education.

"Patient placement criteria (PPC)" means admission, continued service, and discharge criteria found in the Patient Placement Criteria for the Treatment of Substance-Related Disorders as published and revised by the American Society of Addiction Medicine (ASAM).

"Probation assessment officer (PAO)" means a person employed at a certified district or municipal court probation assessment service that meets the PAO requirements of WAC 388-805-220.

"Probation assessment service" means a certified assessment service offered by a misdemeanant probation department or unit within a county or municipality.

"Progress notes" are a permanent record of ongoing assessments of a patient's participation in and response to treatment, and progress in recovery.

"Qualified personnel" means trained, qualified staff, consultants, trainees, and volunteers who meet appropriate legal, licensing, certification, and registration requirements.

"Registered counselor" means a person registered, or certified by the state department of health as required by chapter 18.19 RCW.

"Relocation" means change in location from one office space to a new office space, or moving from one office building to another.

"Remodeling" means expansion of existing office space to additional office space at the same address, or remodeling of interior walls and space within existing office space.

"Restraint," for purposes of WAC 388-805-520, means the use of methods, by a trained staff person, to prevent or limit free body movement in case of out-of-control behavior.

"Restraint" includes:

- (1) Containment or seclusion in an unlocked quiet room;
- (2) Physical restraint, meaning a person physically holds or restricts another person in a safe manner for a short time in an immediate crisis; or
- (3) Use of a safe and humane apparatus, which the person cannot release by oneself.

"SAMHSA" means the Federal Substance Abuse and Mental Health Services Administration.

"Service provider" or **"provider"** means a legally operated entity certified by the department to provide chemical dependency services. The components of a service provider are:

- (1) Legal entity/owner;
- (2) Facility; and
- (3) Staff and services.

"Sexual abuse" means sexual assault, incest, or sexual exploitation.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or treatment; or
- (2) Such conduct interferes with work performance or creates an intimidating, hostile, or offensive work or treatment environment.

"Substance abuse" means a recurring pattern of alcohol or other drug use that substantially impairs a person's functioning in one or more important life areas, such as familial, vocational, psychological, physical, or social.

"Summary suspension" means an immediate suspension of certification, per RCW 34.05.422(4), by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department.

"Supervision" means:

- (1) Regular monitoring of the administrative, clinical, or clerical work performance of a staff member, trainee, student,

volunteer, or employee on contract by a person with the authority to give directions and require change; and

(2) **"Direct supervision"** means the supervisor is on the premises and available for immediate consultation.

"Suspend" means termination of the department's certification of a provider's treatment services for a specified period or until specific conditions have been met and the department notifies the provider of reinstatement.

"TARGET" means the treatment and assessment report generation tool.

"Treatment services" means the broad range of emergency, detoxification, residential, and outpatient services and care. Treatment services include diagnostic evaluation, chemical dependency education, individual and group counseling, medical, psychiatric, psychological, and social services, vocational rehabilitation and career counseling that may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other drugs, and intoxicated persons.

"Urinalysis" means analysis of a patient's urine sample for the presence of alcohol or controlled substances by a licensed laboratory or a provider who is exempted from licensure by the department of health:

(1) **"Negative urine"** is a urine sample in which the lab does not detect specific levels of alcohol or other specified drugs; and

(2) **"Positive urine"** is a urine sample in which the lab confirms specific levels of alcohol or other specified drugs.

"Vulnerable adult" means a person who lacks the functional, mental, or physical ability to care for oneself.

"Young adult" means an adult who is eighteen, nineteen, or twenty years old.

"Youth" means a person seventeen years of age or younger.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-030 (~~(How do I apply)~~) **What are the requirements for opiate substitution treatment ((service)) program certification? Certification as an opiate substitution treatment program is contingent on the concurrent approval by applicable state regulatory authorities; certification as an opioid treatment program by the Federal CSAT SAMHSA; accreditation by an opioid treatment program accreditation body approved by the Federal CSAT SAMHSA; and licensure by the Federal Drug Enforcement Administration.** In addition to WAC 388-805-015 or 388-805-020 requirements, a potential opiate substitution treatment ((service)) program provider must submit to the department:

(1) (~~Evidence of licensure from the county served, or evidence the county has authorized a specific certified agency to provide opiate substitution treatment, per RCW 70.96A.400 through 70.96A.420.~~)

(2)) A copy of the application for a registration certificate from the Washington state board of pharmacy.

((3)) (2) A copy of the application for licensure to the Federal Drug Enforcement Administration.

((4)) (3) A copy of the application for certification to the Federal ((Food and Drug Administration)) CSAT SAMHSA.

(4) A copy of the application for accreditation by an accreditation body approved as an opioid treatment program accreditation body by the Federal CSAT SAMHSA.

(5) Policies and procedures identified under WAC 388-805-700 through 388-805-750.

(6) (~~Certification for opiate substitution treatment is contingent on the concurrent approval by the applicable county, state, and federal regulatory authorities~~) Evidence that the program will be sited in accordance with the appropriate county or city land use ordinances.

(7) Documentation that transportation systems will provide reasonable opportunities to persons in need of treatment to access the services of the program.

(8) When applicable, a copy of national accreditation, state certification/accreditation, and survey reports from national or state certification or accreditation organizations over the past six years when operating an opiate substitution treatment program in another state.

(9) At least three letters of support from other providers within the existing health care system in the area the applicant proposes to establish a new opiate substitution treatment program to demonstrate an appropriate relationship to the service area's existing health care system.

(10) A declaration to limit the number of individual program participants to three hundred fifty as specified in RCW 70.96A.410 (1)(e).

NEW SECTION

WAC 388-805-035 What are the responsibilities for the department when an applicant applies for approval? When making a decision on an application for certification of a program, the department must:

(1) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program. The department will request county and city legislative authorities to notify the department of any applicable requirements or other issues that the department should consider in order to fulfill the requirements of WAC 388-805-030 (6) and (7), or 388-805-040 (1) through (5);

(2) Not discriminate in its certification decision on the basis of the corporate structure of the applicant;

(3) Consider the size of the population in need of treatment in the area in which the program would be located and certify only applicants whose programs meet the necessary treatment needs of the population;

(4) Determine there is a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community as described in WAC 388-805-040;

(5) Consider whether the applicant has the capability, or has in the past demonstrated the capability to provide appropriate treatment services to assist persons in meeting legislative goals of abstinence from opiates and opiate substitutes, obtaining mental health treatment, improving economic inde-

pendence, and reducing adverse consequences associated with illegal use of controlled substances;

(6) Hold at least one public hearing in the county in which the facility is proposed to be located and one hearing in the area or adjacent county with the largest population in which the facility is proposed to be located. The hearing must be held at a time and location most likely to permit the largest number of interested persons to attend and present testimony. The department must notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

NEW SECTION

WAC 388-805-040 How does the department determine there is a need in the community for opiate substitution treatment? The department will determine whether or not there is a demonstrated need in the community for opiate substitution treatment from information provided to the department by the applicant and through department consultation with city and county legislative authorities, and other appropriate community resources. A "determination of need" for a proposed program will include a review and evaluation of the following criteria:

(1) The size of the population in need of treatment in the area in which the program would be located using adult population statistics from the most recent area population trend reports. The department will consider the established ratio of .7 percent of the adult population as an estimate for the number of potential clients in need of opiate substitution treatment program services.

(2) Demographic and trend data from the area in which the program would be located including the most recent department county trend data, TARGET admission data for opiate substitution treatment from the area, hospital and emergency department admission data from the area, needle exchange data from the area, and other relevant reports and data from city and county health organizations demonstrating the need for opiate substitution treatment program services.

(3) Availability of other opiate substitution treatment programs near the area of the applicant's proposed program. The department will determine the number of patients, capacity, and accessibility of existing opiate substitution treatment programs near the area of the applicant's proposed program and whether existing programs have the capacity to assume additional patients for treatment services.

(4) Whether the population served or to be served has need for the proposed program and whether other existing services and facilities of the type proposed are available or accessible to meet that need. The assessment will include, but not limited to, consideration of the following:

(a) The extent to which the proposed program meets the need of the population presently served;

(b) The extent to which the underserved need will be met adequately by the proposed program; and

(c) The impact of the service on the ability of low-income persons, racial and ethnic minorities, women, handicapped persons, the elderly, and other underserved groups to obtain needed health care.

(5) The department will review agency policies and procedures that describe the cost of services to clients, sliding fee scales, and charity care policies, procedures, and goals.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-065 How does the department determine disqualification or denial of an application? The department must consider the ability of each person named in the application to operate in accord with this chapter before the department grants or renews certification of a chemical dependency service.

(1) The department must deny an applicant's certification when any of the following conditions occurred and was not satisfactorily resolved, or when any owner or administrator:

(a) Had a license or certification for a chemical dependency treatment service or health care agency denied, revoked, or suspended;

(b) Was convicted of child abuse or adjudicated as a perpetrator of substantiated child abuse;

(c) Obtained or attempted to obtain a health provider license, certification, or registration by fraudulent means or misrepresentation;

(d) Committed, permitted, aided, or abetted the commission of an illegal act or unprofessional conduct as defined under RCW 18.130.180;

(e) Demonstrated cruelty, abuse, negligence, misconduct, or indifference to the welfare of a patient or displayed acts of discrimination;

(f) Misappropriated patient property or resources;

(g) Failed to meet financial obligations or contracted service commitments that affect patient care;

(h) Has a history of noncompliance with state or federal regulations in an agency with which the applicant has been affiliated;

(i) Knowingly, or with reason to know, made a false statement of fact or failed to submit necessary information in:

(i) The application or materials attached; and

(ii) Any matter under department investigation.

(j) Refused to allow the department access to records, files, books, or portions of the premises relating to operation of the chemical dependency service;

(k) Willfully interfered with the preservation of material information or attempted to impede the work of an authorized department representative;

(l) Is in violation of any provision of chapter 70.96A RCW; or

(m) Does not meet criminal background check requirements.

(2) The department may deny certification when an applicant:

(a) Fails to provide satisfactory application materials; or

(b) Advertises itself as certified when certification has not been granted, or has been revoked or canceled.

(3) The department may deny an application for certification of an opiate substitution treatment program when:

(a) There is not a demonstrated need in the community for opiate substitution treatment and/or there is not a demon-

strated need for more program slots justified by the need in that community;

(b) There is sufficient availability, accessibility, and capacity of other certified programs near the area in which the applicant proposes to locate the program;

(c) The applicant has not demonstrated in the past, the capability to provide the appropriate services to assist the persons who will utilize the program in meeting goals established by the legislature, including:

- (i) Abstinence from opiates and opiate substitutes,
- (ii) Obtaining mental health treatment,
- (iii) Improving economic independence, and
- (iv) Reducing adverse consequences associated with illegal use of controlled substances.

(4) The applicant may appeal department decisions in accord with chapter 34.05 RCW, the Washington Administrative Procedure Act and chapter 388-02 WAC.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-145 What are the key responsibilities required of an agency administrator? (1) The administrator is responsible for the day-to-day operation of the certified treatment service, including:

- (a) All administrative matters;
 - (b) Patient care services; and
 - (c) Meeting all applicable rules and ethical standards.
- (2) When the administrator is not on duty or on call, a staff person must be delegated the authority and responsibility to act in the administrator's behalf.
- (3) The administrator must ensure administrative, personnel, and clinical policy and procedure manuals:
- (a) Are developed and adhered to; and
 - (b) Are reviewed and revised as necessary, and at least annually.
- (4) The administrator must employ sufficient qualified personnel to provide adequate chemical dependency treatment, facility security, patient safety and other special needs of patients.
- (5) The administrator must ensure all persons providing counseling services are registered, certified or licensed by the department of health.
- (6) The administrator must ensure full-time chemical dependency professionals (CDPs) or CDP trainees do not exceed one hundred twenty hours of patient contact per month.
- (7) The administrator must assign the responsibilities for a clinical supervisor to a least one person within the organization.
- (8) The administrator of a certified opiate substitution treatment program must ensure that the number of patients will not exceed three hundred and fifty unless authorized by the county in which the program is located.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-205 What are agency personnel file requirements? (1) The administrator must ensure that there

is a current personnel file for each employee, trainee, student, and volunteer, and for each contract staff person who provides or supervises patient care.

(2) The administrator must designate a person to be responsible for management of personnel files.

(3) Each person's file must contain:

(a) A copy of the results of a tuberculin skin test or evidence the person has completed a course of treatment approved by a physician or local health officer if the results are positive;

(b) Documentation of training on bloodborne pathogens, including HIV/AIDS and hepatitis B for all employees, volunteers, students, and treatment consultants on contract;

(i) At the time of staff's initial assignment to tasks where occupational exposure may take place;

(ii) Annually thereafter for bloodborne pathogens;

(c) A signed and dated commitment to maintain patient confidentiality in accordance with state and federal confidentiality requirements; and

(d) A record of an orientation to the agency as described in WAC 388-805-200(5).

(4) For residential facilities, documentation of current cardiopulmonary resuscitation (CPR) and first aid training for at least one person on each shift.

(5) Documentation of health department training and approval for any staff administering or reading a TB test.

(6) Employees who are patients or have been patients of the agency must have personnel records:

- (a) Separate from clinical records; and
- (b) Have no indication of current or previous patient status.

(7) In addition, each patient care staff member's personnel file must contain:

(a) Verification of qualifications for their assigned position including:

(i) For a chemical dependency professional (CDP): A copy of the person's valid CDP certification issued by the department of health (DOH);

(ii) For approved supervisors: Documentation to substantiate the person meets the qualifications of an approved supervisor as defined in WAC 246-811-010.

~~(iii) For (other persons providing counseling, a copy of a valid registration, certification, or license issued by the DOH))~~ each person engaged in the treatment of chemical dependency, including counselors, physicians, nurses, and other registered, certified, or licensed health care professionals, evidence they comply with the credentialing requirements of their respective professions.

(iv) For probation assessment officers (PAO): Documentation that the person has met the education and experience requirements described in WAC 388-805-220;

(v) For probation assessment officer trainees:

(A) Documentation that the person meets the qualification requirements described in WAC 388-805-225; and

(B) Documentation of the PAO trainee's supervised experience as described in WAC 388-805-230 including an individual education and experience plan and documentation of progress toward completing the plan.

(vi) For information school instructors:

(A) A copy of a certificate of completion of an alcohol and other drug information school instructor's training course approved by the department; and

(B) Documentation of continuing education as specified in WAC 388-805-250.

(b) A copy of a current job description, signed and dated by the employee and supervisor which includes:

(i) Job title;

(ii) Minimum qualifications for the position;

(iii) Summary of duties and responsibilities;

(iv) For contract staff, formal agreements or personnel contracts, which describe the nature and extent of patient care services, may be substituted for job descriptions.

(c) A written performance evaluation for each year of employment:

(i) Conducted by the immediate supervisor of each staff member; and

(ii) Signed and dated by the employee and supervisor.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-300 What must be included in the agency clinical manual? Each chemical dependency service provider must have and adhere to a clinical manual containing patient care policies and procedures, including:

(1) How the provider meets WAC 388-805-305 through 388-805-350 requirements.

(2) How the provider will meet applicable certified service requirements of WAC 388-805-400 through 388-805-840, including a description of each service offered, detailing:

(a) The number of hours of treatment and education for each certified service; and

(b) Allowance of up to twenty percent of education time to consist of film or video presentations.

(3) Identification of resources and referral options so staff can make referrals required by law and as indicated by patient needs.

(4) Assurance that there is an identified clinical supervisor who:

(a) Is a chemical dependency professional (CDP);

(b) Reviews a sample of patient records of each CDP quarterly; and

(c) Ensures implementation of assessment, treatment, continuing care, transfer and discharge plans in accord with WAC 388-805-315.

(5) Patient admission and discharge criteria using PPC.

(6) Policies and procedures to implement the following requirements:

(a) The administrator must not admit or retain a person unless the person's treatment needs can be met;

(b) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must assess and refer each patient to the appropriate treatment service; and

(c) A person needing detoxification must immediately be referred to a detoxification provider, unless the person needs acute care in a hospital.

((6)) (7) Additional requirements for opiate substitution treatment programs:

(a) A person under eighteen years of age needing opiate substitution treatment is required to have had two documented attempts at short-term detoxification or drug-free treatment within a twelve-month period. A waiting period of no less than seven days is required between the first and second short-term detoxification treatment.

(b) No person under eighteen years of age may be admitted to maintenance treatment unless a parent, legal guardian, or responsible adult designated by the relevant state authority consents in writing to treatment.

(c) Documentation in each patient's record that the service provider made a good faith effort to review if the patient is enrolled in any other opiate substitution treatment service.

(d) When the medical director or program physician of an opiate substitution treatment program provider in which the patient is enrolled determines that exceptional circumstances exist, the patient may be granted permission to seek concurrent treatment at another opiate substitution treatment program provider. The justification for finding exceptional circumstances for double enrollment must be documented in the patient's record at both treatment program providers.

(8) Tuberculosis screening for prevention and control of TB in all detox, residential, and outpatient programs, including:

(a) Obtaining a history of preventive or curative therapy;

(b) Screening and related procedures for coordinating with the local health department; and

(c) Implementing TB control as provided by the department of health TB control program.

~~((7))~~ (9) HIV/AIDS information, brief risk intervention, and referral.

~~((8))~~ (10) Limitation of group counseling sessions to twelve or fewer patients.

~~((9))~~ (11) Counseling sessions with nine to twelve youths to include a second adult staff member.

~~((10))~~ (12) Provision of education to each patient on:

(a) Alcohol, other drugs, and chemical dependency;

(b) Relapse prevention; and

(c) HIV/AIDS, hepatitis, and TB.

~~((11))~~ (13) Provision of education or information to each patient on:

(a) The impact of chemical use during pregnancy, risks to the fetus, and the importance of informing medical practitioners of chemical use during pregnancy;

(b) Emotional, physical, and sexual abuse; and

(c) Nicotine addiction.

~~((12))~~ (14) An outline of each lecture and education session included in the service, sufficient in detail for another trained staff person to deliver the session in the absence of the regular instructor.

~~((13))~~ (15) Assigning of work to a patient by a CDP when the assignment:

(a) Is part of the treatment program; and

(b) Has therapeutic value.

~~((14))~~ (16) Use of self-help groups.

~~((15))~~ (17) Patient rules and responsibilities, including disciplinary sanctions for noncomplying patients.

~~((16))~~ (18) If youth are admitted, a policy and procedure for assessing the need for referral to child welfare services.

~~((17))~~ (19) Implementation of the deferred prosecution program.

~~((18))~~ (20) Policy and procedures for reporting status of persons convicted under chapter 46.61 RCW to the department of licensing.

~~((19))~~ (21) Nonresidential providers must have policies and procedures on:

- (a) Medical emergencies;
- (b) Suicidal and mentally ill patients;
- (c) Medical oversight, including provision of a physical examination by a medical practitioner, on a person who:
 - (i) Is at risk of withdrawal from barbiturates or benzodiazepines; or
 - (ii) Used intravenous drugs in the thirty days before admission;
- (d) Laboratory tests;
- (e) Services and resources for pregnant women:
 - (i) A pregnant woman who is not seen by a private physician must be referred to a physician or the local first steps maternity care program for determination of prenatal care needs; and
 - (ii) Services include discussion of pregnancy specific issues and resources.
- (f) If using medication services:
 - (i) A medical practitioner must evaluate each patient who is taking disulfiram at least once every ninety days;
 - (ii) Patient medications are stored, disbursed, and recorded in accord with chapter 246-326 WAC; and
 - (iii) Only a licensed nurse or medical practitioner may administer medication.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-710 What are the requirements for opiate substitution medical management? (1) A program physician must provide oversight for determination of opiate physical addiction for each patient before admission unless the patient is exempted by the Federal ~~((Food and Drug Administration))~~ CSAT, SAMHSA, and:

(a) Be available for consultation when an opiate physical addiction determination is conducted by anyone other than the program physician; and

(b) Conduct the opiate physical addiction determination for all youth patients.

(2) A physical examination must be conducted on each patient:

(a) By a program physician or other medical practitioner; and

(b) Within ~~((twenty-one))~~ fourteen days of admission.

(3) Following the patient's initial dose of opiate substitution treatment, the physician must establish adequacy of dose, considering:

(a) Signs and symptoms of withdrawal;

(b) Patient comfort; and

(c) Side effects from over-medication.

(4) At the appropriate time, a program physician must approve an individual detoxification schedule for each patient being detoxified.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-720 What are the requirements for urinalysis in opiate substitution treatment? (1) The provider must obtain a urine sample from each patient for urinalysis:

(a) At least ~~((once each month))~~ eight times per year; and

(b) Randomly, without notice to the patient.

(2) Staff must observe the collection of each urine sample and use proper chain of custody techniques when handling each sample;

(3) When a patient refuses to provide a urine sample or initial the log of sample numbers, staff must consider the urine positive; and

(4) Staff must document a positive urine and discuss the findings with the patient ~~((in a))~~ at the next scheduled counseling session ~~((within seven days of receiving the results of the test)).~~

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-730 What are the requirements for opiate substitution treatment dispensaries? (1) Each opiate substitution treatment provider must comply with applicable portions of 21 CFR, Part 1301 requirements, as now or later amended.

(2) The administrator must ensure written policies and procedures to verify the identity of patients.

(3) Dispensary staff must maintain a file with a photograph of each patient. Dispensary staff must ensure pictures are updated when:

(a) The patient's physical appearance changes significantly; or

(b) Every two years, whichever comes first.

(4) In addition to notifying the ~~((Food and Drug))~~ Federal CSAT, SAMHSA and the Federal Drug Enforcement Administration, the administrator must immediately notify the department and the state board of pharmacy of any theft or significant loss of a controlled substance.

(5) The administrator must have a written diversion control plan that contains specific measures to reduce the possibility of diversion of controlled substances from legitimate treatment use and that assigns specific responsibility to the medical and administrative staff members for carrying out the diversion control measures and functions described in the plan.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-740 What are the requirements for opiate substitution treatment counseling? (1) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must provide individual or group counseling sessions once each:

(a) Week, for the first ninety days, for a new patient or a patient readmitted more than ninety days since the person's most recent discharge from opiate substitution treatment;

(b) Week, for the first month, for a patient readmitted within ninety days of the most recent discharge from opiate substitution treatment; and

(c) Month, for a patient transferring from another opiate substitution treatment (~~(agency))~~ program where the patient stayed for ninety or more days.

(2) A CDP, or a CDP trainee under supervision of a CDP, must conduct and document a continuing care review with each patient to review progress, discuss facts, and determine the need for continuing opiate substitution treatment:

- (a) Between six and seven months after admission; and
- (b) Once every six months thereafter.

(3) A CDP, or a CDP trainee under supervision of a CDP, must provide counseling in a location that is physically separate from other activities.

~~(4) ((The administrator must ensure at least one full-time CDP, or a CDP trainee under supervision of a CDP, for each fifty patients:~~

~~(a) A CDP with one or more CDP trainees may be assigned as primary counselor for up to seventy-five patients, including those assigned to the CDP trainee; and~~

~~(b) A CDP trainee may be assigned up to thirty-five patients.~~

(5)) A pregnant woman and any other patient who requests, must receive at least one-half hour of counseling and education each month on:

- (a) Matters relating to pregnancy and street drugs;
- (b) Pregnancy spacing and planning; and

(c) The effects of opiate substitution treatment on the woman and fetus, when opiate substitution treatment occurs during pregnancy.

~~((6))~~ (5) Staff must provide at least one-half hour of counseling on family planning with each patient through either individual or group counseling.

~~((7))~~ (6) The administrator must ensure there is one staff member who has training in family planning, prenatal health care, and parenting skills.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-750 What are the requirements for opiate substitution treatment take-home medications? (1) An opiate substitution treatment provider may authorize take-home medications for a patient when:

(a) The medication is for a Sunday or legal holiday, as identified under RCW 1.16.050; or

(b) Travel to the facility presents a safety risk for patients or staff due to inclement weather.

(2) A service provider may permit take-home medications on other days for a stabilized patient who:

(a) Has received opiate substitution treatment medication for a minimum of ninety days;

and

(b) Had negative urines for the last sixty days.

(3) The provider must meet ~~((24))~~ 42 CFR, Part ((294)) 8 requirements.

(4) The provider may arrange for opiate substitution treatment medication to be administered by licensed staff or

self-administered by a pregnant woman receiving treatment at a certified residential treatment agency when:

(a) The woman had been receiving treatment medication for ninety or more days; and

(b) The woman's use of treatment medication can be supervised.

WSR 02-08-004

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 02-62—Filed March 21, 2002, 3:38 p.m., effective April 1, 2002, 12:01 a.m.]

Date of Adoption: March 21, 2002.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2001/2002 Chehalis River system wild winter steelhead run (all tributaries combined) is forecasted to be well above escapement needs. The fishing seasons are being extended on the Wynoochee River and the mainstem Chehalis River (upstream of the mouth of the Satsop River) to allow increased catch-and-release opportunity on this year's returning wild run. However, the wild fish return to the Satsop River is predicted to be below escapement needs. Therefore, to avoid impacts to this stock, the Satsop River season will not be extended nor will the Chehalis River mainstem below Fuller Bridge. The harvest of hatchery steelhead will continue to be allowed. Hatchery steelhead are identified by a missing adipose or ventral fin and a healed scar in the location of the missing fin. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

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

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

Effective Date of Rule: April 1, 2002, 12:01 a.m.
March 21, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900B Exceptions to statewide rules—Chehalis River and Wynoochee River Notwithstanding the provisions of WAC 232-28-619, 12:01 a.m. effective April 1, 2002 the following regulation applies:

Chehalis River:

Effective April 16 through April 30, 2002, it is lawful to fish for gamefish in those waters of the Chehalis River from Fuller Bridge (above the mouth of the Satsop River) to High Bridge on Weyerhauser 1000 line approximately 400 yards downstream of Roger Creek. Wild steelhead release in effect.

Wynoochee River:

Effective April 1 through April 15, 2002, it is lawful to fish for gamefish in those waters of the Wynoochee River from mouth to 7400 Line Bridge above mouth of Schafer Creek. Wild steelhead release in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 1, 2002:

WAC 232-28-61900B Exceptions to statewide rules—Chehalis River and Wynoochee River

**WSR 02-08-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-63—Filed March 22, 2002, 4:27 p.m., effective March 24, 2002, 6:00 p.m.]

Date of Adoption: March 22, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000L; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The commercial allocation of spring chinook has not been achieved, and impacts to ESA-listed stocks are within the management guidelines for this fishery, and an extension is warranted. The mainstem

Columbia River season is a demonstration commercial fishery using results from testing in 2001. Harvestable numbers of hatchery salmon are available. The use of small mesh nets, short soak times, and recovery boxes will aid in the survival of spring chinook that are released. An interim management agreement signed in 2001 provides allocation of ESA impacts to upriver spring chinook to non-Indian fisheries, and Washington and Oregon Fish and Wildlife commissions have provided guidance on sharing of impacts between commercial and recreational fishers. Impacts in this fishery are consistent with the management agreement and the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River compact of March 22, 2002, and conforms Washington and Oregon state rules. The select area fisheries in Blind Slough/Knappa Slough and Tongue Point/South Channel are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. This rule is consistent with actions of the Columbia River compact hearings of January 31, 2002, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

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

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

Effective Date of Rule: March 24, 2002, 6:00 p.m.

March 22, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-33-01000M Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

EMERGENCY

1) Area: SMCRA 1A, 1B, 1C, 1D, 1E.

Dates: 6:00 p.m. March 24 to 12:00 Noon March 25, 2002.

Gear: 5 1/2 inch maximum mesh, single wall gill net. Net length not to exceed 150 fathoms. Mono-filament gill nets are allowed. Gill nets that are fished from sunset to sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

Allowable Sale: Adipose fin-clipped salmon with a healed scar at the site, sturgeon, shad.

Sanctuaries: Grays River, Gnat Creek, Elokomin-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A, Washougal, Sandy.

A) Miscellaneous Regulations:

1) At least one fisher on each boat must possess a tangle net certificate issued by either WDFW or ODFW. The certificate must be displayed to WDFW or ODFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

2) Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

3) Each boat will be required to have an two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the 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 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 WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

4) All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

5) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

6) All fish placed in recovery boxes must be released to the river prior to landing or docking.

7) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

B) Tangle net permit. Any individual meeting the qualifications of RCW 77.65.040(2) may obtain a tangle net certificate by attending and completing an WDFW- or ODFW-

sponsored workshop concerning live captive commercial fishing techniques. A tangle net certificate shall expire on December 31, 2002. No individual may obtain more than one tangle net certificate between January 1 and December 31, 2002.

C) Nothing in this section sets any precedent for any fishery after the 2002 spring chinook fishery. The fact that an individual may hold a tangle net certificate in spring 2002 does not entitle the certificate holder to participate in any other fishery. If WDFW authorizes a tangle net fishery in spring 2003 or at any other time, WDFW may establish qualifications and requirements that are different from those established for 2002. In particular, WDFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Blind Slough and Knappa Slough

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Dates:

7 PM April 18 to 7 AM April 19, 2002

7 PM April 25 to 7 AM April 26, 2002

7 PM April 30 to 7 AM May 1, 2002

7 PM May 2 to 7 AM May 3, 2002

7 PM May 7 to 7 AM May 8, 2002

7 PM May 9 to 7 AM May 10, 2002

7 PM May 14 to 7 AM May 15, 2002

7 PM May 16 to 7 AM May 17, 2002

7 PM May 21 to 7 AM May 22, 2002

7 PM May 23 to 7 AM May 24, 2002

7 PM May 28 to 7 AM May 29, 2002

7 PM May 30 to 7 AM May 31, 2002

7 PM June 4 to 7 AM June 5, 2002

7 PM June 6 to 7 AM June 7, 2002

7 PM June 11 to 7 AM June 12, 2002

7 PM June 13 to 7 AM June 14, 2002

Allowable Sale: Salmon, sturgeon, shad

3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

Dates:

7 PM April 18 to 5 AM April 19, 2002
 7 PM April 25 to 5 AM April 26, 2002
 7 PM April 30 to 5 AM May 1, 2002
 7 PM May 2 to 5 AM May 3, 2002
 7 PM May 7 to 5 AM May 8, 2002
 7 PM May 9 to 5 AM May 10, 2002
 7 PM May 14 to 5 AM May 15, 2002
 7 PM May 16 to 5 AM May 17, 2002
 7 PM May 21 to 5 AM May 22, 2002
 7 PM May 23 to 5 AM May 24, 2002
 7 PM May 28 to 5 AM May 29, 2002
 7 PM May 30 to 5 AM May 31, 2002
 7 PM June 4 to 5 AM June 5, 2002
 7 PM June 6 to 5 AM June 7, 2002
 7 PM June 11 to 5 AM June 12, 2002

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Legal gear restricted to a maximum length of 250 fathoms and weight on leadline not to exceed 2 pounds on any one fathom within Tongue Point Basin.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. March 24, 2002:

WAC 220-33-01000L Columbia River gillnet seasons below Bonneville. (02-59)

WSR 02-08-020
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 25, 2002, 3:34 p.m.]

Date of Adoption: March 22, 2002.

Purpose: WAC 388-478-0055, supplemental security income (SSI) standards. The Division of Employment and Assistance Programs is amending this rule to pass along the

federal 2.6% cost-of-living (COLA) for the SSI program effective January 1, 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0055, SSI standards.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Notification of the exact amount of the federal COLA increases was received in late October, which was too late for the regular adoption process. This adoption was further delayed by policy changes created by state budgetary shortfalls. Currently this WAC is in the regular adoption process and has been included with amendments filed under WSR 02-07-115. The department was unable to make this rule permanent before the emergency deadline expired but is making a strong effort to do so as quickly as the process will allow.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

March 22, 2002

Bonnie Jacques

for Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-19-024, filed 9/12/01, effective 11/1/01)

WAC 388-478-0055 (~~SSI payment standards for eligible recipients.~~) **How much do I get from my Supplemental Security Income (SSI) and state supplemental payments (SSP)?** (1) ((Supplemental Security Income (SSI)) is a federal cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled. ((Since the SSI program began in January 1974, the state of Washington has added to the federal benefit level with state funds, known as the SSI state supplement. If you are found eligible for SSI, you will receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income. An essential person is someone who lives with you and provides care and personal services that enable you to live in either

EMERGENCY

your own home or the home of the essential person)) SSP is a payment from the state that you get because you get SSI.

If you are eligible for SSI, you will receive a federal cash payment from SSI, as well as a SSP cash payment from the state.

If you were converted from state assistance to the federal SSI program in January 1974 because you were aged, blind, or disabled, the department calls you a grandfathered client. SSI calls you a mandatory income level (MIL) client. To be a grandfathered MIL client, you must have remained continuously eligible for SSI from January 1974.

A change in living situation, cost-of-living adjustment (COLA) or federal benefit level (FPL) can affect a MIL

(grandfathered) client. A MIL (grandfathered) client gets a federal SSI benefit and a SSP payment, which totals the higher of the following:

(a) The state assistance standard set in December 1973, unless you lived in a medical institution at the time of conversion, plus the federal cost-of-living adjustments (COLA) since then; or

(b) The current standard.

(2) The federal, state and combined benefit levels for an eligible individual and couple are:

(a) If you are living alone in area 1: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

LIVING ALONE - In own household or alternate care, except nursing homes or medical institutions

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ ((531.00) <u>545.00</u>)	\$ ((25.90) <u>21.00</u>)	\$ ((556.90) <u>556.00</u>)
((Individual with: One essential person))	((797.00))	((19.90))	((816.90))
((Individual with: Multiple essential persons))	((531 for the eligible individual plus \$266 for each essential person (no state supplement)))		
Individual with an ineligible spouse	\$ ((531.00) <u>545.00</u>)	\$ ((166.10) <u>42.00</u>)	\$ ((697.10) <u>587.00</u>)
Couple	\$ ((796.00) <u>817.00</u>)	\$ ((19.90) <u>42.00</u>)	\$ ((815.90) <u>859.00</u>)
((Couple with one or more essential persons))	((796 for eligible couple plus \$266 for each essential person (no state supplement)))		

MIL (individuals with or without an ineligible spouse, essential persons and couples)

Subject to change in living situation, FBL, or COLA Frozen at the current payment rate Variable

(b) If you are living alone in area 2: All other counties.

LIVING ALONE - In own household or alternate care, except nursing homes or medical institutions

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ ((531.00) <u>545.00</u>)	\$ ((5.45) <u>21.00</u>)	\$ ((536.45) <u>566.00</u>)
((Individual with: One essential person))	((797.00))	((0.00))	((797.00))
((Individual with: Multiple essential persons))	((531 for the eligible individual plus \$266 for each essential person (no state supplement)))		
Individual with an ineligible spouse	\$ ((531.00) <u>545.00</u>)	\$ ((136.15) <u>42.00</u>)	\$ ((667.15) <u>587.00</u>)
Couple	\$ ((796.00) <u>817.00</u>)	\$ ((0.00) <u>42.00</u>)	\$ ((796.00) <u>859.00</u>)
((Couple with one or more essential persons))	((796 for eligible couple plus \$266 for each essential person (no state supplement)))		

MIL (individuals with or without ineligible spouse, essential persons, and couples)

Subject to change in living situation, FBL, and COLA Frozen at the current payment rate Variable

(c) If you are in shared living in either Area 1 or 2.

SHARED LIVING - In the home of another person

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ ((354.00) <u>367.05</u>)	\$ ((3.71) <u>21.00</u>)	\$ ((357.71) <u>388.05</u>)
((Individual with: One essential person))	((531.34))	((4.20))	((535.54))
((Individual with: Multiple essential persons))	((354.00 for the eligible individual plus \$177.00 for each essential person (no state supplement)))		
Individual with an ineligible spouse	\$ ((354.00) <u>465.00</u>)	\$ ((101.66) <u>42.00</u>)	\$ ((455.66) <u>507.00</u>)
Couple	\$ ((530.67) <u>548.87</u>)	\$ ((4.20) <u>42.00</u>)	\$ ((534.87) <u>590.87</u>)

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
SHARED LIVING - In the home of another person ((Couple with one or more essential persons))	(((\$530.67 for eligible couple plus \$177.00 for each essential person (no state supplement)))		

(d) If you are residing in a medical institution: Area 1 and 2.

	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
MEDICAL INSTITUTION Individual	\$ 30.00	\$ 11.62	\$ 41.62

~~((e) Mandatory income level (MIL) for grandfathered claimant. You are "grandfathered" if you qualified for assistance from the state as aged, blind, or disabled, were converted from the state to federal disability assistance under SSI in January 1974, and have remained continuously eligible for SSI since that date.~~

~~If you are a MIL client, your combined federal/state SSI benefit level is the higher of the following:~~

- ~~(i) The state assistance standard you received in December 1973, except if you resided in a medical institution at the time of conversion, plus the federal cost of living adjustments (COLA) since then; or~~
- ~~(ii) The current standard.)~~

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

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

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

Effective Date of Rule: April 1, 2002, 12:01 a.m.

March 25, 2002

Evan Jacoby

For Jeff Koenings

Director

**WSR 02-08-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-60—Filed March 26, 2002, 9:07 a.m., effective April 1, 2002, 12:01 a.m.]

Date of Adoption: March 25, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are interim until permanent rules take effect May 1, 2002. The Fish and Wildlife Commission has adopted permanent rules changing the fishing regulation for Columbia Park Pond to juvenile and disabled license holders only, with a five gamefish daily limit (all species combined) effective May 1, 2002. Early implementation of the regulation is needed to provide and protect additional fishing opportunity for juvenile and disabled anglers associated with scheduled early releases of hatchery catchable trout in April. Delaying trout releases until after the permanent rules take effect May 1 would deprive children and anglers of good fishing opportunity in April. April and May are the prime months for trout fishing in this shallow pond before water temperatures get too warm.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

NEW SECTION

WAC 232-28-61900A Exceptions to statewide rules—Columbia Park Pond. Notwithstanding the provisions of WAC 232-28-619 and WAC 232-12-619, effective 12:01 a.m. April 1, 2002 until further notice it is unlawful to fish in those waters of the Columbia Park Pond, except Juveniles and holders of disabilities licenses. Daily bag limit is 5 fish all gamefish combined.

**WSR 02-08-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-64—Filed March 26, 2002, 4:13 p.m.]

Date of Adoption: March 26, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000M and 220-33-01000N; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

EMERGENCY

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The commercial allocation of spring chinook has not been achieved, and impacts to ESA-listed stocks are within the management guidelines for this fishery, and an extension is warranted. The mainstem Columbia River season is a demonstration commercial fishery using results from testing in 2001. Harvestable numbers of hatchery salmon are available. The use of small mesh nets, short soak times, and recovery boxes will aid in the survival of spring chinook that are released. An interim management agreement signed in 2001 provides allocation of ESA impacts to upriver spring chinook to non-Indian fisheries, and Washington and Oregon Fish and Wildlife commissions have provided guidance on sharing of impacts between commercial and recreational fishers. Impacts in this fishery are consistent with the management agreement and the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River compact of March 26, 2002, and conforms Washington and Oregon state rules. The select area fisheries in Blind Slough/Knappa Slough and Tongue Point/South Channel are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. This rule is consistent with actions of the Columbia River compact hearings of January 31, 2002, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

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

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

Effective Date of Rule: Immediately.

March 26, 2002
Evan Jacoby
for Jeff Koening
Director

NEW SECTION

WAC 220-33-01000N Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC

220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Area: SMCRA 1A, 1B, 1C, 1D, 1E.

Dates: 6:00 p.m. March 26 to 9:00 a.m. March 27, 2002.

Gear: 5 1/2 inch maximum mesh, single wall gill net. Net length not to exceed 150 fathoms. Mono-filament gill nets are allowed. Gill nets that are fished from sunset to sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

Allowable Sale: Adipose fin-clipped salmon with a healed scar at the site, sturgeon, shad.

Sanctuaries: Grays River, Gnat Creek, Elokomina-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A, Washougal, Sandy.

A) Miscellaneous Regulations:

1) At least one fisher on each boat must possess a tangle net certificate issued by either WDFW or ODFW. The certificate must be displayed to WDFW or ODFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

2) Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

3) Each boat will be required to have an two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the 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 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 WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

4) All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

5) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

EMERGENCY

6) All fish placed in recovery boxes must be released to the river prior to landing or docking.

7) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

B) Tangle net permit. Any individual meeting the qualifications of RCW 77.65.040(2) may obtain a tangle net certificate by attending and completing an WDFW- or ODFW-sponsored workshop concerning live captive commercial fishing techniques. A tangle net certificate shall expire on December 31, 2002. No individual may obtain more than one tangle net certificate between January 1 and December 31, 2002.

C) Nothing in this section sets any precedent for any fishery after the 2002 spring chinook fishery. The fact that an individual may hold a tangle net certificate in spring 2002 does not entitle the certificate holder to participate in any other fishery. If WDFW authorizes a tangle net fishery in spring 2003 or at any other time, WDFW may establish qualifications and requirements that are different from those established for 2002. In particular, WDFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Blind Slough and Knappa Slough

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Dates:

7 PM April 18 to 7 AM April 19, 2002

7 PM April 25 to 7 AM April 26, 2002

7 PM April 30 to 7 AM May 1, 2002

7 PM May 2 to 7 AM May 3, 2002

7 PM May 7 to 7 AM May 8, 2002

7 PM May 9 to 7 AM May 10, 2002

7 PM May 14 to 7 AM May 15, 2002

7 PM May 16 to 7 AM May 17, 2002

7 PM May 21 to 7 AM May 22, 2002

7 PM May 23 to 7 AM May 24, 2002

7 PM May 28 to 7 AM May 29, 2002

7 PM May 30 to 7 AM May 31, 2002

7 PM June 4 to 7 AM June 5, 2002

7 PM June 6 to 7 AM June 7, 2002

7 PM June 11 to 7 AM June 12, 2002

7 PM June 13 to 7 AM June 14, 2002

Allowable Sale: Salmon, sturgeon, shad

3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the

flashing green light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

Dates: 7 PM April 18 to 5 AM April 19, 2002

7 PM April 25 to 5 AM April 26, 2002

7 PM April 30 to 5 AM May 1, 2002

7 PM May 2 to 5 AM May 3, 2002

7 PM May 7 to 5 AM May 8, 2002

7 PM May 9 to 5 AM May 10, 2002

7 PM May 14 to 5 AM May 15, 2002

7 PM May 16 to 5 AM May 17, 2002

7 PM May 21 to 5 AM May 22, 2002

7 PM May 23 to 5 AM May 24, 2002

7 PM May 28 to 5 AM May 29, 2002

7 PM May 30 to 5 AM May 31, 2002

7 PM June 4 to 5 AM June 5, 2002

7 PM June 6 to 5 AM June 7, 2002

7 PM June 11 to 5 AM June 12, 2002

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Legal gear restricted to a maximum length of 250 fathoms and weight on leadline not to exceed 2 pounds on any one fathom within Tongue Point Basin.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000M Columbia River gillnet seasons below Bonneville. (02-63)

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. June 14, 2002:

WAC 220-33-01000N Columbia River gillnet seasons below Bonneville.

WSR 02-08-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-65—Filed March 27, 2002, 10:39 a.m.]

Date of Adoption: March 26, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Daily limit restrictions for spot shrimp are needed to stay within state/tribal allocations and quotas as specified by federal court and Fish and Wildlife Commission policies. Gear restrictions for shrimp are needed to ensure orderly fisheries, manage within court-ordered sharing requirements and to ensure conservation. The state recreational share of spot shrimp is available in the area opened under this rule. An early opening will provide opportunity to harvest available spot shrimp while reducing impacts from commercial fisheries in the area. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

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

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

Effective Date of Rule: Immediately.

March 26, 2002

J. P. Koenings

Director

by Larry Peck

one mile due west, then southerly paralleling the eastern shore line to a line projected due west from Edwards Point, then due east to shore.

(2) During the fishery provided for in this section:

(a) Shrimp fishing is open seven days per week, but no fisher may set or pull gear from one hour after sunset to one hour before sunrise.

(b) It is unlawful to fish more than four shrimp pots from a vessel, and unlawful for any vessel to have more than four shrimp pots on board.

(c) Daily limit 10 pounds of shrimp, which may contain no more than 80 spot shrimp. minimum spot shrimp size one and three-sixteenths inch from base of eyestalk to top rear edge of carapace.

WSR 02-08-031
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed March 27, 2002, 3:39 p.m.]

Date of Adoption: March 27, 2002.

Purpose: To implement chapter 230, Laws of 2001. The purpose of the proposed emergency rules for emergency respite centers (ERC) is to establish licensing standards immediately for programs providing out-of-home placement to children at risk of child abuse/neglect. Licensing standards do not currently exist for ERC. Children's Administration has issued a preproposal statement of inquiry on emergency respite centers, filed as WSR 01-15-079. The emergency rules would provide protection to the children placed by their parents or legal guardians in an ERC while permanent rules are being developed.

Statutory Authority for Adoption: RCW 74.15.280, 34.05.350(2).

Other Authority: Chapter 230, Laws of 2001.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are emergency respite centers sometimes called crisis nurseries in operation across the state. Several agencies have built new facilities that have not received certificates of compliance from Department of Health or Office of State Fire Marshal. Children's Administration is proposing the emergency rules to provide for the safety of any child placed in an emergency respite center while permanent rules are developed.

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 20, Amended 0, Repealed 0.

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

EMERGENCY

NEW SECTION

WAC 220-56-32500T Shrimp seasons—Early recreational fishery, shipwreck to Edwards Point in Area 9. Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for shrimp for personal use in Area 9 except as provided for in this section:

(1) Open 5:00 a.m., April 1, 2002, until further notice, only in those waters within the following line: Beginning at the shipwreck on the Area 8/Area 9 boundary, then projected

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 20, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 27, 2002

Margaret Partlow

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

EMERGENCY RESPITE CENTER—EMERGENCY WAC

NEW SECTION

WAC 388-148-1205 What is an emergency respite center? An emergency respite center is a licensed facility sometimes called a crisis nursery that provides emergency and crisis care for up to seventy-two hours to children who are admitted by their parents or guardians to prevent abuse or neglect.

NEW SECTION

WAC 388-148-1210 What services may be provided or arranged for by the emergency respite center? An emergency respite center must maintain current information on community services or provide referral services that are needed by the families they serve. The services also may include:

- (1) An intake assessment and referral; and
- (2) The provision of direct child care.

NEW SECTION

WAC 388-148-1215 What services must emergency respite centers not provide? An emergency respite center may not provide services that substitute for crisis residential centers, HOPE centers, or any other services required under chapter 13.32A (Family reconciliation services) or 13.34 RCW (Child welfare dependencies).

NEW SECTION

WAC 388-148-1220 Who may provide emergency respite services? Emergency respite centers may provide emergency respite services to children who are admitted by their parents or legal guardians to prevent abuse or neglect.

NEW SECTION

WAC 388-148-1225 May a facility be licensed as an emergency respite center and a child care center? A

licensed emergency respite center may also be licensed as a child care center.

NEW SECTION

WAC 388-148-1230 Who may an emergency respite center serve? (1) Emergency respite centers may provide care for children from birth through seventeen years.

(2) There is one situation when an emergency respite centers may provide care for a person eighteen through twenty years of age. That situation is when an eighteen through twenty-year old person is developmentally disabled and admitted by their parent or legal guardian with a sibling who is under eighteen.

NEW SECTION

WAC 388-148-1235 What hours are emergency respite centers open? An emergency respite center may be open twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-148-1240 Who may place children in emergency respite center? A parent or legal guardian of a child may place a child in an emergency respite center.

NEW SECTION

WAC 388-148-1245 How long may a child stay in an emergency respite center? A child may be placed in an emergency respite center for up to seventy-two hours.

NEW SECTION

WAC 388-148-1250 What written information is needed before a child is admitted to an emergency respite center? An emergency respite center must obtain the following written consent and information from the parent or guardian before a child may be accepted for emergency respite care:

- (1) Permission from the child's parent or guardian authorizing the placement of their child in an emergency respite center;
- (2) Permission to seek emergency medical care on behalf of their child;
- (3) Basic family information, including address, telephone numbers, and emergency contact; and
- (4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

NEW SECTION

WAC 388-148-1255 Is a health history required upon admission to an emergency respite center? Emergency respite centers are not required, but may obtain a health history upon admission from the parent, legal guardian, or child-placing agency placing a child for emergency respite services.

NEW SECTION

WAC 388-148-1260 Must all children accepted for care in an emergency respite center have current immunizations? Emergency respite centers may accept a child who is not current with immunizations for care in an emergency respite center.

NEW SECTION

WAC 388-148-1265 What are the qualifications for an executive director or an emergency respite center? The executive director of an emergency respite center must meet the qualifications for a group care executive director (WAC 388-148-0700), except that a degree in early childhood education may substitute for a degree in social science.

NEW SECTION

WAC 388-148-1270 What are the qualifications for the on-site program manager for an emergency respite center? The on-site program manager for an emergency respite center must meet the qualifications for the group care on-site program manager (WAC 388-148-0720), except that a degree in early childhood education may be substituted for a degree in social science.

NEW SECTION

WAC 388-148-1275 Are professional consultants needed for an emergency respite center? (1) Emergency respite centers must have consultants available, as needed to work with your staff, the children you serve, and the children's families. The consultants must meet the full professional competency requirements in their respective fields. The consultant or consultants must have:

- (a) The training, experience, knowledge and demonstrated skills in each area that he or she will be supervising;
 - (b) The ability to ensure your staff develop their skills and understanding needed to effectively manage their cases;
 - (c) Knowledge of mandatory child abuse and neglect reporting requirements; and
 - (d) Training and experience in early childhood education.
- (2) Consultants may be hired as staff or operate under a contract with an emergency respite center.

NEW SECTION

WAC 388-148-1280 What is the ratio of child care staff to children in an emergency respite center? (1) At all times, emergency respite centers must have the following minimum staffing ratios:

- (a) At least two staff on duty when children are present;
- (b) One child care staff providing visual or auditory supervision;
- (c) One staff for every two children when children are birth through two years old;
- (d) One staff for every three children when children are three through five years old;

(e) One staff for every eight children when children are six through seventeen years old.

(2) You must have relief staff so that all staff can have the equivalent of two days off a week.

NEW SECTION

WAC 388-148-1285 What are the requirements for supervision of children placed in an emergency respite center? (1) Emergency respite centers must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) Emergency respite centers must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Staff, volunteers, and others caring for children at an emergency respite center must provide the children with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In emergency respite centers, children must be within visual or auditory range at all times.

(6) When a child exhibits behavior that poses a safety risk to other children in care, the child must not share a bedroom with other children.

NEW SECTION

WAC 388-148-1290 What fire safety requirements must I follow to receive a license as an emergency respite center? An emergency respite center must comply with the requirements for fire and life safety of the office of the State Fire Marshal under chapter 212-12 WAC.

NEW SECTION

WAC 388-148-1295 Does an emergency respite center need approval from the department of health? An emergency respite center must receive a certificate of compliance from the department of health before the department (DSHS) will issue an emergency respite center license.

NEW SECTION

WAC 388-148-1300 What licensing requirements in chapter 388-148 WAC must I follow to be licensed as an emergency respite center? (1) An emergency respite center must comply with the group care licensing requirements and the following sections of chapter 388-148 WAC:

- (a) WAC 388-148-0005 through 388-148-0215;
- (b) WAC 388-148-0260 through 388-148-0330;
- (c) WAC 388-148-0345 through 388-148-0450;
- (d) WAC 388-148-0465 through 388-148-0490;
- (e) WAC 388-148-0565;
- (f) WAC 388-148-0575 through 388-148-0605;
- (g) WAC 388-148-0660 through 388-148-0690;

- (h) WAC 388-148-0700 through 388-148-0720; and
 - (i) WAC 388-148-0730 through 388-148-0740.
- (2) To be licensed as an emergency respite center you must comply with the specific section of chapter 388-148 WAC that applies to emergency respite centers WAC 388-148-1205 through 388-148-1300, in addition of the subsection (1) above.

WSR 02-08-032
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)
 [Filed March 27, 2002, 3:40 p.m., effective April 1, 2002.]

Date of Adoption: March 27, 2002.

Purpose: The income eligibility level for subsidized child care, the working connections child care (WCCC) program, is being reduced. The change is being made as a part of the overall budget reductions in the state. The sections of chapter 388-290 WAC that are being revised are WAC 388-290-0010, 388-290-0075, and 388-290-0085. In these sections eligibility levels are based on the clients income as a percentage of the federal poverty level (FPL). The FPL percentage is being lowered and the copayment levels and calculations have also been changed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-0010, 388-290-0075, and 388-290-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This filing is necessary to maintain the health and welfare of DSHS clients. The state is currently experiencing one of the largest budget shortfalls in its history. As a result program dollars must be distributed as efficiently as possible. To achieve this the department is lowering the income eligibility level for the subsidized child care program. The client copayments for WCCC will also be increased by \$5 at all levels. Both of these actions will assure that we will not run out of funds for those that need the most help with their child care.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: April 1, 2002.

March 26, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0010 What makes me eligible for WCCC benefits? For the purposes of this chapter "we" and "us" refer to the department of social and health services. You may be eligible for WCCC benefits if:

- (1) Your family is described under WAC 388-290-0015;
- (2) ~~((You're))~~ You are participating in an approved activity under WAC 388-290-0040, 388-290-0045, or 388-290-0050;
- (3) You and your children are eligible under WAC 388-290-0020;
- (4) Your countable income, is at or below two hundred ~~((twenty five))~~ percent of the Federal Poverty Level (FPL) (under WAC 388-290-0065); and
- (5) Your share of the child care cost, called a copayment (under WAC 388-290-0075) is lower than the total DSHS maximum monthly payment for all children in the family who are eligible for subsidized care.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0075 What are the steps the WCCC program takes to ~~((figure))~~ determine my family's WCCC eligibility and copayment amount? The WCCC program takes the following steps to ~~((figure))~~ determine your WCCC income eligibility and copayment:

- (1) Determine your family size (under WAC 388-290-0015); and
- (2) Determine your countable income (under WAC 388-290-0065).
- (3) If your family's countable monthly income falls within the range below, then your copayment is:

YOUR INCOME	YOUR COPAYMENT IS:
At or below 82% of the FPL	\$ ((10)) 15
Above 82% of the FPL up to 137.5% of the FPL	\$ ((20)) 25
Above ((137.50)) 137.5% of the FPL - ((225)) 200% of the FPL	The dollar amount equal to subtracting 137.5% of FPL from countable income, multiplying by 44%, then adding \$ ((20)) 25

EMERGENCY

YOUR INCOME	YOUR COPAYMENT IS:
Income above ((225)) 200% of the FPL, you are not eligible for WCCC benefits.	

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0085 When might my WCCC copayment change? (1) Once we have determined that you are eligible for WCCC benefits, your copayment could change when:

- (a) Your activity changes under WAC 388-290-0040, 388-290-0045, or 388-290-0050;
- (b) Your monthly income decreases;
- (c) Your family size increases;
- (d) You are no longer eligible for the three-month TANF grant exemption under WAC 388-290-0070(h) or the minimum copayment under WAC 388-290-0090.

(2) If your copayment changes during your eligibility period, the change is effective the first of the month following the change.

(3) We do not increase your copayment during your current eligibility period when your countable income remains at or below two hundred ~~((twenty-five))~~ percent of the FPL, and:

- (a) Your monthly countable income increases; or
- (b) Your family size decreases.

**WSR 02-08-034
EMERGENCY RULES
STATE BOARD OF EDUCATION**

[Filed March 29, 2002, 11:46 a.m.]

Date of Adoption: March 22, 2002.

Purpose: It is recommended that the State Board of Education (SBE) adopt on an emergency basis the proposed amendments to SBE policy/policies in chapter 180-97 WAC, Excellence in teacher preparation award, as presented herein. Said amendments shall become effective immediately for a period of one hundred twenty days upon date of filing with the state Code Reviser pursuant to RCW 34.05.328.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-97-005, 180-97-015, 180-97-020, 180-97-050, 180-97-070, 180-97-090 and 180-97-100; and amending WAC 180-97-003, 180-97-010, 180-97-040, 180-97-060, and 180-97-080.

Statutory Authority for Adoption: RCW 28A.625.360 and 28A.625.3801.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In 2000, the legislature and governor established the Professional Educator Standards

Board. As a consequence, a number of previously existing advisory committees to the State Board of Education, including the Professional Education Advisory Committee (PEAC), were replaced by the standards board. The proposed rule changes primarily address the fact that the PEAC no longer exists.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 7; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 22, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-003 Purpose and authority. (1) The purpose of this chapter is to set forth policies, selection criteria, and administrative procedures for establishing an annual Washington award for excellence in education for higher education teacher educators.

(2) The authority for this chapter is ((Title 28A)) RCW ((which authorizes the state board of education to adopt rules relating to the administration of a Washington award for excellence in education for higher education teacher educators)) 28A.625.380.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-010 Definitions~~((Teacher educator))~~. ~~((As used in this chapter,))~~ (1) The term "teacher educator" means: A person employed by a college or university with a state board of education approved teacher preparation program who serves as a faculty member or administrator in the approved teacher education program.

(2) The term "professional education advisory board" means: One of the professional education advisory boards approved by the state board of education as defined in WAC 180-78A-075(1) (Professional education advisory board for teacher preparation programs).

(3) The term "educational grant" means an amount not exceeding two thousand five hundred dollars for a professional education advisory board which shall be awarded by the state board of education upon receipt of a grant applica-

EMERGENCY

tion identifying the educational purpose for which the grant will be used, submitted pursuant to WAC 180-97-100. The professional education advisory board shall use the educational grant funds to enhance the recipient's competencies.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-040 Selection of recipients—Nomination form. (1) Any teacher professional education advisory board, or individual, may nominate a higher education teacher education faculty member on the form provided by the superintendent of public instruction for that purpose. ~~((The nomination form and information about the awards program shall be disseminated to all teacher professional education advisory boards and to each of the deans and directors of education at colleges and universities with state board of education approved teacher education programs.))~~

(2) The nomination application form shall include at a minimum:

(a) The name of the person nominated.

(b) The college or university name and address where the person is employed.

(c) Evidence related to the nominee's:

(i) Involvement in creating or implementing innovative developments in the nominee's teacher preparation program.

(ii) Leadership among professional colleagues and with students or the community.

(iii) Contributions to the field, such as education related curriculum, research, and/or field services activities.

(iv) Excellence in teaching.

(v) Communicating with legislators, common school teachers, and administrators and others about the nominee's teacher preparation program.

(vi) Contributions in preparing teacher candidates to implement the state learning goals and essential academic learning requirements to have a positive impact on K-12 student learning.

(d) The evidence presented for (c)(i) through (v) of this subsection is encouraged to reflect the nominee's years of service with the teacher preparation program.

AMENDATORY SECTION (Amending WSR 98-01-024, filed 12/8/97, effective 1/8/98)

WAC 180-97-060 Selection of recipients—Review committee. ~~((Recipients shall be selected as follows:~~

~~A committee composed of no fewer than five members of the professional education advisory committee shall be appointed by the chairperson of the professional education advisory committee as defined in WAC 180-78-015. Committee membership shall include individuals selected from no fewer than three of the following categories:~~

~~(1) Teachers.~~

~~(2) School administrators.~~

~~(3) Higher education representatives.~~

~~(4) Persons from the other groups represented on the professional education advisory committee.~~

~~Provided,)) (1) The president of the state board of education shall appoint annually a committee to review and select~~

the recipient for the Washington award for excellence in teacher preparation. The committee shall include:

(a) The chair or other member of the state board's professional development and certification committee;

(b) Two members representing higher education teacher preparation programs;

(c) Two teachers; and

(d) The chairs of the legislative education and higher education committees.

(2) No person who represents a higher education teacher education institution from which a nomination has been received, or is a member of that college or university's professional education advisory board, shall be allowed to vote on that individual's nomination.

(3) In making the selection, the committee may give consideration to the nominees' recent contributions to the field and shall be guided by the criteria under WAC 180-97-040.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-080 Award ~~((for the teacher educator)).~~ The Washington award for excellence in teacher preparation shall include:

(1) A certificate presented by the governor, the president of the state board of education, and the superintendent of public instruction at a public ceremony; and

(2)(a) A grant which shall not exceed two thousand five hundred dollars to the professional education advisory board of the institution from which the teacher educator is selected.

(b) The professional education advisory board must submit the grant application within one year after the award is received by the recognized recipient. The grant application shall identify the educational purpose toward which the grant will be used and shall be awarded by the superintendent of public instruction after the state board of education has approved the application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-97-005	Purpose.
WAC 180-97-015	Definition—Professional education advisory board.
WAC 180-97-020	Definition—Educational grant.
WAC 180-97-050	Selection of recipients—Necessary information.
WAC 180-97-070	Selection criteria.
WAC 180-97-090	Award for the professional education advisory board.
WAC 180-97-100	Application—Professional education advisory board.

WSR 02-08-035
EMERGENCY RULES
STATE BOARD OF EDUCATION

[Filed March 29, 2002, 11:48 a.m.]

Date of Adoption: March 22, 2002.

Purpose: Proposed amendments to chapter 180-24 WAC, Remote and necessary small school plants, be adopted on an emergency basis to further identify criteria for granting remote and necessary status for small school plants.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-24-405; and amending WAC 180-24-400, 180-24-410, and 180-24-415.

Statutory Authority for Adoption: Section 502 (i)(e), chapter 6, Laws of 1994 sp.s.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state operating budget allocates funds to small school plants evaluated as remote and necessary by the State Board of Education.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 22, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 95-20-055, filed 10/2/95, effective 11/2/95)

WAC 180-24-400 Remote and necessary small school plants—Purpose and authority. (1) The purpose of WAC 180-24-400 through 180-24-420 is to establish policies and procedures to govern the classification of small school plants as remote and necessary.

(2) The authority for WAC 180-24-400 through 180-24-420 is the state Operating Appropriations Act which allocates funds to school districts for small school plants which have been judged by the state board of education to be remote and necessary.

AMENDATORY SECTION (Amending WSR 97-21-069, filed 10/15/97, effective 11/15/97)

WAC 180-24-410 Remote and necessary small school plants—Criteria. (1) Decisions of the state board of education on granting remote and necessary status to small school plants within school districts shall be based on a finding that granting remote and necessary status is necessary to assure reasonable provision of a basic education program to students, including related services, equipment, materials and supplies.

(2) In making the finding under subsection (1) of this section, the state board of education shall consider, including but not limited to, the factors under (a) through (g) of this subsection. No single factor or combination of factors necessarily warrants granting or denying remote and necessary status. However, it shall be the policy of the state board of education to favor those requests which, in the board's judgment, meet the provisions of this section. "Favor" does not mean that the listed factors are necessarily exclusive. Additional factors and considerations may be included in a particular request. If there is a factual situation that falls outside the scope of all or a portion of the listed factors, the state board may consider the facts and reasons the additional factors or considerations support the request.

(a) The student population to be served at the small school site, must meet the small school funding formula for remote and necessary school plants as provided in the Operating Appropriations Act. The grade span served at the small school site shall include the same levels for eligible students established by the district for other elementary, middle, or high schools of the district, and meet the educational needs of the population served by that small school plant.

(b) Existence of an intact, permanent community which is defined as a geographically site-specific, nontransient group of people. This factor must be met.

(c) Transportation: Travel time to another school in the district, or school in another district, is not less than sixty minutes one way, or international boundary crossing processing time is unpredictable or lengthy or both.

(d) Transportation: Student safety from a small school site in the school district to another school in the district, or school in another district, may be at risk due to the condition of roads or waterways, seasonal weather conditions, or topography.

(e) Operational efficiency: Nonavailability of age appropriate grade level or cooperative programs in other school facilities in the district, or in the next nearest district or districts, or other educational organizations approved or recognized by the state board of education or the superintendent of public instruction.

(3) At its discretion, the state board of education may use as guidance the applicable provisions of WAC 180-24-013, 180-24-016, and 180-24-017.

AMENDATORY SECTION (Amending WSR 97-21-069, filed 10/15/97, effective 11/15/97)

WAC 180-24-415 Remote and necessary small school plants—Review committee. (1) There is hereby established

EMERGENCY

by the state board of education a remote and necessary review committee comprised of at least the following five members:

(a) One member of the state board of education selected by the president of the board;

(b) Two staff members from the office of the superintendent of public instruction, one who is knowledgeable about finance issues and one who is knowledgeable about curriculum issues, both selected by the state superintendent;

(c) One school director selected by the Washington State School Directors' Association;

(d) One school district administrator selected by the Washington Association of School Administrators;

(2) Vacancies on the review committee shall be filled by the person or organization responsible for appointments.

(3) At the state board of education's discretion, other members may be added to the review committee.

(4) It is the responsibility of the review committee to receive and review all applications from school districts requesting the state board of education to grant remote and necessary status to a small school plant located in the district. Following the review of applications, the review committee shall recommend to the state board whether such designation should be granted. Recommendations of the review committee shall be advisory only. The final determination rests solely with the state board of education.

(5) Every small school plant with remote and necessary status beginning 1996, shall be reviewed every four years by the review committee and the state board. The review committee shall submit its findings and recommendations to the state board. The review committee may conduct the review on-site, with the number of members participating determined by the committee, or may conduct the review by other means as determined by the committee (~~and with state board approval~~). The state board shall provide to the fiscal committees of the legislature in January of odd-numbered years a list of remote and necessary small school plants.

(6) A small school plant shall lose its remote and necessary status if the number of students exceeds the enrollment requirements set forth in the state Operating Appropriations Act for three consecutive years. The loss of remote and necessary status shall take effect the immediate ensuing school year. (~~If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state Operating Appropriations Act, the school district may apply to the state board of education for redesignation as a remote and necessary plant. The small school site's annual average full-time equivalent enrollment, pursuant to the Operating Appropriations Act requirements, shall be met for one full year prior to reapplication.~~) If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state Operating Appropriations Act, the school district may apply to the state board of education for redesignation as a remote and necessary plant.

(7) A small school plant shall lose its remote and necessary status if a local school district closes the small school

plant. If the small school plant is reopened by the district, or a new small school plant is opened, the school district may apply to the state board of education for remote and necessary designation for the small school plant. If such designation is granted, the remote and necessary status shall take effect as determined by the state board of education.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-24-405

Remote and necessary small school plants—Purpose.

WSR 02-08-037

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed March 29, 2002, 2:52 p.m.]

Date of Adoption: March 22, 2002.

Purpose: These recommendations are made to clarify the employment of non-Washington state certificated teachers in approved private school and the procedures for loss of approval. In addition the revisions reflect minor changes consistent with recent State Board of Education rule changes and sequence of similar or related concepts.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-90-110, 180-90-115, 180-90-119, 180-90-120, 180-90-123, 180-90-125, 180-90-133, 180-90-135 and 180-90-137; and amending WAC 180-90-105, 180-90-112, 180-90-130, 180-90-141, and 180-90-160.

Statutory Authority for Adoption: Chapter 28A.195 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: We requested the immediate adoption of the revisions to meet the 2002-03 school year timeline for the private school approval process. For over a year, members of the Private School Advisory Committee have explored options for teacher preparation, teacher certification, and student teacher ratio that support education quality while maintaining the unique mission of the private school. OSPI piloted a State Board of Education approved reporting process for non-Washington state certificated teachers that was designed to clarify the training and experience of these teachers, and to the extent to which such instructors were essential to the mission and quality of the private school. The revisions are consistent with private education's commitment to quality.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 9; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-90-105 Purpose and authority. (1) The purpose of this chapter is to establish the procedures and conditions governing the approval of private schools by the state board of education and rescission of such approval.

(2) The authority for this chapter is RCW 28A.195.040 which authorizes the state board of education to promulgate rules and regulations for the approval of private schools for the purpose of implementing RCW 28A.225.010.

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-112 Definitions~~((—Approved private school)). ((As used in this chapter the term "approved private school" shall mean a private school))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved private school" means a nonpublic school or nonpublic school district conducting a program consisting of kindergarten and at least grade one, or a program consisting of any or all of grades one through twelve which has been approved by the state board of education in accordance with the minimum standards for approval as prescribed in this chapter.

(2)(a) "Reasonable health requirements" means those standards contained in chapter 248-64 WAC as adopted by the state board of health.

(b) "Reasonable fire safety requirements" means those standards adopted by the state fire marshal pursuant to chapter 48.48 RCW.

(3)(a) "Minor deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel, and which does not raise a question as to the ability of the school to provide an educational program which is in substantial compliance with the minimum standards set forth in WAC 180-90-160, and which, therefore, does not preclude the granting of full approval.

(b) "Major deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel but raises a question as to the ability of the school to provide an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160, but is not so serious as to constitute an unacceptable deviation.

(c) "Unacceptable deviation" means a variance from the standards established by these regulations which either:

(i) Constitutes a serious, imminent threat to the health or safety of students or school personnel; or

(ii) Demonstrates that the school is not capable of providing an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160.

(4) "Total instructional hour offering" means those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school staff, as directed by the administration and board of directors, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the approved private school for the purpose of discussing students' educational needs for progress, and exclusive of time actually spent for meals.

(5)(a) "Non-Washington state certificated teacher" means a person who has:

(i) A K-12 teaching certificate from a nationally accredited preparation program, other than Washington state, recognized by the U.S. Department of Education; or

(ii) Baccalaureate, masters, or doctoral degree in a specific academic subject; or

(iii) Three years of experience in a specialized field of study.

(b) "Exceptional case" means that a circumstance exists within a private school in which:

(i) The educational program offered by the private school will be significantly improved with the employment of the non-Washington state certificated teacher. Each teacher not holding a valid Washington state certificate shall have experience or academic preparation appropriate to K-12 instruction and consistent with the school's mission. Such experience or academic preparation shall be consistent with the provisions of (c) of this subsection; and

(ii) The school which employs a non-Washington state certificated teacher or teachers pursuant to this subsection employs at least one person certified pursuant to rules of the state board of education. The school will report the academic preparations and experience of each teacher providing K-12 instruction; and

(iii) The non-Washington state certificated teacher of the private school, employed pursuant to this section and as verified by the private school, meets the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), has not had his or her teacher's certificate revoked by any state or foreign country, and has passed a background and fingerprint check. WAC 180-79A-150(2).

(c) "Unusual competence": As applied to an exceptional case wherein the educational program as specified in RCW 28A.195.010 and WAC 180-90-160(7) will be significantly improved with the employment of a:

(i) Non-Washington state certificated teacher that possesses a K-12 teacher certificate from a nationally accredited preparation program, other than Washington state, recognized by the U.S. Department of Education; or

(ii) Non-Washington state certificated teacher that possesses at least a baccalaureate, masters, or doctoral degree in the subject matter to be taught or closely related to the subject matter to be taught; or

(iii) Non-Washington state certificated teacher that possesses a minimum of three calendar years of experience in a specialized field. For purposes of this subsection, the term "specialized field" means a specialized area of the curriculum where skill or talent is applied and where entry into an occupation in such field generally does not require a baccalaureate degree, including, but not limited to, the fields of art, drama, dance, music, physical education, and vocational or occupational education.

(d) "General supervision" means that a Washington state certificated teacher or administrator shall be generally available at the school site to observe and advise the non-Washington state certificated teacher and shall evaluate the non-Washington state certificated teacher pursuant to policies of the private school. Provided, That the non-Washington state certificated teacher of the private school, employed pursuant to this section, and as verified by the private school:

(i) Meets the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2); and

(ii) Has not had his or her teacher's certificate revoked by any state or foreign country; and

(iii) Is not eligible for an initial or continuing teacher's certificate in the state of Washington.

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-130 Approval—Annual certification—Adverse findings. (1) At least ninety days prior to the commencement of the annual school term or period, the chief administrator of each private school shall file with the superintendent of public instruction, in accordance with procedures established by the superintendent of public instruction, a certificate of compliance in the form and substance set forth in WAC 180-90-160.

(2) The superintendent of public instruction shall review each certificate. The review shall be completed within thirty days after receipt of a completed application.

(3) If the superintendent of public instruction finds no minor, major, or unacceptable deviations, the superintendent of public instruction shall so notify the private school and shall recommend full approval of the private school to the state board of education.

(4) If the superintendent of public instruction finds deviation, the private school shall be notified in writing of any minor, major, or unacceptable deviations.

(5) If the superintendent of public instruction finds minor, major, or unacceptable deviations, the superintendent of public instruction shall not transmit the recommendation regarding approval status to the state board of education until the private school submits a narrative report indicating agreement or not with the findings of the superintendent of public

instruction and any proposed remedial action to address the reported deviations. Upon receipt of the narrative report, the superintendent of public instruction shall transmit the recommendation and the narrative report to the state board of education.

AMENDATORY SECTION (Amending Order 7-87, filed 4/14/87)

WAC 180-90-141 Loss of private school approval ((of a nonoperating private school)). ((An approved private school which does not have students enrolled for any six consecutive calendar months and which fails to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time shall lose its approval status for the remainder of the school year.)) (1) The superintendent of public instruction is authorized to rescind approval of a private school for one or more of the following reasons:

(a) Failure to have students enrolled for any six consecutive calendar months or failure to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time.

(b) Failure to provide verification that the approved private school employs at least one Washington state certificated teacher.

(c) Failure to provide verification that the physical facilities of the school meet the health and fire safety standards.

(2) The superintendent of public instruction shall notify the state board of education of decisions to rescind approval.

AMENDATORY SECTION (Amending WSR 96-15-099, filed 7/22/96, effective 8/22/96)

WAC 180-90-160 Minimum standards and certificate form. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE
WITH STATE STANDARDS

ESD/County/Public
School District
Private School/
District Address

I,, do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades through with a projected enrollment of ; and that said school is scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

EMERGENCY

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

Following initial approval as a private school by the state board of education, evidence of current accreditation by a state board of education approved accrediting body may be submitted annually in lieu of approval documents described in 1-12.

(1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum ((~~program~~) instructional hour offerings as prescribed in RCW 28A.150.220.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total ((~~program~~) instructional hour offering as prescribed in RCW 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.150.220 do not apply to private schools and that the total ((~~program~~) instructional hour offering, except as otherwise specifically provided in RCW 28A.150.220, made available is at least:

(a) 450 hours for students in kindergarten.

(b) ((~~2700 hours for students in grades one through three.~~

(c) ~~2970 hours for students in grades four through six.~~

(d) ~~1980 hours for students in grades seven and eight.~~

(e) ~~4320~~) 1000 hours for students in grades ((~~nine~~) one through twelve.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools: Provided, That a religious course is a course of study separate from the courses of study defined in RCW 28A.195.010 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements; and/or

(b) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a ((~~certified~~) Washington state certificated teacher or administrator pursuant to WAC ((~~180-90-125~~) 180-90-112). The ((~~noncertified employee~~) non-Washington state certificated teacher, the ((~~certified~~) Washington state certificated person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate: Provided, That if a ((~~noncertified person~~) non-Washington state certificated teacher is employed subsequent to the filing of this certificate, this same information shall be forwarded to the superintendent of public instruction within thirty days from the date of employment.

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.410 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and

(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination;

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

(11) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The superintendent of public instruction shall be notified of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(12) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the

private school and shall be considered in subsequent application for approval as a private school.

Dated this day of, 19. . .

.....
(signed)

.....
(title)

.....
(phone number)

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-90-110 Purpose.
- WAC 180-90-115 Definition—Private school.
- WAC 180-90-119 Definition—Reasonable health and fire safety requirements.
- WAC 180-90-120 Definitions—Deviations.
- WAC 180-90-123 Definition—Total program hour offering.
- WAC 180-90-125 Definitions—Exceptional case, unusual competence, and general supervision.
- WAC 180-90-133 SPI report to SBE—No adverse findings.
- WAC 180-90-135 SPI adverse findings—Report to private school.
- WAC 180-90-137 SPI report to SBE—Adverse findings.

WSR 02-08-038
EMERGENCY RULES
STATE BOARD OF EDUCATION
 [Filed March 29, 2002, 2:54 p.m.]

Date of Adoption: March 22, 2002.

Purpose: It is recommended the State Board of Education (SBE) adopt on an emergency basis the proposed amendments to SBE policy/policies in chapter 180-16 WAC, State support of public schools; chapter 180-10 WAC, Waivers for restructuring purposes; chapter 180-53 WAC, Educational quality—Self study by school districts; and chapter 180-55 WAC, School accreditation.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-16-006, 180-18-020, 180-53-005, 180-53-010, 180-53-020, 180-53-025, 180-53-030, 180-53-035, 180-53-040, 180-53-045, 180-53-050, 180-53-055, 180-53-060, 180-53-070, 180-55-010, 180-55-025, 180-55-030, 180-55-035, 180-55-050, 180-55-070, 180-55-075, 180-55-080,

180-55-085, 180-55-090, 180-55-095, 180-55-100, 180-55-105, 180-55-110, 180-55-115, 180-55-120, 180-55-125, 180-55-130 and 180-55-135; new sections WAC 180-16-227, 180-55-032, 180-55-034 and 180-55-150; and amending WAC 180-16-002, 180-16-195, 180-16-220, 180-18-010, 180-55-005, 180-55-015, and 180-55-020.

Statutory Authority for Adoption: RCW 28A.150-220(4), 28A.10.010, 28A.58.754(6).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Immediately incorporates a school improvement plan as a prerequisite for school accreditation.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 8, Repealed 32.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 8, Repealed 32.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 8, Repealed 32; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 22, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 98-08-039, filed 3/24/98, effective 4/24/98)

WAC 180-16-002 Purpose and authority. (1) In support of improving student learning and growth, the purpose of this chapter is to establish the policies and procedures for state board of education approval of school district programs for entitlement to state basic education allocation funding.

(2) The authority for this chapter is RCW 28A.150-220(4) (~~which requires the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW 28A.150.250, 28A.150.260, and 28A.150.220 and such related basic program of education requirements as may be established by the state board of education~~)).

AMENDATORY SECTION (Amending WSR 99-10-091, filed 5/4/99, effective 6/4/99)

WAC 180-16-195 Annual reporting and review process. (1) **Annual school district reports.** A review of each

EMERGENCY

school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with ~~((these))~~ basic education ~~((allocation entitlement))~~ program approval requirements. On or before the ~~((third))~~ first Monday in ~~((October))~~ November of each school year, each school district superintendent shall complete and return the program ~~((data report))~~ assurance form ~~((s) prepared and)~~ (OSPI Form 1497) distributed by the ~~((superintendent of public instruction))~~ state board of education. ~~((Such))~~ The form(s) shall be designed to elicit data necessary to a determination of a school district's compliance or noncompliance with ~~((these entitlement))~~ basic education program approval requirements. Data reported ~~((on any such form(s)))~~ by a school district shall accurately represent the actual status of the school district's program as of the first school day in October and as thus far provided and scheduled for the entire current school year. ~~((Such))~~ The form(s) shall be signed by:

- (a) The school board president or chairperson, and
- (b) The superintendent of the school district.

(2) State board staff review.

(a) State board of education staff shall review each school district's program ~~((data report and such supplemental state reports as staff deems necessary))~~ assurance form, conduct on-site monitoring visits of randomly selected school districts, as needed and subject to funding support, and prepare recommendations and ~~((supporting))~~ reports for presentation to the state board of education: Provided, That, if a school district's initial program ~~((data report and any other state reports considered do))~~ assurance form does not establish compliance with ~~((these))~~ the basic education ~~((allocation entitlement))~~ program approval requirements, the district shall be provided the opportunity to explain the deficiency ~~((and provide supplemental data))~~ or deficiencies. School districts which foresee that they will not be able to comply with ~~((these entitlement))~~ the program approval requirements, or that are deemed by the state board to be in noncompliance, may petition for a waiver on the basis of ~~((the limited ground of))~~ substantial lack of classroom space as set forth in WAC 180-16-225 and instructional hours offering requirements under WAC 180-18-030.

(b) School districts may use the personnel and services of the educational service district to assist the district and schools in the district that are out of compliance with basic education program approval requirements.

(3) Annual certification of compliance or noncompliance—Withholding of funds for noncompliance.

(a) At the annual ~~((March))~~ spring meeting of the state board of education, or at such other meeting as the board shall designate, the board shall certify by motion each school district as being in compliance or noncompliance with ~~((these))~~ the basic education ~~((allocation entitlement))~~ program approval requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary by the state board of education or advisable by the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for

the succeeding school year until such time as the state board takes its annual action certifying compliance or noncompliance with ~~((these entitlement))~~ the program approval requirements.

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to the satisfaction of state board of education staff, subject to review by the state board. Basic education allocation funds shall be deducted from the basic education allocation of a school district that has been certified as being in noncompliance unless such district has received a waiver ~~((pursuant to WAC 180-16-225,))~~ from the state board for such noncompliance, pursuant to WAC 180-16-225 or 180-18-030, or assurance of program compliance is subsequently provided for the school year previously certified as in noncompliance and is accepted by the state board.

(d) The withholding of basic education allocation funding from a school district shall not occur for a noncompliance ~~((provided that))~~ if the school district has ~~((been given a reasonable amount of time to remediate))~~ remediated the noncompliance situation ~~((, not to exceed forty))~~ within sixty school business days from the time the district receives notice of the noncompliance from the state board of education. ~~((It is presumed that forty school business days is a reasonable time for school districts to correct an existing noncompliance.))~~ The state board of education may extend ~~((such))~~ the sixty days timeline only if the district demonstrates ~~((,))~~ by clear and convincing evidence ~~((,))~~ that ~~((such timeline))~~ sixty days is not reasonable to make the necessary corrections. For the purposes of this section, a school business day shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(e) The superintendent of public instruction, or his/her designee, after notification by the state board of education to a school district regarding an existing noncompliance, shall enter into a compliance agreement with the school district that shall include, but not be limited to, the following criteria:

(i) A deadline for school district remediation of the noncompliance(s), not to exceed ~~((forty))~~ sixty school business days per noncompliance as specified in (d) of this subsection.

(ii) A listing of all the noncompliance areas and the necessary terms that must be satisfied in each area in order for the school district to gain compliance status. This listing also shall specify additional deadlines for the accomplishment of the stated terms if different from the final deadline as specified in subsection (1) of this section.

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline shall result in the immediate withholding of the district's basic education allocation funding by the superintendent of public instruction.

(iv) The date and the signatures of the superintendent of the school district, ~~((or his/her designee))~~ the chair of the district's board of directors, and the superintendent of public instruction, or his/her designee, to the agreement. A copy of the completed compliance agreement shall be sent to the

chairperson of the school district's board of directors and the school district superintendent.

(f) In the event a school district fails to sign the compliance agreement within five school business days from the date of issuance or does not satisfy the terms of the signed compliance agreement within the designated amount of time, the superintendent of public instruction shall withhold state funds for the basic education allocation until program compliance is assured(~~(-~~

~~(g) The superintendent of public instruction shall withhold state funds for the basic education allocation to a school district)) based on the following procedure:~~

(i) For the first month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold twenty-five percent of the state funds for the basic education allocation to a school district.

(ii) For the second month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold fifty percent of the state funds for the basic education allocation to a school district.

(iii) For the third month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold seventy-five percent of the state funds for the basic education allocation to a school district.

(iv) For the fourth month, and every month thereafter, that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold one hundred percent of the state funds for the basic education allocation to a school district until compliance is assured.

~~((h))~~ (g) Any school district may appeal to the state board of education the decision of noncompliance by the state board of education ~~((staff))~~. Such appeal shall be limited to the interpretation and application of these rules ~~((and regulations))~~ by ~~((such superintendent of public instruction))~~ the state board of education. Such appeal shall not stay the withholding of any state funds pursuant to this section. The state board of education may not waive any of the basic education entitlement requirements as set forth in this chapter, except as provided in WAC 180-16-225 or 180-18-030.

(4) The provisions of subsection (3)(f) of this section shall not apply if the noncompliance is related to the district's fiscal condition and results in the implementation of a financial plan under RCW 28A.505.140(3).

AMENDATORY SECTION (Amending WSR 99-10-091, filed 5/4/99, effective 6/4/99)

WAC 180-16-220 Supplemental ~~((program and))~~ basic education ~~((allocation entitlement))~~ program approval requirements. The following requirements ~~((while not imposed by the "Basic Education Act of 1977," is))~~ are hereby established by the state board of education as ~~((a))~~ related supplemental condition to a school district's entitlement to state basic education allocation funds, as authorized by RCW 28A.150.220(4).

(1) Current and valid certificates. Every school district employee required by WAC 180-79A-140 to possess ~~((a professional))~~ an education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, ~~((effective August 31, 1987,))~~ classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC 180-82-105, 180-82-120, and 180-82-125, respectively.

(2) Annual school building approval.

(a) Each school in the district shall be approved annually by the school district board of directors under an approval process determined by the district board of directors.

(b) At a minimum the annual approval shall require each school to have in place, and reviewed annually for implementation progress and possible changes, a school improvement plan or process that is data driven and promotes a positive impact on student learning. For the purpose of this section "positive impact on student learning" shall mean:

(i) Supporting the goal of basic education under RCW 28A.150.210, "...to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives ...";

(ii) Promoting continuous improvement of student achievement of the state learning goals and essential academic learning requirements; and

(iii) Recognizing nonacademic student learning and growth related, but not limited to: Public speaking, leadership, interpersonal relationship skills, teamwork, self-confidence, and resiliency.

(c) The school improvement plan or process shall be based on a self-review of the school's program for the purpose of annual building approval by the district. The self-review shall include active participation and input by building staff, students, parents, and community members.

(d) The school improvement plan or process shall address, but is not limited to:

(i) The characteristics of successful schools as identified by the superintendent of public instruction and the educational service districts, including safe and supportive learning environments;

(ii) Educational equity factors such as, but not limited to: Gender, race, ethnicity, culture, language, and physical/mental ability, as these factors relate to having a positive impact on student learning. The state board of education strongly encourages that equity be viewed as giving each student what they need and when and how they need it to reach their achievement potential;

(iii) The use of technology to facilitate instruction and a positive impact on student learning; and

(iv) Parent and community involvement, as these factors relate to having a positive impact on student learning.

(3) Nothing in this section shall prohibit a school improvement plan or process from focusing on one or more characteristics of effective schools during the ensuing three school years.

(4) School involvement with school improvement assistance under the state accountability system or involvement with school improvement assistance through the federal Elementary and Secondary Education Act shall constitute a sufficient school improvement plan or process for the purposes of this section.

NEW SECTION

WAC 180-16-227 Implementation timeline for WAC 180-16-220(2). The provisions of WAC 180-16-220(2) shall take effect beginning the 2003-04 school year. If a school district already requires its schools to have a school improvement plan or process, but such plan or process does not include some or all of the required elements listed in WAC 180-16-220 (2)(c) and (d) as of the beginning of the 2003-04 school year, the district may request from the state board of education an extension of the timeline to the beginning of the 2004-05 school year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-16-006 Purpose.

AMENDATORY SECTION (Amending WSR 98-05-001, filed 2/4/98, effective 3/7/98)

WAC 180-18-010 Purpose and authority. (1) The purpose of this chapter is to support local educational improvement efforts by establishing policies and procedures by which schools and school districts may request waivers from basic education program approval requirements.

(2) The authority for this chapter is RCW 28A.305.140 and ((28A.630.945 which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements and such related requirements as may be established by the state board of education)) 28A.655.180(1).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-18-020 Purpose.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-53-005 Authority.
 WAC 180-53-010 Purpose.
 WAC 180-53-020 Self-study schedule.
 WAC 180-53-025 Self-study criteria.

WAC 180-53-030 Elementary school—Joint self-study process.
 WAC 180-53-035 Initial self-study cycle.
 WAC 180-53-040 Self-study cycles.
 WAC 180-53-045 Initial self-study cycle plan—Report to superintendent of public instruction.
 WAC 180-53-050 Subsequent self-study cycle plan—Report to superintendent of public instruction.
 WAC 180-53-055 Biennial report—To superintendent of public instruction.
 WAC 180-53-060 Waiver for economic reasons.
 WAC 180-53-070 Waiver option, application and renewal procedures.

AMENDATORY SECTION (Amending WSR 91-04-015, filed 1/28/91, effective 2/28/91)

WAC 180-55-005 ((Statutory)) Purposes and authority. ~~((Pursuant to provision of RCW 28A.305.130(6), the state board of education hereby establishes standards and procedures for accreditation of all schools as hereinafter set forth-))~~ (1) Purposes. The provision of school accreditation procedures by the state board of education is designed to serve the following purposes:

(a) Support the state board's long-term vision of a performance-based education system under WAC 180-51-001 by aligning school accreditation requirements to continuous improvement of student learning, achievement, and growth;

(b) Promote educational excellence and equity for every student through enhancement of the quality and effectiveness of the school's educational program in safe and supportive learning environments;

(c) Promote staff growth and commitment to the learning of every student;

(d) Build stronger links with the community by reaching consensus about educational expectations through community involvement;

(e) Provide a statement of accountability to the public;

(f) Assure that school districts, under the district policy on recognizing earned credits under WAC 180-51-050, shall accept credits earned from schools or programs, accredited by the state board of education, the Northwest Association of Schools, Colleges and Universities, or other accrediting body as may be recognized by the state board of education pursuant to WAC 180-55-150; and

(g) Facilitate the sharing of effective schools practices and positive impacts on student learning through an external appraisal process.

(2) Authority. The authority for this chapter is RCW 28A.305.130(6).

EMERGENCY

AMENDATORY SECTION (Amending WSR 91-04-015, filed 1/28/91, effective 2/28/91)

WAC 180-55-015 Definitions. (1) An "accredited school" is a public or ~~((an))~~ state board of education approved private school that meets ~~((the regulations))~~ statutory requirements and rules established by the state board of education, and one that has satisfactorily completed the accreditation procedures described by the state ~~((superintendent of public instruction))~~ board of education pursuant to RCW 28A.305.130(6) and WAC 180-55-005 through ~~((180-55-135))~~ 180-55-032.

(2) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 28A.195 RCW and chapter 180-90 WAC.

(3) "Accredited" status shall be assigned to public or state board of education approved private schools that:

(a) Complete and meet fully ~~((the))~~ state board of education requirements for accreditation as described in WAC 180-55-020 ~~((through 180-55-135)), or;~~

(b) Participate and qualify in accordance with standards and procedures established by the Northwest Association of Schools ~~((and))~~ Colleges and Universities ((NASC)) NASCU (see WAC 180-55-032).

~~((3))~~ "Standards review" shall mean an appraisal whereby requirements established by the state board of education are applied to an individual school. The standards review shall take place during the application process and implementation update.

(4) "Self study" shall mean an approved comprehensive set of needs assessment and program improvement plan procedures as described in WAC 180-55-050.

(5) "Plan for school improvement" shall mean a formal document produced as a result of the self study procedure for implementation at an accredited school.)) (4) "School improvement plan or process" shall mean the same as described under WAC 180-16-220(2).

(5) "Self-review" shall mean the same as described under WAC 180-16-220(2).

(6) ~~((Validation))~~ "Appraisal" shall mean an objective, external ~~((review))~~ appraisal of a school's ~~((accreditation))~~ self-review activities ~~((for the purposes of establishing their correctness, accuracy and thoroughness, including an objective, external review of the self study process, the plan for program improvement, and the accreditation standards as part of the application process and implementation update as described in WAC 180-55-035.~~

(7) "Implementation update" shall mean an interim report submitted to the superintendent of public instruction by an accredited school after three years in the standard accreditation status. The implementation update shall include a status report on the implementation of the plan for school improvement and an accreditation standards review.

(8) "Northwest Association of Schools and Colleges alternative" shall mean the accreditation activities provided through school membership in the NASC and shall be accepted by the state board of education in lieu of state board accreditation procedures.

~~(9) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 180-90 WAC.~~

~~(10) "Vocational technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area for persons sixteen years of age or older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and funding of vocational technical institutes. In applying the provisions of this chapter the terms "school" and "principal" shall mean a vocational technical institute and director of such institute, respectively)) and school improvement plan or process pursuant to WAC 180-55-020(5).~~

AMENDATORY SECTION (Amending WSR 91-01-068, filed 12/14/90, effective 1/14/91)

WAC 180-55-020 Compliance with requirements for entitlement to basic education allocation funds ~~((or))~~ is prerequisite to application for accreditation by public schools—Compliance with requirements for approved private school status is prerequisite to application for accreditation by private schools—Types of accreditation—Conditions—Effective periods—Administration of accreditation procedures. ~~((1))~~ **Public schools.**

~~(a) District compliance.~~ Certification by the state board of education of compliance by a school district's program pursuant to provisions of "basic education allocation entitlement requirements" or receipt of waiver therefrom (WAC 180-16-191 through 180-16-225) shall be prerequisite to a public school's participation in accreditation activities and to a public school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.

~~(b) School contribution to district compliance with requirements for entitlement to basic education allocation funds.~~ Each public school engaged in the state board of education's accreditation program shall be in compliance with such entitlement requirements (WAC 180-16-191 through 180-16-225).

~~(c) Assessment of school compliance with supplemental program standards.~~ Each public school engaged in the state board of education's accreditation program shall be in compliance with the supplemental program standards (WAC 180-16-240).

~~(d) Vocational technical institutes—Additional requirement.~~ Certification by the state board of education of compliance with the program approval provisions of chapter 180-58 WAC shall be conditional to the receipt of accreditation status by a vocational technical institute.

(2) **Private schools.** Certification by the state board of education of compliance by a private school with the approval requirements of chapter 180-90 WAC shall be prerequisite to a private school's participation in the state board of education's accreditation activities and to a private school's

EMERGENCY

receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.) (1)(a) Certification by the state board of education of compliance by a school district with basic education program approval requirements under WAC 180-16-220, or receipt of a waiver from WAC 180-16-225, shall be prerequisite to a public school's application to the state board of education for accreditation.

(b) Certification by the state board of education of compliance with private school approval requirements under chapter 28A.190 RCW and chapter 180-90 WAC shall be prerequisite to a private school's application to the state board of education for accreditation.

(2) **Standard accreditation - six years**, shall be granted to a school after a satisfactory external appraisal of the school's self-review activities and improvement plan or process and approval by the state board of education of the appraisal findings and recommendations by the superintendent of public instruction under WAC 180-55-030.

(3) **Conditional accreditation - one year**, for a school where the external appraisal identifies omissions, inaccuracies or weaknesses in the building's self-review activities or school improvement plan or process.

(4) **Application**. Application for school accreditation shall be made to the state board of education. Such application shall be submitted jointly by the appropriate officials of the school and school district, or school and governing board in the case of private schools, in accordance with procedures and timelines established by the state board of education.

(5)(a) **External appraisal**. The state superintendent of public instruction shall direct an external appraisal program for school accreditation purposes. The state superintendent may place yearly limits on the number of schools that may participate in the external appraisal program. The external appraisal shall be conducted by persons external to the school and district.

(b) The external appraisal shall focus on the provisions of WAC 180-16-220 (2)(c) and (d), and 180-55-005(1). The appraisal shall give weight to the district's school approval process and focus on, but not be restricted to, an appraisal of the progress and impact of the school improvement plan or process.

NEW SECTION

WAC 180-55-032 Compliance with requirements prerequisite for accreditation recognition by the state board of education. (1) Certification by the state board of education of compliance by a school district with basic education program approval requirements under WAC 180-16-220, or receipt of a waiver from WAC 180-16-225 or 180-18-030, shall be prerequisite to a public school's application for accreditation under WAC 180-55-015 (3)(b).

(2) Certification by the state board of education of compliance with private school approval requirements under chapter 28A.190 RCW and chapter 180-90 WAC shall be prerequisite to a private school's application for accreditation under WAC 180-55-015 (3)(b).

NEW SECTION

WAC 180-55-034 Temporary extension of accreditation status. (1) The state board of education may, in its discretion, grant to a school an extension of its accreditation status for a period not to exceed two school years under the following conditions:

(a) Staffing and resources directly or indirectly available to the state board for administration of the accreditation program are insufficient to timely process applications for accreditation under regular procedures;

(b)(i) The school has current accredited status through the state board accreditation process; or

(ii) The school has current accredited status through the Northwest Association of Schools, Colleges and Universities (NASCU) accreditation process and desires to switch to the state board process upon termination of the validity period of its NASCU accreditation; or

(iii) The school began the process for first-time accreditation or renewal accreditation, using the state board of education accreditation option, before January 1, 2001.

(2) In order to be considered for a temporary extension of accredited status, a school must submit to the state board a written request for an extension, signed by the building principal.

(3) This section shall expire June 30, 2003, unless program staffing and funding support issues are not resolved.

NEW SECTION

WAC 180-55-150 Standards and criteria study and report. (1) The accreditation committee of the state board of education shall study and recommend for adoption to the state board formal standards and criteria for recognizing organizations that offer accreditation services and designations.

(2) The committee shall submit its study findings and recommendations to the state board not later than the board's fall 2002 meeting.

(3) This section shall expire not later than January 31, 2003.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-55-010 Intent and purposes.
- WAC 180-55-025 Types of accreditation—Conditions—Effective periods.
- WAC 180-55-030 Administration of accreditation procedures.
- WAC 180-55-035 Validation of accreditation activities.
- WAC 180-55-050 Self-study—Common guidelines.

EMERGENCY

- WAC 180-55-070 Standards—General conditions.
- WAC 180-55-075 Standards—Elementary and secondary—Professional preparation of staff.
- WAC 180-55-080 Standards—Elementary and secondary—Guidance services.
- WAC 180-55-085 Standards—Elementary and secondary—School health services.
- WAC 180-55-090 Standards—Elementary and secondary—Textbook and supplementary reference materials.
- WAC 180-55-095 Standards—Elementary and secondary—Equipment and materials.
- WAC 180-55-100 Standards—Elementary and secondary—Facilities.
- WAC 180-55-105 Standards—Elementary—Program offerings.
- WAC 180-55-110 Standards—Elementary—Number and time assignment of personnel.
- WAC 180-55-115 Standards—Elementary—Instructional and learning resources.
- WAC 180-55-120 Standards—Secondary—Unit of credit.
- WAC 180-55-125 Standards—Secondary—Minimum program offerings.
- WAC 180-55-130 Standards—Secondary—Number and time assignment of personnel.
- WAC 180-55-135 Standards—Secondary—Instructional and learning resources.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-478-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The department is required to adopt the federal poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services under authority of Section 673(2) of the Omnibus Budget Reconciliation Act (42 U.S.C. 9902(2)).

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

March 28, 2002

Margaret J. Partlow

for Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-056, filed 8/30/01, effective 9/30/01)

WAC 388-478-0085 Medicare (~~cost sharing~~) savings programs—Monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is up to one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, (~~2001~~) 2002, the QMB program's income standards are:

- (a) One person ~~\$(716)~~ 739
- (b) Two persons ~~\$(968)~~ 995

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but under one hundred twenty percent of FPL. Beginning April 1, (~~2001~~) 2002, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$(716.01) <u>739.01</u>	\$(859) <u>886</u>
(b) Two persons	\$(968.01) <u>995.01</u>	\$(1161) <u>1194</u>

WSR 02-08-057

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 1, 2002, 3:19 p.m.]

Date of Adoption: March 28, 2002.

Purpose: To comply with the recent federal increase in the income and resource standards for the Medicare savings programs.

(3) The qualified individual (QI-1) program, formerly known as the expanded special low-income Medicare beneficiary (ESLMB) program income standard is over one hundred twenty percent of FPL, but under one hundred thirty-five percent of FPL. Beginning April 1, (~~2001~~) 2002, the ESLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$((859.01)) <u>886.01</u>	\$((967)) <u>997</u>
(b) Two persons	\$((1161.01)) <u>1194.01</u>	\$((1307)) <u>1344</u>

(4) The qualified disabled working individual (QDWI) program income standard is up to two hundred percent of FPL. Beginning April 1, (~~2001~~) 2002, the QDWI program's income standards are:

(a) One person	\$((1432)) <u>1477</u>
(b) Two persons	\$((1935)) <u>1990</u>

(5) The qualified individual (QI-2) program income standard is over one hundred thirty-five percent of FPL, but under one hundred seventy-five percent of FPL. Beginning April 1, (~~2001~~) 2002, the QI program's income standards are:

	Minimum	Maximum
(a) One person	\$((967.01)) <u>997.01</u>	\$((1253)) <u>1293</u>
(b) Two persons	\$((1307.01)) <u>1194.01</u>	\$((1694)) <u>1792</u>

(6) The resource standard for the Medicare cost sharing programs in this section is:

(a) One person	\$4000
(b) Two persons	\$6000

**WSR 02-08-070
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-67—Filed April 2, 2002, 3:13 p.m., effective April 6, 2002, 12:01 a.m.]

Date of Adoption: April 2, 2002.

Purpose: Amend commercial and personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600F, 220-52-04600G and 220-56-33000G; and amending WAC 220-52-046 and 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is necessary to continue the closure for softshell crab from previous emergency rule and closes areas for the protection of softshell crab. This emergency regulation is necessary to continue the closures for softshell crab from previous emergency rule and closes another portion of Marine Area 7 for the protection of softshell crab. The closure of Marine Area 10 is necessary to maintain state/tribal allocation requirements. The general closure on April 15 for all marine areas is for the protection of softshelled crabs from all gear types. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 3.

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

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

Effective Date of Rule: April 6, 2002, 12:01 a.m.

April 2, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-52-04600G Crab fishery—Areas and seasons. Notwithstanding the provisions of WAC 220-52-046, it is unlawful to fish for Dungeness Crab for commercial purposes as provided herein:

(1) Effective immediately until further notice commercial crab harvest is closed in all waters of Marine Fish-Shellfish Catch Reporting Areas 22A, 24A, 24B, 24C, 24D, 25B, 25D, 26A and that portion of 21A south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and north of a line that extends from Carter Point on the southern tip of Lummi Island to Whiskey Rock south of Chuckanut Bay.

(2) Effective 12:01 a.m. April 6, 2002 until further notice, commercial crab harvest is closed in all waters of Marine Fish-shellfish Catch and Reporting Areas 22B, 21B and 21A.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 6, 2002:

WAC 220-52-04600F Crab fishery—Seasons and areas. (02-56)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 16, 2002:

WAC 220-52-04600G Crab fishery—Seasons and areas.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 6, 2002:

WAC 220-56-33000G Crab—Areas and seasons. (02-56)

NEW SECTION

WAC 220-56-33000H Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-330, it is unlawful to fish for crab for personal use as provided herein:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Marine Areas 8-1, 8-2, 9, 12, those waters of Marine Area 7 south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and north of a line that extends from Carter Point on the southern tip of Lummi Island to Whiskey Rock south of Chuckanut Bay and the San Juan Islands portion of Marine Area 7 west and south of line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island to Lawrence Point on Orcas Island, follows the northern shoreline around Orcas Island to Steep Point on the southwestern tip of Orcas Island, thence to Limestone Point on San Juan Island and then to Green Point on the eastern tip of Spieden Island and from the western tip of Spieden Island true west to the International Boundary.

(2) Effective 12:01 a.m. April 6, 2002 until further notice, it is unlawful to fish for crab for personal use in all waters of Marine Area 10 and in the Anacortes portion of Marine Area 7, south and east of a line that extends from Pt. Francis on Portage Island through the marker just north of Inati Bay on Lummi Island to Lummi Island, thence south and east of line that extends from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island, thence south and west of line that extends from the northernmost tip of Sinclair Island to Lawrence Point on Orcas Island, follows the northern shoreline around Orcas Island to Steep Point on the southwestern tip of Orcas Island, thence to Limestone Point on San Juan Island and then to Green Point on the eastern tip of Spieden Island and from the western tip of Spieden Island true west to the International Boundary.

(3) Effective 6:00 p.m. April 15, 2002 until further notice, it is unlawful to fish for crab for personal use in all Puget Sound waters of Marine Areas 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13

EMERGENCY

WSR 02-07-006
RULES OF COURT
STATE SUPREME COURT
[March 6, 2002]

(B) Spokespersons: Dale L. Carlisle, President, Washington State Bar Association, 1201 Pacific Avenue - Suite 2200, Tacoma WA 98401-1157 (Email: dcarlisle@gth-law.com; Telephone 253-620-6401).

Christine Crowell, Member, Washington Access to Justice Board, c/o Deno Miliken Dale & Decker & Davenport, 3411 Colby Avenue, Everett WA 98201 (Email: ChristineCrowell@dmdd.com; Telephone: 425-259-2222).

Barrie Althoff, Chair, Unbundled Legal Services Committee of the Washington Access to Justice Board, 2101 Fourth Avenue - 4th Floor, Seattle WA 98121-2330 (Email: barriea@wsba.org; Telephone: 206-727-8255).

Kimberley D. Prochnau, Commissioner, King County Superior Court, 516 3rd Ave - Room C-203, Seattle WA 98104-2312 (Email: Kimberley.Prochnau@metrokc.gov; Telephone: 206-296-9343).

Nancy Bradburn-Johnson, Commissioner, King County Superior Court, 516 3rd Ave - Room C-203, Seattle WA 98104-2312 (Email: Nancy.Bradburn-Johnson@metrokc.gov; Telephone: 206-296-9335).

(C) Purpose: The purpose of the suggested rules and amendments is to clarify and facilitate the provision by lawyers of limited task representation/unbundled legal services, to clarify ethical issues for non-profit and court-annexed limited legal service programs, and to permit limited appearances by lawyers in civil matters in Superior Court and in courts of limited jurisdiction.

The American Bar Association Commission on Evaluation of the Rules of Professional Conduct (the "ABA Ethics 2000 Commission") issued its final report in May 2001. Among changes it recommended to the American Bar Association Model Rules of Professional Conduct ("ABA Model RPCs"), on which Washington's Rules of Professional Conduct are closely modeled, are to more clearly allow a lawyer to agree with a client to limit the scope of the lawyer's representation, and to clarify ethical practices for nonprofit and court-

MISC.

IN THE MATTER OF THE ADOPTION OF THE) ORDER
AMENDMENTS TO RPC 1.2, RPC 4.2, RPC 4.3,) NO. 25700-A-727
NEW RPC 6.5, NEW CR 4.2, NEW CRLJ 4.2, CR)
11, CrRLJ 11 (BY DESIGNATING EXISTING CR)
11 AND CRLJ 11 AS CR 11(a) AND CRLJ 11(a))
AND BY ADDING NEW CR 11(b) AND NEW)
CRLJ 11(b)) NEW CR 70.1 AND NEW CRLJ 70.1)

The Washington State Bar Association and Access to Justice Board having recommended the adoption of the proposed amendments to RPC 1.2, RPC 4.2, RPC 4.3, New RPC 6.5, New CR 4.2, New CRLJ 4.2, CR 11, CrRLJ 11 (by designating existing CR 11 and CRLJ 11 as CR 11(a) and CRLJ 11(a) and by adding New CR 11(b) and New CRLJ 11(b)) New CR 70.1 and New CRLJ 70.1, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement, as required by GR 9(d), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 90 days from the date published in the Washington Reports. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of March 2002.

Gerry L. Alexander
Chief Justice

GR 9 COVER SHEET

Suggested Amendments to
Rules of Professional Conduct,
Superior Court Civil Rules, and
Civil Rules for Courts of Limited Jurisdiction

To

Facilitate Limited Task Representation by Lawyers,
Clarify Ethical Issues as to Nonprofit and Court-Annexed
Limited Legal Service Programs and Permit Limited
Appearances by Lawyers in Superior Court and in
Courts of Limited Jurisdiction

A) Name of
Proponents:

Washington Access to Justice Board
Washington State Bar Association

annexed limited legal service programs. Limiting the scope of representation is sometimes also called limited task representation, discrete task representation or unbundling of legal services. The principal ABA Model RPCs relevant to these issues are Rule 1.2 and a newly proposed Rule 6.5.

In 1999 the Colorado Supreme Court amended rules 1.2, 4.2 and 4.3 of its Rules of Professional Conduct (which, like Washington's analogous Rules of Professional Conduct, are closely modeled on the ABA Model RPCs), to expressly permit limited task representation. Rule 1.2 relates to the objectives of a lawyer-client representation. Rule 4.2 relates to a lawyer's ethical duties when dealing with a person who is represented by counsel, while Rule 4.3 relates to a lawyer's ethical duties when dealing with a person who is not represented by counsel but is representing himself or herself. The Maine Supreme Court has also recently adopted court rules to expressly allow limited task representation.

Washington currently does not have a specific court rule expressly permitting a lawyer to represent a client on a limited basis and making it clear that the lawyer will not be obligated to continue the representation beyond the agreed scope of representation. The rules here suggested seek to fill these needs.

The following materials set out suggested revisions to Washington's Rules of Professional Conduct, to the Superior Court Civil Rules, and to the Civil Rules for Courts of Limited Jurisdiction. The changes suggested to the Rules of Professional Conduct are generally based on amendments or concepts proposed by the ABA Ethics 2000 Commission to be made to the ABA Model RPCs or to the official commentary to those model rules.

The rule amendments suggested here were prepared at the request of the Washington Access to Justice Board by the members of its Unbundled Legal Services Committee (comprised of Barrie Althoff, Chair, and King County Superior Court Commissioners Kimberley D. Prochnau and Nancy Bradburn-Johnson). Drafts of the suggested rules were widely circulated from April through December 2001, including being placed on the Internet with the request for comments. The suggested rules here presented incorporate comments received through that process and otherwise, including comments from the Washington Superior Court Judges Association and from the Northwest Justice Project, and informal comments received from the Unbundled Services Subcommittee of the Family Law Section the King County Bar Association. The American Bar Association's Standing Committee on the Delivery of Legal Services also reviewed and support the suggested rule amendments. Two letters, dated November 21, 2001, from that committee in support of the suggested changes are attached to this Cover Sheet.

The suggested rules were initially approved for submission as rule-change recommendations to the Supreme Court by the Washington Access to Justice Board on October 26, 2001, by the Washington State Bar Association Board of Governors on December 1, 2001, by the Washington District

and Municipal Court Judges Association on December 8, 2001, and, with revisions, by the Civil Law Committee of the Washington Superior Court Judges' Association on December 19, 2001. The revised version of the rules, here submitted, was then approved for submission as rule-change recommendations to the Supreme Court by the Washington Access to Justice Board and the Washington District and Municipal Court Judges Association on January 11, 2002, by the Washington Superior Court Judges Association on January 12, 2002, and by the Washington State Bar Association Board of Governors on January 18, 2002.

I. Suggested Amendment of Rule 1.2 of the Rules of Professional Conduct

Clients and lawyers may want to limit the scope of a lawyer's representation for many reasons. Often the reason is simply that the client cannot afford to have the lawyer provide a full representation, or the lawyer cannot afford to provide that full representation for free, or the lawyer cannot provide the full representation because of preexisting commitments to other clients. Sometimes a client simply wants to remain in control of the client's problem and merely wants the lawyer's limited assistance. In any case, limiting the scope of the representation is often in the best interests of both the client and the lawyer and results in the client receiving legal assistance, albeit limited, where otherwise the client would not receive any legal assistance. If the limited representation is one involving litigation, the opposing party and the court usually also benefit since otherwise each would be dealing with a person acting entirely pro se without the benefit of any legal assistance.

The commentary to the ABA Model RPCs as proposed by the ABA Ethics 2000 Commission explains the appropriateness of permitting limited scope representations. The following explanation of the proponent's suggested amendment to RPC 1.2 is based on (and much of it is verbatim from) the ABA proposed commentary regarding agreements limiting the scope of representation, but is revised to reflect Washington's existing rules.

The scope of services to be provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer's services are made available to the client. When a lawyer has been retained by an insurer to represent an insured, for example, the representation may be limited to matters related to the insurance coverage. A limited representation may be appropriate either because the client has limited objectives for the representation, or a limited representation is appropriate under the circumstances and does not impair the client's objectives. In addition, the terms upon which representation is undertaken may exclude specific means that might otherwise be used to accomplish the client's objectives. Such limitations may exclude actions that the client thinks are too costly or that the lawyer regards as repugnant or imprudent.

An agreement limiting the scope of a representation should consider the applicability of RPC 4.2 to the representation. Practically, this means the lawyer and client should decide whether the lawyer is, or is not, authorized to communicate on behalf of the client with the lawyer for the opposing party or, as permitted under the RPCs, with the opposing

party. If the lawyer is not so authorized, the client should so inform the opposing lawyer and, for purposes of RPC 4.2, the client should be deemed unrepresented as to the matter in question and the lawyer should be deemed to have consented to the opposing lawyer communicating with the client.¹

Although RPC 1.2, amended as suggested, affords the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. See RPC 1.1.

Paragraph (c) of the suggested revised RPC 1.2 does not require that the client's informed consent after consultation to a limited representation be in writing. Where appropriate, such consent may be inferred from the circumstances. It is good practice, however, to document that consent and consultation in, for example, the engagement agreement, or, if the lawyer's limited representation is being provided for a fee, in the fee agreement.

All agreements concerning a lawyer's representation of a client must accord with the Rules of Professional Conduct and other law. See, e.g., RPCs 1.1, 1.8 and 5.6.

The fee charged for legal services which are limited in scope should be reasonable under the circumstances and should reflect the limited scope of the services.

¹ This paragraph, which has no counterpart in the ABA Ethics 2000 rules or commentary, is intended to clarify when an opposing lawyer may, without violating RPC 4.2, communicate with a person being represented on a limited basis by a lawyer.

II. Suggested Amendments of Rules 4.2 and 4.3 of the Rules of Professional Conduct

Where a person is being provided limited representation by a lawyer in accordance with RPC 1.2(c), but is otherwise self-represented, the scope of the lawyer's representation may be unknown or unclear to other lawyers who may thus be uncertain whether their conduct towards that person is governed by RPC 4.2, which relates to communicating with a person represented by counsel, or by RPC 4.3, which relates to dealing with an unrepresented person. Neither existing RPC 4.2 nor existing RPC 4.3 address the situation of a lawyer providing limited representation to a client. The proposed amendments to RPC 4.2 and 4.3, which are identical in text, address this situation.

Existing RPC 4.2 and RPC 4.3 should be amended to clarify that a self-represented person to whom limited representation is being provided in accordance with RPC 1.2 is considered to be unrepresented for purposes of Rule 4.2 unless the opposing lawyer knows of, or has been provided

with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation. Such notice would preferably be provided as part of a notice of appearance, if litigation is pending concerning the subject of the representation. Receipt or knowledge of a limited notice of appearance as to pending hearings or discovery imposes a duty on the opposing lawyer to refrain from direct contact with the opposing person during the pendency of such hearings or discovery including the pendency of any time period for presentation of orders related to said hearings. This provision is based on language recently adopted by the Maine Supreme Court, Maine Bar Rule 3.6(f) (effective July 1, 2001).

III. Suggested Addition of New Rule 6.5 of the Rules of Professional Conduct relating to Nonprofit and Court-Annexed Limited Legal Service Programs.

The ABA Ethics 2000 Commission has proposed a rule that would permit lawyers providing short-term legal services under the auspices of nonprofit and court-annexed limited legal service programs to be exempted from certain provisions of the RPCs. The commentary proposed by the ABA Ethics 2000 Commission explains the need to clarify ethical issues arising in connection with nonprofit and court-annexed limited legal service programs. Washington has no equivalent to the rule proposed by the ABA Ethics 2000 Commission, but needs one. Washington also has a highly coordinated and developed system of legal education, advice and referral programs as exemplified by the Northwest Justice Project's CLEAR system. The following explanation of the proponent's suggested adoption of new RPC 6.5 is based on the ABA Ethics 2000 commentary but is revised to reflect Washington's existing rules and programs.

Legal service organizations, courts and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services - such as advice or the completion of legal forms - that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See, e.g., RPCs 1.7, 1.9 and 1.10.

A lawyer who provides short-term limited legal services pursuant to this rule must secure the client's consent after consultation to the limited scope of the representation. See RPC 1.2(c). If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this rule, the RPCs, including RPCs 1.6 and 1.9(c), are applicable to the limited representation.

Because a lawyer who is representing a client in the circumstances addressed by this suggested rule ordinarily is not

able to check systematically for conflicts of interest, paragraph (a) of the suggested RPC 6.5 requires compliance with RPCs 1.7 or 1.9(a) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with RPC 1.10 only if the lawyer knows that another lawyer in the lawyer's firm is disqualified in the matter by RPCs 1.7 or 1.9(a).

Because the limited nature of the services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer's firm, paragraph (b) of suggested RPC 6.5 provides that RPC 1.10 is inapplicable to a representation governed by this Rule except as provided by paragraph (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with RPC 1.10 when the lawyer knows that the lawyer's firm is disqualified by RPCs 1.7 or 1.9(a). By virtue of paragraph (b), however, a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program's auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.

If, after commencing a short-term limited representation in accordance with this suggested rule a lawyer undertakes to represent the client in the matter on an ongoing basis, RPCs 1.7, 1.9(a) and 1.10 become thereafter applicable.

Suggested RPC 6.5 (a)(1) is modified from the proposed ABA Model RPC 6.5 to exempt the lawyer from RPCs 1.7 and 1.9(a) so as to permit a lawyer under the auspices of a program sponsored by a nonprofit organization or court to provide limited legal services only to determine eligibility of the client for assistance by the program and to make an appropriate referral of the client to another program sponsored by a nonprofit organization or court. The intent of the modification is to permit lawyers working with such programs as the Northwest Justice Project's Coordinated Legal Education Advice and Referral System ("CLEAR") to undertake customary intake and referral services even where a conflicting client is also receiving limited legal services from CLEAR. This is consistent with the September 16, 1999 Revised Plan for the Delivery of Civil Legal Services to Low Income People in Washington State. The exemption from RPCs 1.7 and 1.9(a) is limited, however, to only those services needed for the lawyer to determine eligibility of the client for assistance and to make an appropriate referral to another program.

Suggested RPC 6.5 (a)(3) has no counterpart in the ABA Ethics 2000 proposed Model RPC 6.5. It addresses a narrow situation in Washington wherein a client seeks limited legal services from a program sponsored by a nonprofit organization or court, such as the CLEAR program, when another lawyer associated with that program is already representing a conflicting party. While such a program may make an effort to locate another program to refer the second person to, practically there is frequently no other available program for referral and such likely unsuccessful referral efforts consume valuable resources better spent representing, with suitable protections, the second person. Under existing conflicts-of-interest RPCs 1.7, 1.9(a) and/or 1.10, the program would not

be able to represent the second client and as a practical matter, due to limited available alternative legal service providers, the second person would likely go unrepresented. The proposed modification would permit the program (but not the same lawyer) to also represent the second client, but only under narrow circumstances intended to assure the individual lawyers' loyalty and maintain the respective clients' confidences and secrets. Clients of such a program, by accepting legal representation from the program, in effect consent to the technical conflict of interest, but are protected from any real conflict by the protective provisions of suggested RPC 6.5 (a)(3). That suggested rule would permit such a representation only where (a) the program lawyers representing the opposing clients are screened by effective means from information as to the opposing client's confidences, secrets, trial strategy and work product as to the matter at issue, (b) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of confidential or secret information; and (c) the program is able to demonstrate by convincing evidence that no confidences or secrets that are material were transmitted by the personally disqualified lawyers to the lawyer representing the conflicting client before implementation of the screening mechanism and notice to the opposing client.

IV. Suggested Addition of New Rule 4.2 of the Superior Court Civil Rules, and of New Rule 4.2 of the Rules for Courts of Limited Jurisdiction, relating to Limited Representation

The proponents suggest that the Court adopt a new Rule 4.2 of the Superior Court Civil Rules (CR), and a new Rule 4.2 of the Civil Rules for Courts of Limited Jurisdiction (CRLJ), which would clarify that a lawyer's provision of limited scope legal representation to a client does not of itself constitute an entry of appearance for that client, and clarify that pleadings should still be served on and delivered to the client and not the lawyer. The text of the suggested two rules, one for Superior Court and the other for courts of limited jurisdiction, is identical other than as to references to rules. For ease of reference, it is suggested that both rules be numbered 4.2 although the Civil Rules for Courts of Limited Jurisdiction have no rule 4.1; that rule number should simply be reserved.

The suggested new rules are loosely based on Section 11(b), and on a comment on adoption of Section 1-1, of the Colorado Rules of Civil Procedure. They provide that an attorney may provide limited representation to a pro se party in accordance with the requirements of Colorado's civil rules and Rules of Professional Conduct, that providing limited representation to a pro se party in accordance with Colorado rules does not constitute an entry of appearance, and that such limited representation does not require or authorize the service of a pleading of paper upon the attorney.

Although the suggested rules partially duplicate the suggested new Rule 70.1 of the Superior Court Civil Rules and the suggested new Rule 70.1 of the Civil Rules for Courts of Limited Jurisdiction, both the suggested new CR 4.2/CRLJ 4.2 and the suggested new CR 70.1/CRLJ 70.1 seem useful to inform the lawyer providing limited scope representation and

any opposing lawyers of the procedural consequences of limited scope representation.

V. Suggested Amendment of Existing Rule 11 of the Superior Court Civil Rules, and Existing Rule 11 of the Civil Rules for Courts of Limited Jurisdiction, by Designating Existing CR 11 as CRLJ 11, respectively, as CR 11(a) and CRLJ 11(a), and by Adding New CR 11(b) and New CRLJ 11(b).

Clients often cannot afford to hire a lawyer to represent them fully throughout the course of litigation yet might be able to afford to hire a lawyer to represent them in discrete parts of the litigation. One of the discrete parts of litigation most amenable to limited task representation is the preparation of pleadings, motions or other documents related to the litigation. Such assistance can benefit both parties to the litigation and the court itself by more precisely defining the legal issues and more clearly stating the facts. A lawyer merely providing such drafting assistance in litigation should be given guidance as to the lawyer's responsibilities of inquiry as to the grounds for and purposes of the litigation, yet, in recognition of the lawyer's limited role, should be allowed to rely on the client's representations. To protect against persons seeking to abuse the system, however, where a lawyer has reason to believe the client's representations are false, the lawyer should be obligated to make independent inquiry. Even in such a case, however, the other party and the court would benefit from the likely more professionally drafted documents. The suggested amendments of CR 11 and CRLJ 11 provide the guidance needed by a lawyer providing such drafting assistance. The suggested amendments of CR 11 and of CRLJ 11 are identical in text other than rule cites in the suggested CR 11 amendments refer to the CRs whereas the rule cites in the suggested CRLJ 11 amendments refer to the CRLJs.

The proponents suggest the Court amend existing Rule 11 of the Superior Court Civil Rules, and existing Rule 11 of the Civil Rules for Courts of Limited Jurisdiction, first by inserting in their respective titles "and drafting" to reflect the revised rules provisions also apply to drafting assistance, and, second, by designating the existing CR 11 and CRLJ 11, respectively, as CR 11(a) and CRLJ 11(a), without change of text, and by adding new section (b) to each of the rules. The suggested sections (b) are based on Section 11(b) of Colorado's Rules of Civil Procedure, but are modified to reflect differences in Washington's existing CR 11 and CRLJ 11.

The drafting by a lawyer on a limited representation basis of pleadings, motions or documents which are not signed by the lawyer and on which the lawyer's name as drafter does not appear is sometimes referred to as ghost-writing. In preparing this suggested rule change, extensive consideration was given whether a lawyer should be required to sign the pleadings, motions or documents, or whether the client should be required to disclose assistance (whether from a lawyer or a non-lawyer) on the face of the pleading, motion or document by requiring, for example, a signed certification by the person receiving limited representation as to any assistance the person received in drafting pleadings, motions or other documents. One form of certification considered was

loosely based on Oregon's Uniform Trial Court Rule 2.101(7). On reconsideration, however, it was concluded that such certifications as to assistance received by others should not be required through this suggested rule since the benefits of having a pleading, motion or document prepared by a lawyer outweigh the need to know on the face of the document whether lawyer assistance was provided. Practical reasons also negate the need since a lawyer likely has no control over the pleading, motion or document once it is given to the client and nothing prevents a client from thereafter modifying the language of the pleading, motion or document. Further, the perceived need for such a certification varies on whether the pleading, motion or document was a mandatory form or not, on whether the assistance was provided by a lawyer or a non-lawyer, and on the extent of any assistance rendered, thus making any certification unduly complex. Rather, it was concluded that the suggested CR 11(b) and CRLJ 11(b) adequately put the lawyer on notice of the lawyer's responsibilities and that information on drafting assistance could still be acquired, if deemed relevant, by, for example, the court simply directly inquiring of the otherwise self-represented person whether any assistance was obtained in drafting the pleadings, motions or other documents.

VI. Suggested Amendment of Superior Court Civil Rules by Addition of New Rule 70.1 to the Superior Court Civil Rules, and New Rule 70.1 to the Civil Rules for Courts of Limited Jurisdiction, relating to Appearances.

Existing civil rules do not clearly state that a lawyer representing a client may appear for that party by serving a notice of appearance, nor do they specifically permit a lawyer undertaking limited task representation to make a limited appearance in litigation. Rules are needed to so provide. The proponents suggest the Court amend the existing Superior Court Civil Rules by adopting the suggested new CR 70.1, and amend the existing Civil Rules for Courts of Limited Jurisdiction by adopting the suggested new CRLJ 70.1, so as to specifically permit filing a notice of appearance and to authorize a lawyer to make a limited appearance in litigation. The text of the suggested new CR 70.1 and CRLJ 70.1 are identical.

Under existing rules, lawyers are concerned that they may agree with a client to undertake only a limited representation, yet the court under the existing rules may not permit the lawyer to withdraw when the agreed limited representation has been completed. Without some assurance that they will be able to limit their representation to that agreed upon with the client, lawyers are reluctant to undertake limited representations in litigation. Similarly, judges may be reluctant to permit a lawyer to withdraw where they did not know previously that the lawyer's representation was intended to be only very limited.

The suggested rules would permit a lawyer who has filed a notice of limited appearance for a proceeding to withdraw upon the conclusion of that proceeding by filing a notice of completion of limited appearance. The withdrawal in such a case is without necessity of leave of court. In order to facilitate communication by the opposing party and counsel, and the court, with the withdrawing lawyer's now former client,

the withdrawing lawyer's notice of completion of limited appearance must contain the client information required by rule 71 (c)(1), which generally includes the name and last known address of the former client.

Some years ago Seattle lawyer Monte Gray informally proposed a rule, on which the current suggested rule is partially based, and explained the need for the rule:

"This provision is intended to permit a party to engage counsel only in connection with a particular motion or a particular deposition or the like. Fairness requires that a limited appearance be specifically called to the attention of the opposing party, either on the record in open court or through a separate document clearly stating the matters to which the appearance is limited. The scope of the appearance should be strictly construed so that, for instance, an appearance to defend a deposition does not authorize the attorney to accept service of a motion arising out of the deposition; an appearance for purposes of a motion does not authorize acceptance of service of a motion for reconsideration; etc. Of course, nothing in this rule prevents the attorney from making a separate limited appearance for purposes of related matters of this type if so authorized and directed by the client. Nor does the termination of the appearance deprive the court of power to impose sanctions on the attorney where appropriate; a motion seeking such sanctions must be served on the attorney against whom they [are] directed, but not in his capacity as attorney for the client."

Those expressed needs remain and the suggested CR 70.1 and CRLJ 70.1 are intended to meet them.

(C) **Hearing:** The suggested rule changes were distributed and circulated widely in draft form, including being placed on the Internet. Accordingly, a hearing is not believed to be needed.

(D) **Expedited Consideration:** Because of the importance of facilitating access to the justice system, the proponents request expedited consideration of these suggested rule amendments.

Attachments:

Suggested RPC 1.2
Suggested RPC 4.2
Suggested RPC 4.3
Suggested RPC 6.5
Suggested CR 4.2
Suggested CRLJ 4.2
Suggested CR 11
Suggested CRLJ 11
Suggested CR 70.1
Suggested CRLJ 70.1

Two letters dated November 21, 2001 from the American Bar Association Standing Committee on Delivery of Legal Services

SUGGESTED AMENDMENT RULES OF PROFESSIONAL CONDUCT (RPC) RPC 1.2 - SCOPE OF REPRESENTATION

- (a) No change.
(b) No change.

(c) A lawyer may limit the ~~objectives~~ scope of the representation if the limitation is reasonable under the circumstances and the client consents after consultation. An agreement limiting the scope of a representation shall consider the applicability of rule 4.2 to the representation.

- (d) No change.
(e) No change.

SUGGESTED AMENDMENT RULES OF PROFESSIONAL CONDUCT (RPC) RPC 4.2 - COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

(a) In representing a client, a lawyer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

(b) An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with rule 1.2 is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation.

SUGGESTED AMENDMENT RULES OF PROFESSIONAL CONDUCT (RPC) RPC 4.3 - DEALING WITH UNREPRESENTED PERSON

(a) In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding.

(b) An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with rule 1.2 is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation.

SUGGESTED NEW RULE RULES OF PROFESSIONAL CONDUCT (RPC) RPC 6.5 - NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict

of interest except that those rules shall not prohibit a lawyer from providing limited legal services sufficient only to determine eligibility of the client for assistance by the program and to make an appropriate referral of the client to another program; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter; and,

(3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a) or 1.10 in providing limited legal services to a client if (a) the program lawyers representing the opposing clients are screened by effective means from information as to the opposing client's confidences, secrets, trial strategy and work product as to the matter at issue, (b) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of confidential or secret information; and (c) the program is able to demonstrate by convincing evidence that no confidences or secrets that are material were transmitted by the personally disqualified lawyers to the lawyer representing the conflicting client before implementation of the screening mechanism and notice to the opposing client.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

SUGGESTED NEW RULE

RULES FOR SUPERIOR COURT - CIVIL RULES (CR) CR 4.2 - PROCESS - LIMITED REPRESENTATION

(a) An attorney may undertake to provide limited representation in accordance with RPC 1.2 to a person involved in a court proceeding.

(b) Providing limited representation of a person under these rules shall not constitute an entry of appearance by the attorney for purposes of CR 5(b) and does not authorize or require the service or delivery of pleadings, papers or other documents upon the attorney under CR 5(b). Representation of the person by the attorney at any proceeding before a judge, magistrate, or other judicial officer on behalf of the person constitutes an entry of appearance pursuant to RCW 4.28.210 and CR 4 (a)(3), except to the extent that a limited notice of appearance as provided for under CR 70.1 is filed and served prior to or simultaneous with the actual appearance. The attorney's violation of this Rule may subject the attorney to the sanctions provided in CR 11(a).

SUGGESTED NEW RULE

CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CR) CRLJ 4.2 - PROCESS - LIMITED REPRESENTATION

(a) An attorney may undertake to provide limited representation in accordance with RPC 1.2 to a person involved in a court proceeding.

(b) Providing limited representation of a person under these rules shall not constitute an entry of appearance by the attorney for purposes of CR 5(b) and does not authorize or require the service or delivery of pleadings, papers or other documents upon the attorney under CRLJ 5(b). Representation of the person by the attorney at any proceeding before a judge, magistrate, or other judicial officer on behalf of the person constitutes an entry of appearance pursuant to RCW

4.28.210 and CRLJ 4 (a)(3), except to the extent that a limited notice of appearance as provided for under CRLJ 70.1 is filed and served prior to or simultaneous with the actual appearance. The attorney's violation of this Rule may subject the attorney to the sanctions provided in CRLJ 11(a).

SUGGESTED AMENDMENT

RULES FOR SUPERIOR COURT - CIVIL RULES (CR) CR 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Petitions for dissolution of marriage, separation, declarations concerning the validity of a marriage, custody, and modification of decrees issued as a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum; that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

(b) In helping to draft a pleading, motion or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or paper, that to the best of the attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

MISC.

SUGGESTED AMENDMENT

**CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)
 CRLJ 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS,
 AND LEGAL MEMORANDA; SANCTIONS**

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum; that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

(b) In helping to draft a pleading, motion or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or paper, that to the best of the attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

SUGGESTED NEW RULE

**RULES FOR SUPERIOR COURT - CIVIL RULES (CR)
 CR 70.1 - APPEARANCE BY ATTORNEY**

(a) Notice of Appearance. An attorney admitted to practice in this state may appear for a party by serving a notice of appearance.

(b) Notice of Limited Appearance. If specifically so stated in a notice of limited appearance filed and served prior to or simultaneous with the proceeding, an attorney's role

may be limited to one or more individual proceedings in the action. Service on an attorney who has made a limited appearance for a party shall be valid (to the extent permitted by statute and rule 5(b)) only in connection with the specific proceedings for which the attorney has appeared, including any hearing or trial at which the attorney appeared and any subsequent motions for presentation of orders. At the conclusion of such proceedings the attorney's role terminates without the necessity of leave of court, upon the attorney filing notice of completion of limited appearance which notice shall include the client information required by rule 71 (c)(1).

SUGGESTED NEW RULE

**CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)
 CRLJ 70.1 - APPEARANCE BY ATTORNEY**

(a) Notice of Appearance. An attorney admitted to practice in this state may appear for a party by serving a notice of appearance.

(b) Notice of Limited Appearance. If specifically so stated in a notice of limited appearance filed and served prior to or simultaneous with the proceeding, an attorney's role may be limited to one or more individual proceedings in the action. Service on an attorney who has made a limited appearance for a party shall be valid (to the extent permitted by statute and rule 5(b)) only in connection with the specific proceedings for which the attorney has appeared, including any hearing or trial at which the attorney appeared and any subsequent motions for presentation of orders. At the conclusion of such proceedings the attorney's role terminates without the necessity of leave of court, upon the attorney filing notice of completion of limited appearance which notice shall include the client information required by rule 71 (c)(1).

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-08-002

**NOTICE OF PUBLIC MEETINGS
 PUBLIC DISCLOSURE COMMISSION**

[Memorandum—March 20, 2002]

The Public Disclosure Commission has changed the date of its regular meeting previously scheduled for Tuesday, March 26, 2002, to Tuesday, April 9, 2002. The meeting will be held in the commission's meeting room, Evergreen Plaza Building, Suite 206, 711 Capitol Way, Olympia, WA. Any discussion of rules will take place at that time and place.

WSR 02-08-009**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—March 22, 2002]

**NOTICE OF SPECIAL MEETING
BOARD OF TRUSTEES****COMMUNITY COLLEGE DISTRICT NO. 4****SKAGIT VALLEY COLLEGE**

2405 East College Way

Mount Vernon, WA 98273

Thursday, March 21, 2002

8:00 a.m.

Mount Vernon Campus - Cascade Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Thursday, March 21, 2002, at 8:00 a.m.** This meeting will convene into executive session to evaluate the qualifications of applicants for public employment. Upon conclusion of the executive session, final action may be taken in open session regarding the hiring of the vice-president of administrative services, if necessary.

WSR 02-08-010**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—March 22, 2002]

NOTICE OF SPECIAL MEETING**BOARD OF TRUSTEES****COMMUNITY COLLEGE DISTRICT NO. 4****SKAGIT VALLEY COLLEGE**

2405 East College Way

Mount Vernon, WA 98273

Thursday, March 21, 2002

11:30 a.m.

Mount Vernon Campus - Cascade Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Thursday, March 21, 2002, at 11:30 a.m.** This meeting will convene into executive session to evaluate the qualifications of applicants for public employment. Upon conclusion of the executive session, final action may be taken in open session regarding the hiring of the vice-president of administrative services, if necessary.

WSR 02-08-011**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—March 22, 2002]

NOTICE OF SPECIAL MEETING**BOARD OF TRUSTEES****COMMUNITY COLLEGE DISTRICT NO. 4****SKAGIT VALLEY COLLEGE**

2405 East College Way

Mount Vernon, WA 98273

Thursday, March 21, 2002

2:00 p.m.

Mount Vernon Campus - Cascade Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Thursday, March 21, 2002, at 2:00 p.m.** This meeting will convene into executive session to evaluate the qualifications of applicants for public employment. Upon conclusion of the executive session, final action may be taken in open session regarding the hiring of the vice-president of administrative services, if necessary.

WSR 02-08-012**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY**

[Memorandum—March 21, 2002]

COMMISSION MEETING

A special meeting of the Washington State Library Commission has been called by chair Anne Haley. The meeting will take place on March 25, 2002, at the Washington State Library, beginning at 2 p.m.

The purpose of the meeting is to review, discuss, and take action, if necessary, regarding the costs and sources of funding for the state library's move and the new Tumwater building, certificate of participation for compact shelving and its repayment schedule, fiscal year-end projections, and a plan to accomplish the savings anticipated in the 2002 supplemental operating budget.

If you have any questions, please call 704-5249.

WSR 02-08-030**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Memorandum—March 27, 2002]

NOTICE OF MEETING CANCELLATION

The Public Works Board meeting scheduled as a regular meeting on April 2, 2002, in the City of SeaTac, has been canceled.

Proposed agenda items will be presented to the board at the regular meeting in Yakima, Washington, scheduled for May 7, 2002.

MISC.

WSR 02-08-049
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION

[Memorandum—March 26, 2002]

Revisions to the 2002 Schedule of Regular Meetings of the State Parks and Recreation Commission

The following revisions to the 2002 schedule of regular meetings of the state Parks and Recreation Commission are submitted for publishing in the Washington State Register.

REVISED

Meeting Dates and Sites

September 12, 2002, will be held in Olympia
 December 12, 2002, will be held in Olympia

ORIGINAL

As published in WSR 02-01-082
 September 12, 2002 - Ephrata
 December 12, 2002 - Seattle

All commission meetings will begin at 9 a.m. A tour of nearby state parks or other recreational facilities may be held on the day following the meeting.

The locations of the meetings have not yet been determined and will be announced at the close of each regular meeting. The meeting locations may be obtained by writing to the Director, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8505.

The public is welcome to attend all state Parks and Recreation Commission meetings. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

WSR 02-08-050
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Commission on Pesticide Registration)

[Memorandum—March 27, 2002]

REGULAR MEETING DATES FOR
WASHINGTON STATE COMMISSION ON PESTICIDE REGISTRATION

The Washington State Commission on Pesticide Registration (WSCPR) has determined a revised schedule for the remainder of 2002. Per RCW 42.30.075, we are making this schedule available to the public through your office.

SCHEDULE FOR CALENDAR YEAR 2002

Wednesday	May 8, 2002	Yakima, WSDA
Tuesday	July 9, 2002	Tri-Cities, Franklin County PUD
Wednesday	September 11, 2002	Mt. Vernon, WSU

Wednesday- November 13-14, 2002 Ellensburg, Hal Holmes Center
 Thursday

Meetings commence at 10:00 a.m. and are open to the public.

Proposals are accepted throughout the year but must be received thirty days prior to the meeting at which they will be presented. November and January meetings have been designated to hear proposals. A mechanism is in place to accept emergency requests at any time.

Examples available: <http://www.wscpr.org>. For information, call (509) 266-4305.

Should you have any further questions in regard to WSCPR proposals or meeting specifics, please contact Alan Schreiber, 2621 Ringold Road, Eltopia, WA 99330, aschreib@centurytel.net, or Donna Gorham, 2621 Ringold Road, Eltopia, WA 99330, dgorham@centurytel.net.

WSR 02-08-062
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—April 2, 2002]

EASTERN WASHINGTON UNIVERSITY
 BOARD OF TRUSTEES
 APRIL 5, 2002
 RIVERPOINT CAMPUS

Executive Session (Conference Call) begins at 8:00 a.m. in RPT 316

Open Public Meeting begins at 10:00 a.m. in RPT 118
 Executive Session at approximately 1:00 p.m. in RPT 316

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 02-08-064
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE

[Memorandum—March 28, 2002]

Change of Board Meeting Date

The board of trustees of Whatcom Community College, District Number Twenty-One, has rescheduled its regular meeting of Tuesday, April 9, 2002. The rescheduled meeting will be held on Tuesday, April 16, 2002. The time and location remain the same.

MISC.

WSR 02-08-065

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—April 2, 2002]

Eastern Washington University
BOARD OF TRUSTEES
ANNOUNCEMENT

of

Special Executive Session,
Board Meeting Time Change and
Briefing on Academic Affairs

April 5, 2002
Eastern Washington University
Riverpoint Campus
Spokane, Washington

The board of trustees of Eastern Washington University will convene in executive session from 8:00 - 10:00 a.m. on April 5, 2002, under RCW 42.30.110(1) for the purpose of reviewing the performance of a public employee. No action will be taken by the board during the executive session.

The open public meeting will then begin at 10:00 a.m. in Riverpoint Room 118.

At the conclusion of the board of trustees meeting, several members of the administration and interested trustees are invited to participate in a briefing on the functions of the academic affairs unit. A quorum of the board may be present at this briefing, which will be held in Riverpoint Room 316.

WSR 02-08-077

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—April 3, 2002]

NOTICE OF SPECIAL MEETING

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE**

2405 East College Way
Mount Vernon, WA 98273
Wednesday, April 3, 2002
4:30 p.m.

Mount Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Wednesday, April 3, 2002, at 4:30 p.m.** This meeting is being held as an open session for discussion with the search committee for the vice-president of administrative services position. No action will be taken.

MISC.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
 - E = Emergency action
 - P = Proposed action
 - S = Supplemental notice
 - W = Withdrawal of proposed action
 - X = Expedited rule making
 - XA = Expedited adoption
 - XR = Expedited repeal
 - No suffix means permanent action
- WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.
- WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-410	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-158-040	REP-P	02-04-109
4-25-520	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-158-050	REP-P	02-04-109
4-25-540	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-158-060	REP-P	02-04-109
4-25-610	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-158-080	REP-P	02-04-109
4-25-620	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-158-090	REP-P	02-04-109
4-25-626	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-158-100	REP-P	02-04-109
4-25-630	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-158-110	REP-P	02-04-109
4-25-631	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-158-120	REP-P	02-04-109
4-25-640	AMD-W	02-04-062	16-156-010	REP-P	02-04-109	16-158-130	REP-P	02-04-109
4-25-640	PREP	02-04-063	16-156-020	REP-P	02-04-109	16-158-135	REP-P	02-04-109
4-25-660	AMD	02-04-064	16-156-030	REP-P	02-04-109	16-158-150	REP-P	02-04-109
4-25-710	PREP	02-04-063	16-156-035	REP-P	02-04-109	16-162-010	REP-P	02-04-109
4-25-710	AMD	02-04-064	16-156-040	REP-P	02-04-109	16-162-025	REP-P	02-04-109
4-25-720	AMD	02-04-064	16-156-050	REP-P	02-04-109	16-162-030	REP-P	02-04-109
4-25-721	AMD	02-04-064	16-156-060	REP-P	02-04-109	16-162-034	REP-P	02-04-109
4-25-730	AMD	02-04-064	16-156-070	REP-P	02-04-109	16-162-036	REP-P	02-04-109
4-25-735	NEW	02-04-064	16-157	AMD-C	02-07-117	16-162-037	REP-P	02-04-109
4-25-745	AMD	02-04-064	16-157-010	NEW-P	02-04-109	16-162-040	REP-P	02-04-109
4-25-746	AMD	02-04-064	16-157-020	NEW-P	02-04-109	16-162-045	REP-P	02-04-109
4-25-750	AMD	02-04-064	16-157-030	NEW-P	02-04-109	16-162-050	REP-P	02-04-109
4-25-752	NEW	02-04-064	16-157-100	NEW-P	02-04-109	16-162-070	REP-P	02-04-109
4-25-756	NEW	02-04-064	16-157-110	NEW-P	02-04-109	16-162-100	REP-P	02-04-109
4-25-783	AMD	02-04-064	16-157-120	NEW-P	02-04-109	16-164-010	REP-P	02-04-109
4-25-790	AMD	02-04-064	16-157-200	NEW-P	02-04-109	16-164-020	REP-P	02-04-109
4-25-791	AMD	02-04-064	16-157-210	NEW-P	02-04-109	16-164-035	REP-P	02-04-109
4-25-792	AMD	02-04-064	16-157-220	NEW-P	02-04-109	16-164-037	REP-P	02-04-109
4-25-793	NEW	02-04-064	16-157-230	NEW-P	02-04-109	16-164-040	REP-P	02-04-109
4-25-795	AMD	02-04-064	16-157-240	NEW-P	02-04-109	16-164-050	REP-P	02-04-109
4-25-820	AMD	02-04-064	16-157-250	NEW-P	02-04-109	16-164-055	REP-P	02-04-109
4-25-830	AMD	02-04-064	16-157-255	NEW-P	02-04-109	16-164-060	REP-P	02-04-109
4-25-910	AMD	02-04-064	16-157-260	NEW-P	02-04-109	16-164-070	REP-P	02-04-109
16-104	PREP	02-06-050	16-157-270	NEW-P	02-04-109	16-164-080	REP-P	02-04-109
16-154-010	REP-P	02-04-109	16-157-275	NEW-P	02-04-109	16-164-085	REP-P	02-04-109
16-154-030	REP-P	02-04-109	16-157-280	NEW-P	02-04-109	16-164-090	REP-P	02-04-109
16-154-040	REP-P	02-04-109	16-157-290	NEW-P	02-04-109	16-164-100	REP-P	02-04-109
16-154-050	REP-P	02-04-109	16-158-010	REP-P	02-04-109	16-164-110	REP-P	02-04-109
16-154-053	REP-P	02-04-109	16-158-020	REP-P	02-04-109	16-228-1231	AMD	02-04-041
16-154-060	REP-P	02-04-109	16-158-027	REP-P	02-04-109	16-228-1235	NEW-E	02-06-048
16-154-070	REP-P	02-04-109	16-158-028	REP-P	02-04-109	16-228-1235	NEW-P	02-07-080
16-154-080	REP-P	02-04-109	16-158-030	REP-P	02-04-109	16-228-12351	NEW-E	02-06-048

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-228-12351	NEW-P	02-07-080	16-470-810	NEW-P	02-06-131	36- 12-350	REP	02-03-069
16-228-12352	NEW-E	02-06-048	16-470-810	NEW-E	02-07-120	36- 12-360	AMD	02-03-069
16-228-12352	NEW-P	02-07-080	16-470-820	NEW-P	02-06-131	36- 12-363	REP	02-03-069
16-228-1237	NEW-E	02-06-048	16-470-820	NEW-E	02-07-120	36- 12-364	AMD	02-03-069
16-228-1237	NEW-P	02-07-080	16-470-830	NEW-P	02-06-131	36- 12-465	AMD	02-03-069
16-228-12371	NEW-E	02-06-048	16-470-830	NEW-E	02-07-120	44- 10	PREP	02-06-046
16-228-12371	NEW-P	02-07-080	16-470-840	NEW-P	02-06-131	51- 56-1500	NEW-W	02-05-032
16-228-1238	NEW-P	02-07-080	16-470-840	NEW-E	02-07-120	130- 14-010	AMD-P	02-03-131
16-301-025	PREP	02-05-083	16-470-850	NEW-P	02-06-131	130- 14-010	AMD	02-06-043
16-301-045	PREP	02-05-083	16-470-850	NEW-E	02-07-120	130- 14-030	AMD-P	02-03-131
16-301-050	PREP	02-05-083	16-470-860	NEW-P	02-06-131	130- 14-030	AMD	02-06-043
16-302-091	PREP	02-05-083	16-470-860	NEW-E	02-07-120	130- 14-050	AMD-P	02-03-131
16-302-125	PREP	02-05-083	16-470-870	NEW-P	02-06-131	130- 14-050	AMD	02-06-043
16-302-250	PREP	02-05-083	16-470-870	NEW-E	02-07-120	130- 14-060	AMD-P	02-03-131
16-302-260	PREP	02-05-083	16-484-210	AMD-P	02-08-086	130- 14-060	AMD	02-06-043
16-302-330	PREP	02-05-083	16-484-220	AMD-P	02-08-086	132G-104-010	AMD-P	02-06-127
16-302-385	PREP	02-05-083	16-484-230	AMD-P	02-08-086	132G-104-020	AMD-P	02-06-127
16-302-390	PREP	02-05-083	16-484-240	AMD-P	02-08-086	132G-104-030	REP-P	02-06-127
16-302-410	PREP	02-05-083	16-484-250	AMD-P	02-08-086	132H-106-030	AMD-P	02-05-052
16-302-435	PREP	02-05-083	16-484-260	AMD-P	02-08-086	132H-120-030	AMD-P	02-03-106
16-302-440	PREP	02-05-083	16-532-020	AMD-P	02-06-130	132H-120-050	AMD-P	02-03-106
16-302-490	PREP	02-05-083	16-532-025	NEW-P	02-06-130	132H-120-200	AMD-P	02-03-106
16-302-545	PREP	02-05-083	16-532-040	AMD-P	02-06-130	132H-120-220	AMD-P	02-03-106
16-302-685	PREP	02-05-083	16-555-020	AMD-P	02-06-129	132H-120-300	AMD-P	02-03-106
16-303-200	PREP	02-03-127	16-662-105	AMD-X	02-07-121	132H-120-350	AMD-P	02-03-106
16-303-210	PREP	02-03-127	16-674	PREP	02-08-084	132H-120-410	AMD-P	02-03-106
16-303-230	PREP	02-03-127	16-675	PREP	02-08-083	132H-120-420	AMD-P	02-03-106
16-303-250	PREP	02-03-127	16-695-070	AMD-P	02-07-122	132H-120-440	AMD-P	02-03-106
16-303-250	PREP	02-05-083	16-752	PREP	02-05-089	132H-120-450	AMD-P	02-03-106
16-303-300	PREP	02-03-127	36- 12-010	REP	02-03-069	132H-140	PREP	02-05-051
16-303-310	PREP	02-03-127	36- 12-011	AMD	02-03-069	132H-152-135	PREP	02-03-104
16-303-317	PREP	02-03-127	36- 12-020	AMD	02-03-069	132H-152-135	AMD-P	02-08-082
16-303-320	PREP	02-03-127	36- 12-030	AMD	02-03-069	132H-410-010	NEW-P	02-03-107
16-303-330	PREP	02-03-127	36- 12-040	AMD	02-03-069	132H-410-020	NEW-P	02-03-107
16-303-340	AMD	02-05-082	36- 12-050	AMD	02-03-069	132H-410-030	NEW-P	02-03-107
16-319-041	AMD	02-05-081	36- 12-060	REP	02-03-069	132H-410-040	NEW-P	02-03-107
16-324	PREP	02-03-132	36- 12-070	AMD	02-03-069	132H-410-050	NEW-P	02-03-107
16-324-361	AMD-P	02-08-087	36- 12-080	REP	02-03-069	132H-410-060	NEW-P	02-03-107
16-324-375	AMD-P	02-08-087	36- 12-100	AMD	02-03-069	132H-410-070	NEW-P	02-03-107
16-324-398	AMD-P	02-08-087	36- 12-110	AMD	02-03-069	132H-410-080	NEW-P	02-03-107
16-324-401	AMD-P	02-08-087	36- 12-120	REP	02-03-069	132H-410-090	NEW-P	02-03-107
16-324-431	AMD-P	02-08-087	36- 12-130	AMD	02-03-069	132H-410-100	NEW-P	02-03-107
16-324-720	AMD-P	02-08-087	36- 12-140	AMD	02-03-069	132H-410-110	NEW-P	02-03-107
16-324-730	AMD-P	02-08-087	36- 12-150	AMD	02-03-069	132H-450-010	NEW-P	02-05-053
16-324-740	AMD-P	02-08-087	36- 12-160	REP	02-03-069	132N-144-010	REP	02-04-068
16-324-750	AMD-P	02-08-087	36- 12-170	AMD	02-03-069	132N-144-020	REP	02-04-068
16-325-015	AMD-X	02-04-020	36- 12-190	AMD	02-03-069	132N-150-010	NEW	02-04-068
16-403-141	AMD-P	02-07-118	36- 12-200	AMD	02-03-069	132N-150-020	NEW	02-04-068
16-403-142	AMD-P	02-07-118	36- 12-210	REP	02-03-069	132N-150-030	NEW	02-04-068
16-403-190	PREP	02-03-128	36- 12-220	REP	02-03-069	132N-150-040	NEW	02-04-068
16-403-190	AMD-P	02-07-118	36- 12-240	AMD	02-03-069	132N-150-050	NEW	02-04-068
16-403-280	AMD-P	02-07-118	36- 12-250	AMD	02-03-069	132N-150-060	NEW	02-04-068
16-462-015	AMD-P	02-08-085	36- 12-260	AMD	02-03-069	132N-150-070	NEW	02-04-068
16-462-020	AMD-P	02-08-085	36- 12-270	AMD	02-03-069	132N-150-080	NEW	02-04-068
16-462-021	AMD-P	02-08-085	36- 12-280	AMD	02-03-069	132N-150-090	NEW	02-04-068
16-462-022	AMD-P	02-08-085	36- 12-285	NEW	02-03-069	132N-150-100	NEW	02-04-068
16-462-025	AMD-P	02-08-085	36- 12-290	AMD	02-03-069	132N-150-110	NEW	02-04-068
16-462-030	AMD-P	02-08-085	36- 12-300	AMD	02-03-069	132N-150-120	NEW	02-04-068
16-462-050	AMD-P	02-08-085	36- 12-310	AMD	02-03-069	132N-150-130	NEW	02-04-068
16-462-055	AMD-P	02-08-085	36- 12-320	AMD	02-03-069	132N-150-140	NEW	02-04-068
16-470-800	NEW-P	02-06-131	36- 12-330	REP	02-03-069	132N-150-150	NEW	02-04-068
16-470-800	NEW-E	02-07-120	36- 12-340	REP	02-03-069	132N-150-160	NEW	02-04-068

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132N-150-170	NEW	02-04-068	132Z-116-400	NEW-P	02-03-089	173-224-030	REP-W	02-07-098
132N-150-180	NEW	02-04-068	132Z-116-400	NEW-E	02-04-061	173-224-030	REP-X	02-07-099
132N-150-190	NEW	02-04-068	132Z-116-410	NEW-P	02-03-089	173-224-040	AMD-P	02-06-091
132N-150-200	NEW	02-04-068	132Z-116-410	NEW-E	02-04-061	173-224-040	REP-X	02-07-038
132N-150-210	NEW	02-04-068	136-130-030	AMD-P	02-06-105	173-224-040	REP-W	02-07-098
132N-150-220	NEW	02-04-068	136-130-070	AMD-P	02-06-105	173-224-040	REP-X	02-07-099
132N-150-230	NEW	02-04-068	137- 28	PREP	02-03-075	173-224-050	AMD-P	02-06-091
132N-150-240	NEW	02-04-068	139- 05-915	PREP	02-08-015	173-224-050	REP-X	02-07-038
132N-150-250	NEW	02-04-068	139- 35-015	AMD-P	02-08-016	173-224-050	REP-W	02-07-098
132N-150-260	NEW	02-04-068	139- 35-025	AMD-P	02-08-016	173-224-050	REP-X	02-07-099
132N-150-270	NEW	02-04-068	173-158-030	AMD-P	02-06-040	173-224-060	REP-X	02-07-038
132N-150-280	NEW	02-04-068	173-158-070	AMD-P	02-06-040	173-224-060	REP-W	02-07-098
132U- 52	PREP	02-06-104	173-158-075	NEW-P	02-06-040	173-224-060	REP-X	02-07-099
132U-120	PREP	02-06-103	173-158-076	NEW-P	02-06-040	173-224-080	REP-X	02-07-038
132Z-116-005	NEW-P	02-03-089	173-173-030	NEW-W	02-05-034	173-224-080	REP-W	02-07-098
132Z-116-005	NEW-E	02-04-061	173-173-070	NEW-W	02-05-034	173-224-080	REP-X	02-07-099
132Z-116-010	NEW-P	02-03-089	173-216-125	AMD	02-05-055	173-224-090	REP-X	02-07-038
132Z-116-010	NEW-E	02-04-061	173-220-210	AMD	02-05-055	173-224-090	REP-W	02-07-098
132Z-116-020	NEW-P	02-03-089	173-222-010	REP-X	02-07-038	173-224-090	REP-X	02-07-099
132Z-116-020	NEW-E	02-04-061	173-222-010	REP-W	02-07-098	173-224-100	REP-X	02-07-038
132Z-116-030	NEW-P	02-03-089	173-222-010	REP-X	02-07-099	173-224-100	REP-W	02-07-098
132Z-116-030	NEW-E	02-04-061	173-222-015	REP-X	02-07-038	173-224-100	REP-X	02-07-099
132Z-116-040	NEW-P	02-03-089	173-222-015	REP-W	02-07-098	173-224-110	REP-X	02-07-038
132Z-116-040	NEW-E	02-04-061	173-222-015	REP-X	02-07-099	173-224-110	REP-W	02-07-098
132Z-116-050	NEW-P	02-03-089	173-222-020	REP-X	02-07-038	173-224-110	REP-X	02-07-099
132Z-116-050	NEW-E	02-04-061	173-222-020	REP-W	02-07-098	173-224-120	REP-X	02-07-038
132Z-116-060	NEW-P	02-03-089	173-222-020	REP-X	02-07-099	173-224-120	REP-W	02-07-098
132Z-116-060	NEW-E	02-04-061	173-222-030	REP-X	02-07-038	173-224-120	REP-X	02-07-099
132Z-116-070	NEW-P	02-03-089	173-222-030	REP-W	02-07-098	173-226-090	AMD	02-05-055
132Z-116-070	NEW-E	02-04-061	173-222-030	REP-X	02-07-099	173-303	PREP	02-05-054
132Z-116-080	NEW-P	02-03-089	173-222-040	REP-X	02-07-038	173-303-071	AMD-E	02-04-030
132Z-116-080	NEW-E	02-04-061	173-222-040	REP-W	02-07-098	173-312-010	AMD	02-05-070
132Z-116-090	NEW-P	02-03-089	173-222-040	REP-X	02-07-099	173-312-020	AMD	02-05-070
132Z-116-090	NEW-E	02-04-061	173-222-050	REP-X	02-07-038	173-312-040	AMD	02-05-070
132Z-116-100	NEW-P	02-03-089	173-222-050	REP-W	02-07-098	173-312-050	AMD	02-05-070
132Z-116-100	NEW-E	02-04-061	173-222-050	REP-X	02-07-099	173-312-060	AMD	02-05-070
132Z-116-110	NEW-P	02-03-089	173-222-060	REP-X	02-07-038	173-312-070	AMD	02-05-070
132Z-116-110	NEW-E	02-04-061	173-222-060	REP-W	02-07-098	173-312-080	AMD	02-05-070
132Z-116-200	NEW-P	02-03-089	173-222-060	REP-X	02-07-099	173-312-090	AMD	02-05-070
132Z-116-200	NEW-E	02-04-061	173-222-070	REP-X	02-07-038	173-312-100	AMD	02-05-070
132Z-116-210	NEW-P	02-03-089	173-222-070	REP-W	02-07-098	173-401	PREP	02-05-011
132Z-116-210	NEW-E	02-04-061	173-222-070	REP-X	02-07-099	173-422	PREP	02-05-071
132Z-116-220	NEW-P	02-03-089	173-222-080	REP-X	02-07-038	173-434	PREP	02-07-097
132Z-116-220	NEW-E	02-04-061	173-222-080	REP-W	02-07-098	180- 08	PREP	02-08-041
132Z-116-230	NEW-P	02-03-089	173-222-080	REP-X	02-07-099	180- 10	PREP	02-08-041
132Z-116-230	NEW-E	02-04-061	173-222-090	REP-X	02-07-038	180- 16	PREP	02-08-039
132Z-116-240	NEW-P	02-03-089	173-222-090	REP-W	02-07-098	180- 16	PREP	02-08-044
132Z-116-240	NEW-E	02-04-061	173-222-090	REP-X	02-07-099	180- 16-002	AMD-E	02-08-038
132Z-116-250	NEW-P	02-03-089	173-222-100	REP-X	02-07-038	180- 16-006	REP-E	02-08-038
132Z-116-250	NEW-E	02-04-061	173-222-100	REP-W	02-07-098	180- 16-195	AMD-E	02-08-038
132Z-116-260	NEW-P	02-03-089	173-222-100	REP-X	02-07-099	180- 16-220	AMD-E	02-08-038
132Z-116-260	NEW-E	02-04-061	173-222-110	REP-X	02-07-038	180- 16-227	NEW-E	02-08-038
132Z-116-270	NEW-P	02-03-089	173-222-110	REP-W	02-07-098	180- 18	PREP	02-08-039
132Z-116-270	NEW-E	02-04-061	173-222-110	REP-X	02-07-099	180- 18-010	AMD-E	02-08-038
132Z-116-280	NEW-P	02-03-089	173-224-015	REP-X	02-07-038	180- 18-020	REP-E	02-08-038
132Z-116-280	NEW-E	02-04-061	173-224-015	REP-W	02-07-098	180- 22	PREP	02-08-045
132Z-116-300	NEW-P	02-03-089	173-224-015	REP-X	02-07-099	180- 23	PREP	02-08-045
132Z-116-300	NEW-E	02-04-061	173-224-020	REP-X	02-07-038	180- 24	PREP	02-06-052
132Z-116-310	NEW-P	02-03-089	173-224-020	REP-W	02-07-098	180- 24-400	AMD-E	02-08-035
132Z-116-310	NEW-E	02-04-061	173-224-020	REP-X	02-07-099	180- 24-405	REP-E	02-08-035
132Z-116-320	NEW-P	02-03-089	173-224-030	AMD-P	02-06-091	180- 24-410	AMD-E	02-08-035
132Z-116-320	NEW-E	02-04-061	173-224-030	REP-X	02-07-038	180- 24-415	AMD-E	02-08-035

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-25	PREP	02-06-053	180-77-005	AMD	02-04-018	180-85-075	PREP	02-06-081
180-26	PREP	02-06-054	180-77-012	AMD	02-04-018	180-86	PREP	02-06-076
180-27	PREP	02-06-055	180-77-014	AMD	02-04-018	180-86-020	PREP	02-03-084
180-29	PREP	02-06-056	180-77-020	AMD	02-04-018	180-86-055	PREP	02-03-084
180-31	PREP	02-06-057	180-77-025	AMD	02-04-018	180-87	PREP	02-06-077
180-32	PREP	02-06-058	180-77-031	AMD	02-04-018	180-90	PREP	02-06-078
180-33	PREP	02-06-059	180-77-041	AMD	02-04-018	180-90-105	AMD-E	02-08-037
180-34	PREP	02-08-046	180-77-068	AMD	02-04-018	180-90-110	REP-E	02-08-037
180-36	PREP	02-06-060	180-77-070	AMD	02-04-018	180-90-112	AMD-E	02-08-037
180-38	PREP	02-08-043	180-77-075	AMD	02-04-018	180-90-115	REP-E	02-08-037
180-39	PREP	02-06-061	180-77-080	AMD	02-04-018	180-90-119	REP-E	02-08-037
180-40	PREP	02-06-062	180-77-110	AMD	02-04-018	180-90-120	REP-E	02-08-037
180-41	PREP	02-06-063	180-77-120	AMD	02-04-018	180-90-123	REP-E	02-08-037
180-43	PREP	02-08-042	180-77-122	AMD	02-04-018	180-90-125	REP-E	02-08-037
180-44	PREP	02-06-064	180-77A	AMD	02-04-018	180-90-130	AMD-E	02-08-037
180-46	PREP	02-06-065	180-77A	PREP	02-06-069	180-90-133	REP-E	02-08-037
180-50	PREP	02-06-066	180-77A-004	AMD	02-04-018	180-90-135	REP-E	02-08-037
180-52-070	AMD-P	02-08-092	180-77A-006	AMD	02-04-018	180-90-137	REP-E	02-08-037
180-53	PREP	02-08-039	180-77A-025	AMD	02-04-018	180-90-141	AMD-E	02-08-037
180-53-005	REP-E	02-08-038	180-77A-029	AMD	02-04-018	180-90-160	AMD-E	02-08-037
180-53-010	REP-E	02-08-038	180-77A-030	AMD	02-04-018	180-95	PREP	02-06-079
180-53-020	REP-E	02-08-038	180-77A-033	AMD	02-04-018	180-96	PREP	02-06-080
180-53-025	REP-E	02-08-038	180-77A-037	AMD	02-04-018	180-97	PREP	02-08-040
180-53-030	REP-E	02-08-038	180-77A-040	AMD	02-04-018	180-97-003	AMD-E	02-08-034
180-53-035	REP-E	02-08-038	180-77A-057	AMD	02-04-018	180-97-005	REP-E	02-08-034
180-53-040	REP-E	02-08-038	180-77A-165	AMD	02-04-018	180-97-010	AMD-E	02-08-034
180-53-045	REP-E	02-08-038	180-77A-180	AMD	02-04-018	180-97-015	REP-E	02-08-034
180-53-050	REP-E	02-08-038	180-77A-195	AMD	02-04-018	180-97-020	REP-E	02-08-034
180-53-055	REP-E	02-08-038	180-78A	PREP	02-06-070	180-97-040	AMD-E	02-08-034
180-53-060	REP-E	02-08-038	180-78A-209	AMD	02-04-018	180-97-050	REP-E	02-08-034
180-53-070	REP-E	02-08-038	180-78A-220	AMD	02-04-014	180-97-060	AMD-E	02-08-034
180-55	PREP	02-08-039	180-78A-255	AMD	02-04-014	180-97-070	REP-E	02-08-034
180-55-005	AMD-E	02-08-038	180-78A-261	AMD	02-04-014	180-97-080	AMD-E	02-08-034
180-55-010	REP-E	02-08-038	180-78A-264	AMD	02-04-014	180-97-090	REP-E	02-08-034
180-55-015	AMD-E	02-08-038	180-78A-270	AMD	02-04-018	180-97-100	REP-E	02-08-034
180-55-020	AMD-E	02-08-038	180-78A-505	PREP	02-06-051	182-12-230	NEW-P	02-05-078
180-55-025	REP-E	02-08-038	180-79A	PREP	02-06-071	182-12-230	NEW	02-08-047
180-55-030	REP-E	02-08-038	180-79A-030	AMD	02-04-015	192-16-013	REP-X	02-08-071
180-55-032	NEW-E	02-08-038	180-79A-117	AMD	02-04-018	192-16-021	REP	02-08-072
180-55-034	NEW-E	02-08-038	180-79A-130	AMD	02-04-018	192-16-033	REP-E	02-03-074
180-55-035	REP-E	02-08-038	180-79A-140	AMD	02-04-018	192-16-033	PREP	02-07-064
180-55-050	REP-E	02-08-038	180-79A-150	AMD	02-04-018	192-16-033	REP-E	02-07-065
180-55-070	REP-E	02-08-038	180-79A-206	PREP	02-05-061	192-16-036	REP-E	02-03-074
180-55-075	REP-E	02-08-038	180-79A-211	AMD	02-04-018	192-16-036	PREP	02-07-064
180-55-080	REP-E	02-08-038	180-79A-250	PREP	02-05-060	192-16-036	REP-P	02-07-065
180-55-085	REP-E	02-08-038	180-81	PREP	02-06-072	192-16-040	REP-E	02-03-074
180-55-090	REP-E	02-08-038	180-82	PREP	02-06-073	192-16-040	PREP	02-07-064
180-55-095	REP-E	02-08-038	180-82-105	AMD	02-04-018	192-16-040	REP-P	02-07-065
180-55-100	REP-E	02-08-038	180-82-202	AMD	02-04-018	192-16-042	REP-E	02-03-074
180-55-105	REP-E	02-08-038	180-82-322	AMD	02-04-018	192-16-042	PREP	02-07-064
180-55-110	REP-E	02-08-038	180-82-346	AMD	02-04-016	192-16-042	REP-P	02-07-065
180-55-115	REP-E	02-08-038	180-82-350	AMD	02-04-018	192-16-042	REP-E	02-03-074
180-55-120	REP-E	02-08-038	180-82A-002	NEW	02-04-013	192-16-045	REP-E	02-03-074
180-55-125	REP-E	02-08-038	180-82A-200	NEW	02-04-013	192-16-045	PREP	02-07-064
180-55-130	REP-E	02-08-038	180-82A-202	NEW	02-04-013	192-16-045	REP-P	02-07-065
180-55-135	REP-E	02-08-038	180-82A-204	NEW	02-04-013	192-16-047	REP-E	02-03-074
180-55-150	NEW-E	02-08-038	180-82A-206	NEW	02-04-013	192-16-047	PREP	02-07-064
180-72	PREP	02-06-067	180-82A-215	NEW	02-04-013	192-16-047	REP-P	02-07-065
180-77	AMD	02-04-018	180-82A-215	NEW	02-04-013	192-150-055	NEW-X	02-08-071
180-77	PREP	02-06-068	180-83	PREP	02-06-074	192-150-060	NEW	02-08-072
180-77-002	AMD	02-04-018	180-85	PREP	02-06-075	192-170-050	NEW	02-08-072
180-77-003	AMD	02-04-018	180-85-035	AMD	02-04-017	192-180-012	NEW	02-08-072
			180-85-075	AMD	02-04-017	192-240-010	NEW-E	02-03-074

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-240-015	NEW-E	02-03-074	212- 12-210	NEW-E	02-03-060	220- 33-04000Q	REP-E	02-04-102
192-240-020	NEW-E	02-03-074	212- 12-220	NEW-E	02-03-060	220- 33-04000Q	REP-E	02-06-036
192-240-025	NEW-E	02-03-074	212- 12-230	NEW-E	02-03-060	220- 33-04000R	NEW-E	02-06-036
192-240-030	NEW-E	02-03-074	212- 12-240	NEW-E	02-03-060	220- 33-04000R	REP-E	02-06-036
192-240-030	NEW-E	02-07-065	212- 12-250	NEW-E	02-03-060	220- 44-05000H	REP-E	02-04-060
192-240-035	NEW-E	02-03-074	212- 12-260	NEW-E	02-03-060	220- 44-05000I	NEW-E	02-04-060
192-240-040	NEW-E	02-03-074	212- 12-270	NEW-E	02-03-060	220- 44-05000I	REP-E	02-07-093
192-240-040	NEW-E	02-07-065	212- 12-280	NEW-E	02-03-060	220- 44-05000J	NEW-E	02-07-093
192-240-045	NEW-E	02-07-065	212- 12-290	NEW-E	02-03-060	220- 48-005	AMD	02-08-026
196- 26-020	REP-P	02-08-075	212- 12-300	NEW-E	02-03-060	220- 49-013	AMD	02-08-026
196- 26-030	REP-P	02-08-075	212- 12-310	NEW-E	02-03-060	220- 49-056	AMD	02-08-026
196- 26A-010	NEW-P	02-08-075	212- 12-320	NEW-E	02-03-060	220- 52-04000F	REP-E	02-03-068
196- 26A-020	NEW-P	02-08-075	212- 12-330	NEW-E	02-03-060	220- 52-04600A	REP-E	02-03-024
196- 26A-025	NEW-P	02-08-075	212- 12-340	NEW-E	02-03-060	220- 52-04600B	NEW-E	02-03-024
196- 26A-030	NEW-P	02-08-075	212- 12-350	NEW-E	02-03-060	220- 52-04600B	REP-E	02-03-050
196- 26A-035	NEW-P	02-08-075	212- 12-360	NEW-E	02-03-060	220- 52-04600C	NEW-E	02-03-050
196- 26A-040	NEW-P	02-08-075	212- 12-370	NEW-E	02-03-060	220- 52-04600C	REP-E	02-04-093
196- 26A-045	NEW-P	02-08-075	212- 12-380	NEW-E	02-03-060	220- 52-04600D	NEW-E	02-04-093
196- 26A-050	NEW-P	02-08-075	212- 12-390	NEW-E	02-03-060	220- 52-04600D	REP-E	02-07-037
196- 26A-055	NEW-P	02-08-075	212- 12-400	NEW-E	02-03-060	220- 52-04600E	NEW-E	02-07-037
196- 26A-060	NEW-P	02-08-075	212- 12-410	NEW-E	02-03-060	220- 52-04600E	REP-E	02-07-075
196- 26A-070	NEW-P	02-08-075	212- 12-420	NEW-E	02-03-060	220- 52-04600F	NEW-E	02-07-075
204- 36-030	AMD	02-07-055	220- 16-028	AMD	02-08-048	220- 52-04600F	REP-E	02-08-070
204- 36-040	AMD	02-07-055	220- 16-410	AMD-W	02-05-035	220- 52-04600G	NEW-E	02-08-070
204- 36-060	AMD	02-07-055	220- 16-480	AMD	02-08-027	220- 52-04600G	REP-E	02-08-070
204- 91A-010	AMD	02-07-056	220- 16-760	NEW	02-08-048	220- 52-07300Q	REP-E	02-03-025
204- 91A-030	AMD	02-07-056	220- 16-780	NEW	02-08-048	220- 52-07300R	NEW-E	02-03-025
204- 91A-060	AMD	02-07-056	220- 16-790	NEW	02-08-048	220- 52-07300R	REP-E	02-03-067
204- 91A-090	AMD	02-07-056	220- 20-010	AMD	02-08-048	220- 52-07300S	NEW-E	02-03-067
204- 91A-120	AMD	02-07-056	220- 20-016	PREP	02-06-107	220- 52-07300S	REP-E	02-03-090
204- 91A-130	AMD	02-07-056	220- 20-025	AMD	02-08-048	220- 52-07300T	NEW-E	02-03-090
204- 91A-140	AMD	02-07-056	220- 20-075	NEW	02-05-046	220- 52-07300T	REP-E	02-04-035
204- 91A-170	AMD	02-07-056	220- 20-100	NEW	02-08-048	220- 52-07300U	NEW-E	02-04-035
204- 91A-180	AMD	02-07-056	220- 32-05100K	REP-E	02-04-073	220- 52-07300U	REP-E	02-04-078
208-472	AMD	02-04-094	220- 32-05100L	NEW-E	02-04-073	220- 52-07300V	NEW-E	02-04-078
208-472-010	AMD	02-04-094	220- 32-05100L	REP-E	02-04-073	220- 52-07300V	REP-E	02-07-046
208-472-012	REP	02-04-094	220- 32-05100L	REP-E	02-07-011	220- 52-07300W	NEW-E	02-07-092
208-472-015	AMD	02-04-094	220- 32-05100M	NEW-E	02-07-011	220- 52-07300W	REP-E	02-07-092
208-472-020	AMD	02-04-094	220- 32-05100M	REP-E	02-07-011	220- 56-100	AMD	02-08-048
208-472-025	AMD	02-04-094	220- 32-05100M	REP-E	02-07-044	220- 56-105	AMD	02-08-048
208-472-030	NEW	02-04-094	220- 32-05100N	NEW-E	02-07-044	220- 56-116	AMD	02-08-048
208-472-035	NEW	02-04-094	220- 32-05100N	REP-E	02-07-044	220- 56-128	AMD	02-08-048
208-472-041	REP	02-04-094	220- 33-01000I	NEW-E	02-04-077	220- 56-210	AMD	02-08-048
208-472-045	REP	02-04-094	220- 33-01000I	REP-E	02-04-077	220- 56-23500L	NEW-E	02-03-002
208-472-050	REP	02-04-094	220- 33-01000J	NEW-E	02-05-056	220- 56-23500L	REP-E	02-07-004
208-472-060	REP	02-04-094	220- 33-01000J	REP-E	02-05-056	220- 56-23500M	NEW-E	02-07-004
208-472-065	REP	02-04-094	220- 33-01000J	REP-E	02-07-010	220- 56-25000D	NEW-E	02-07-025
208-472-070	REP	02-04-094	220- 33-01000K	NEW-E	02-07-010	220- 56-25000D	REP-E	02-07-025
208-472-075	REP	02-04-094	220- 33-01000K	REP-E	02-07-010	220- 56-265	AMD	02-08-048
208-472-080	REP	02-04-094	220- 33-01000K	REP-E	02-07-094	220- 56-270	AMD	02-08-048
212- 12-001	PREP	02-07-018	220- 33-01000L	NEW-E	02-07-094	220- 56-27000L	REP-E	02-06-036
212- 12-005	PREP	02-07-018	220- 33-01000L	REP-E	02-07-094	220- 56-27000M	NEW-E	02-06-036
212- 12-010	PREP	02-07-018	220- 33-01000L	REP-E	02-08-014	220- 56-27000M	REP-E	02-06-036
212- 12-011	PREP	02-07-018	220- 33-01000M	NEW-E	02-08-014	220- 56-282	AMD	02-08-048
212- 12-015	PREP	02-07-018	220- 33-01000M	REP-E	02-08-025	220- 56-28200D	NEW-E	02-06-017
212- 12-020	PREP	02-07-018	220- 33-01000N	NEW-E	02-08-025	220- 56-28200D	REP-E	02-06-017
212- 12-025	PREP	02-07-018	220- 33-01000N	REP-E	02-08-025	220- 56-285	AMD	02-08-048
212- 12-030	PREP	02-07-018	220- 33-04000N	REP-E	02-04-072	220- 56-28500B	NEW-E	02-05-010
212- 12-035	PREP	02-07-018	220- 33-04000P	NEW-E	02-04-072	220- 56-307	REP	02-08-048
212- 12-040	PREP	02-07-018	220- 33-04000P	REP-E	02-04-072	220- 56-310	AMD	02-08-048
212- 12-044	PREP	02-07-018	220- 33-04000P	REP-E	02-04-102	220- 56-315	AMD	02-08-048
212- 12-200	NEW-E	02-03-060	220- 33-04000Q	NEW-E	02-04-102	220- 56-32500T	NEW-E	02-08-028

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-56-33000D	NEW-E	02-03-051	230-20-230	REP-P	02-07-081	232-28-61900X	REP-E	02-07-019
220-56-33000D	REP-E	02-05-001	230-20-244	AMD	02-06-006	232-28-61900Y	NEW-E	02-07-066
220-56-33000E	NEW-E	02-05-001	230-20-246	AMD	02-06-006	232-28-61900Y	REP-E	02-07-066
220-56-33000E	REP-E	02-07-037	230-20-249	AMD	02-06-006	232-28-61900Z	NEW-E	02-07-096
220-56-33000F	NEW-E	02-07-037	230-30-033	AMD	02-06-007	232-28-61900Z	REP-E	02-07-096
220-56-33000F	REP-E	02-07-075	230-30-045	AMD	02-06-007	232-28-621	AMD	02-08-048
220-56-33000G	NEW-E	02-07-075	230-30-072	AMD	02-06-007	246-100-206	AMD-P	02-08-018
220-56-33000G	REP-E	02-08-070	230-30-106	AMD-P	02-06-038	246-100-207	AMD-P	02-08-018
220-56-33000H	NEW-E	02-08-070	230-40-800	AMD-P	02-07-081	246-100-208	AMD-P	02-08-018
220-56-335	AMD	02-08-048	230-40-897	REP-P	02-07-081	246-215-150	AMD-P	02-04-091
220-56-350	AMD	02-08-048	232-12-011	AMD-P	02-06-122	246-224	AMD-P	02-07-021
220-56-35000J	REP-E	02-06-035	232-12-011	AMD	02-08-048	246-224-0001	NEW-P	02-07-021
220-56-35000K	NEW-E	02-06-035	232-12-014	AMD-P	02-06-122	246-224-001	REP-P	02-07-021
220-56-355	AMD	02-08-048	232-12-019	AMD	02-08-048	246-224-0010	NEW-P	02-07-021
220-56-35500B	NEW-E	02-07-076	232-12-147	REP	02-08-048	246-224-0020	NEW-P	02-07-021
220-56-36000L	NEW-E	02-03-053	232-12-151	REP	02-08-048	246-224-0030	NEW-P	02-07-021
220-56-36000L	REP-E	02-03-053	232-12-168	AMD	02-08-048	246-224-0040	NEW-P	02-07-021
220-56-36000L	REP-E	02-04-039	232-12-16800B	NEW-E	02-07-095	246-224-0050	NEW-P	02-07-021
220-56-36000M	NEW-E	02-04-039	232-12-16800B	REP-E	02-07-095	246-224-0060	NEW-P	02-07-021
220-56-36000M	REP-E	02-04-039	232-12-253	NEW	02-05-021	246-224-0070	NEW-P	02-07-021
220-56-36000N	NEW-E	02-07-012	232-12-272	NEW	02-08-048	246-224-0080	NEW-P	02-07-021
220-56-36000N	REP-E	02-07-012	232-12-619	AMD	02-08-048	246-224-0090	NEW-P	02-07-021
220-56-380	AMD	02-08-048	232-28-02220	AMD-P	02-06-124	246-224-010	REP-P	02-07-021
220-56-38000C	REP-E	02-06-035	232-28-02240	AMD-P	02-06-124	246-224-0100	NEW-P	02-07-021
220-56-38000D	NEW-E	02-06-035	232-28-248	AMD-P	02-06-124	246-224-0110	NEW-P	02-07-021
220-74-020	AMD-P	02-06-109	232-28-266	AMD-P	02-06-121	246-224-0120	NEW-P	02-07-021
220-77-020	AMD	02-06-018	232-28-273	AMD-P	02-06-121	246-224-020	REP-P	02-07-021
220-77-040	AMD	02-06-018	232-28-277	AMD-P	02-06-125	246-224-050	REP-P	02-07-021
220-77-09000A	NEW-E	02-04-069	232-28-278	AMD-P	02-06-126	246-224-060	REP-P	02-07-021
220-77-09000A	REP-E	02-04-089	232-28-279	AMD-P	02-06-123	246-224-070	REP-P	02-07-021
220-77-09000B	NEW-E	02-04-089	232-28-42500C	NEW-E	02-03-052	246-224-090	REP-P	02-07-021
220-130-040	AMD-W	02-02-089	232-28-42500C	REP-E	02-03-052	246-224-100	REP-P	02-07-021
222-10-040	AMD-P	02-05-087	232-28-619	AMD	02-08-048	246-229-0001	NEW-P	02-07-021
222-10-041	AMD-P	02-05-087	232-28-61900A	NEW-E	02-08-022	246-229-001	REP-P	02-07-021
222-16-050	AMD-E	02-05-086	232-28-61900B	NEW-E	02-08-004	246-229-0010	NEW-P	02-07-021
222-16-050	PREP	02-07-023	232-28-61900B	REP-E	02-08-004	246-229-0020	NEW-P	02-07-021
222-21-010	AMD	02-05-084	232-28-61900D	REP-E	02-05-075	246-229-0030	NEW-P	02-07-021
222-21-020	AMD	02-05-084	232-28-61900H	REP-E	02-03-014	246-229-0040	NEW-P	02-07-021
222-21-045	AMD	02-05-084	232-28-61900I	NEW-E	02-03-022	246-229-0050	NEW-P	02-07-021
222-21-050	AMD	02-05-084	232-28-61900I	REP-E	02-03-022	246-229-0060	NEW-P	02-07-021
222-21-061	NEW	02-05-084	232-28-61900J	NEW-E	02-03-023	246-229-0070	NEW-P	02-07-021
226-01-040	AMD-X	02-03-038	232-28-61900K	NEW-E	02-03-014	246-229-0080	NEW-P	02-07-021
226-01-040	AMD	02-08-076	232-28-61900L	NEW-E	02-03-015	246-229-0090	NEW-P	02-07-021
226-01-050	AMD-X	02-03-038	232-28-61900L	REP-E	02-03-015	246-229-0100	NEW-P	02-07-021
226-01-050	AMD	02-08-076	232-28-61900M	NEW-E	02-03-066	246-229-020	REP-P	02-07-021
226-12-080	AMD-X	02-03-038	232-28-61900N	NEW-E	02-04-019	246-229-030	REP-P	02-07-021
226-12-080	AMD	02-08-076	232-28-61900N	REP-E	02-04-019	246-229-050	REP-P	02-07-021
226-16-160	AMD-X	02-03-038	232-28-61900P	NEW-E	02-04-103	246-229-060	REP-P	02-07-021
226-16-160	AMD	02-08-076	232-28-61900Q	NEW-E	02-05-007	246-229-070	REP-P	02-07-021
226-20-010	AMD-X	02-03-038	232-28-61900R	NEW-E	02-05-008	246-229-080	REP-P	02-07-021
226-20-010	AMD	02-08-076	232-28-61900R	REP-E	02-05-008	246-229-090	REP-P	02-07-021
230-02-145	REP-P	02-07-081	232-28-61900S	NEW-E	02-05-010	246-229-100	REP-P	02-07-021
230-02-205	AMD-S	02-03-077	232-28-61900T	NEW-E	02-05-075	246-229-110	REP-P	02-07-021
230-04-064	AMD-P	02-06-037	232-28-61900T	REP-E	02-07-096	246-254-053	AMD-P	02-04-034
230-04-202	AMD-W	02-02-090	232-28-61900U	REP-E	02-03-022	246-254-053	AMD	02-07-085
230-08-255	AMD-P	02-06-037	232-28-61900U	NEW-E	02-06-100	246-254-070	AMD	02-04-025
230-12-045	NEW-P	02-07-081	232-28-61900U	REP-E	02-06-100	246-254-080	AMD	02-04-025
230-12-050	AMD-P	02-07-081	232-28-61900V	NEW-E	02-06-099	246-254-090	AMD	02-04-025
230-12-330	AMD-P	02-06-038	232-28-61900V	REP-E	02-06-099	246-254-100	AMD	02-04-025
230-12-340	AMD-P	02-06-038	232-28-61900W	NEW-E	02-07-061	246-254-120	AMD	02-04-025
230-20-111	REP-P	02-07-081	232-28-61900W	REP-E	02-07-061	246-272	PREP	02-03-137
230-20-125	REP-P	02-07-081	232-28-61900X	NEW-E	02-07-019	246-338-020	PREP	02-03-138

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-338-990	PREP	02-03-138	251- 19-120	AMD	02-07-051	296- 28-030	REP-P	02-07-101
246-388	PREP	02-08-017	259- 04-010	AMD	02-06-014	296- 28-035	REP-P	02-07-101
246-650	PREP	02-03-136	259- 04-050	AMD	02-06-014	296- 28-040	REP-P	02-07-101
246-650	PREP-W	02-04-024	259- 04-070	AMD	02-06-014	296- 28-045	REP-P	02-07-101
246-790-010	AMD-P	02-07-020	260- 36-040	AMD-P	02-05-029	296- 28-050	REP-P	02-07-101
246-790-050	AMD-P	02-07-020	260- 48-930	NEW-P	02-05-028	296- 32-240	AMD-P	02-05-080
246-790-065	AMD-P	02-07-020	260- 48-930	NEW-W	02-05-033	296- 32-250	AMD-X	02-05-077
246-790-070	AMD-P	02-07-020	260- 70-650	AMD-P	02-05-030	296- 32-280	AMD-X	02-05-077
246-790-080	AMD-P	02-07-020	260- 70-660	PREP	02-05-027	296- 33-010	NEW	02-06-024
246-790-085	AMD-P	02-07-020	284- 04-120	AMD	02-08-019	296- 400A	PREP	02-04-106
246-790-090	AMD-P	02-07-020	292-110-010	AMD	02-07-074	296- 401B	PREP	02-04-106
246-790-100	AMD-P	02-07-020	292-120-030	AMD	02-04-003	296- 45-52530	AMD-P	02-05-080
246-790-120	AMD-P	02-07-020	292-120-035	NEW	02-04-003	296- 46A	PREP	02-04-106
246-790-130	AMD-P	02-07-020	296- 05-007	AMD-X	02-04-004	296- 52	AMD	02-03-125
246-811-081	NEW	02-07-083	296- 05-300	AMD-X	02-04-004	296- 52-401	REP	02-03-125
246-811-082	NEW	02-07-083	296- 05-316	AMD-X	02-04-004	296- 52-405	REP	02-03-125
246-811-200	NEW	02-07-084	296- 05-402	AMD-X	02-04-004	296- 52-409	REP	02-03-125
246-811-210	NEW	02-07-084	296- 150C	PREP	02-04-106	296- 52-413	REP	02-03-125
246-811-220	NEW	02-07-084	296- 150F	PREP	02-04-106	296- 52-417	REP	02-03-125
246-811-230	NEW	02-07-084	296- 150M	PREP	02-04-106	296- 52-419	REP	02-03-125
246-811-240	NEW	02-07-084	296- 150P	PREP	02-04-106	296- 52-421	REP	02-03-125
246-811-250	NEW	02-07-084	296- 150R	PREP	02-04-106	296- 52-423	REP	02-03-125
246-811-260	NEW	02-07-084	296- 150V	PREP	02-04-106	296- 52-425	REP	02-03-125
246-811-270	NEW	02-07-084	296- 17	PREP	02-07-102	296- 52-429	REP	02-03-125
246-811-990	AMD	02-07-083	296- 17-35203	AMD-P	02-03-123	296- 52-433	REP	02-03-125
246-826-100	AMD	02-06-115	296- 17-52140	AMD-P	02-03-123	296- 52-437	REP	02-03-125
246-826-300	NEW	02-06-115	296- 17-52141	AMD-P	02-03-123	296- 52-441	REP	02-03-125
246-826-301	NEW	02-06-115	296- 17-52150	AMD-P	02-03-123	296- 52-445	REP	02-03-125
246-826-302	NEW	02-06-115	296- 17-52151	AMD-P	02-03-123	296- 52-449	REP	02-03-125
246-826-303	NEW	02-06-115	296- 200A	PREP	02-04-106	296- 52-453	REP	02-03-125
246-840-020	PREP	02-04-033	296- 20-135	AMD-P	02-05-076	296- 52-457	REP	02-03-125
246-840-030	PREP	02-04-033	296- 23-220	AMD-P	02-05-076	296- 52-461	REP	02-03-125
246-840-040	PREP	02-04-033	296- 23-230	AMD-P	02-05-076	296- 52-465	REP	02-03-125
246-840-050	PREP	02-04-033	296- 24	PREP	02-04-107	296- 52-469	REP	02-03-125
246-840-060	PREP	02-04-033	296- 24	PREP	02-04-108	296- 52-477	REP	02-03-125
246-840-070	PREP	02-04-033	296- 24-012	AMD-X	02-05-077	296- 52-481	REP	02-03-125
246-840-080	PREP	02-04-031	296- 24-102	REP-X	02-08-080	296- 52-485	REP	02-03-125
246-840-090	PREP	02-04-031	296- 24-10203	REP-X	02-08-080	296- 52-487	REP	02-03-125
246-840-700	AMD	02-06-117	296- 24-14001	AMD-X	02-05-077	296- 52-489	REP	02-03-125
246-840-705	AMD	02-06-117	296- 24-23003	AMD-X	02-05-077	296- 52-493	REP	02-03-125
246-840-710	AMD	02-06-117	296- 24-405	REP-P	02-07-100	296- 52-497	REP	02-03-125
246-840-715	REP	02-06-117	296- 24-40501	REP-P	02-07-100	296- 52-501	REP	02-03-125
246-843-015	REP-X	02-06-116	296- 24-40503	REP-P	02-07-100	296- 52-505	REP	02-03-125
246-851-150	AMD-C	02-04-090	296- 24-40505	REP-P	02-07-100	296- 52-509	REP	02-03-125
246-851-160	AMD-C	02-04-090	296- 24-40507	REP-P	02-07-100	296- 52-510	REP	02-03-125
246-851-250	AMD-C	02-04-090	296- 24-40509	REP-P	02-07-100	296- 52-550	REP	02-03-125
246-851-300	AMD-C	02-04-090	296- 24-40511	REP-P	02-07-100	296- 52-552	REP	02-03-125
246-851-310	AMD-C	02-04-090	296- 24-40513	REP-P	02-07-100	296- 52-555	REP	02-03-125
246-851-330	AMD-C	02-04-090	296- 24-40515	REP-P	02-07-100	296- 52-600	NEW-W	02-06-102
246-851-520	AMD-C	02-04-090	296- 24-51009	AMD-X	02-05-077	296- 52-60005	NEW	02-03-125
246-883-020	AMD-X	02-07-086	296- 24-51011	AMD-X	02-05-077	296- 52-60010	NEW	02-03-125
246-918-990	AMD	02-05-009	296- 24-51015	AMD-X	02-05-077	296- 52-60015	NEW	02-03-125
246-919-990	AMD	02-05-009	296- 24-60205	AMD-X	02-05-077	296- 52-60020	NEW	02-03-125
246-976-935	AMD	02-04-045	296- 24-63499	AMD-X	02-05-077	296- 52-60025	NEW-W	02-06-102
250- 66-030	AMD	02-05-006	296- 24-67513	AMD-X	02-05-077	296- 52-60030	NEW	02-03-125
251- 01-240	AMD-P	02-04-081	296- 24-67515	AMD-X	02-05-077	296- 52-60035	NEW	02-03-125
251- 01-240	AMD	02-07-051	296- 28-001	REP-P	02-07-101	296- 52-60040	NEW-W	02-06-102
251- 12-073	REP-P	02-04-079	296- 28-005	REP-P	02-07-101	296- 52-60045	NEW	02-03-125
251- 12-073	REP	02-07-048	296- 28-010	REP-P	02-07-101	296- 52-60050	NEW	02-03-125
251- 17-200	AMD-P	02-04-080	296- 28-015	REP-P	02-07-101	296- 52-60055	NEW	02-03-125
251- 17-200	AMD	02-07-050	296- 28-020	REP-P	02-07-101	296- 52-60060	NEW	02-03-125
251- 19-120	AMD-P	02-04-081	296- 28-025	REP-P	02-07-101	296- 52-60065	NEW	02-03-125

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-60070	NEW-W	02-06-102	296-52-65025	NEW	02-03-125	296-52-67240	NEW	02-03-125
296-52-60075	NEW	02-03-125	296-52-65030	NEW	02-03-125	296-52-67245	NEW	02-03-125
296-52-60080	NEW	02-03-125	296-52-660	NEW	02-03-125	296-52-67250	NEW-W	02-06-102
296-52-60085	NEW	02-03-125	296-52-66005	NEW	02-03-125	296-52-68005	NEW-W	02-06-102
296-52-60090	NEW	02-03-125	296-52-66010	NEW	02-03-125	296-52-68010	NEW	02-03-125
296-52-60095	NEW	02-03-125	296-52-66015	NEW	02-03-125	296-52-68015	NEW	02-03-125
296-52-60100	NEW	02-03-125	296-52-66020	NEW	02-03-125	296-52-68020	NEW	02-03-125
296-52-60105	NEW	02-03-125	296-52-66025	NEW-W	02-06-102	296-52-68025	NEW	02-03-125
296-52-60110	NEW-W	02-06-102	296-52-66030	NEW	02-03-125	296-52-68030	NEW	02-03-125
296-52-60115	NEW	02-03-125	296-52-66035	NEW	02-03-125	296-52-68035	NEW-W	02-06-102
296-52-60120	NEW	02-03-125	296-52-66040	NEW	02-03-125	296-52-68040	NEW	02-03-125
296-52-60125	NEW	02-03-125	296-52-66045	NEW	02-03-125	296-52-68045	NEW	02-03-125
296-52-60130	NEW	02-03-125	296-52-66050	NEW	02-03-125	296-52-68050	NEW	02-03-125
296-52-61005	NEW	02-03-125	296-52-66055	NEW	02-03-125	296-52-68055	NEW	02-03-125
296-52-61010	NEW	02-03-125	296-52-66060	NEW	02-03-125	296-52-68060	NEW	02-03-125
296-52-61015	NEW	02-03-125	296-52-66065	NEW	02-03-125	296-52-68065	NEW	02-03-125
296-52-61020	NEW	02-03-125	296-52-67005	NEW-W	02-06-102	296-52-68070	NEW-W	02-06-102
296-52-61025	NEW	02-03-125	296-52-67010	NEW	02-03-125	296-52-68075	NEW	02-03-125
296-52-61030	NEW	02-03-125	296-52-67015	NEW-W	02-06-102	296-52-68080	NEW	02-03-125
296-52-61035	NEW	02-03-125	296-52-67020	NEW	02-03-125	296-52-68085	NEW	02-03-125
296-52-61040	NEW	02-03-125	296-52-67025	NEW	02-03-125	296-52-69005	NEW	02-03-125
296-52-61045	NEW	02-03-125	296-52-67030	NEW	02-03-125	296-52-69010	NEW	02-03-125
296-52-61050	NEW	02-03-125	296-52-67035	NEW	02-03-125	296-52-69015	NEW	02-03-125
296-52-62005	NEW	02-03-125	296-52-67040	NEW	02-03-125	296-52-69020	NEW	02-03-125
296-52-62010	NEW	02-03-125	296-52-67045	NEW	02-03-125	296-52-69025	NEW	02-03-125
296-52-62015	NEW	02-03-125	296-52-67050	NEW	02-03-125	296-52-69030	NEW	02-03-125
296-52-62020	NEW-W	02-06-102	296-52-67055	NEW	02-03-125	296-52-69035	NEW	02-03-125
296-52-62025	NEW	02-03-125	296-52-67060	NEW	02-03-125	296-52-69040	NEW	02-03-125
296-52-62030	NEW	02-03-125	296-52-67065	NEW	02-03-125	296-52-69045	NEW	02-03-125
296-52-62035	NEW	02-03-125	296-52-67070	NEW	02-03-125	296-52-69050	NEW	02-03-125
296-52-62040	NEW	02-03-125	296-52-67075	NEW	02-03-125	296-52-69055	NEW	02-03-125
296-52-62045	NEW	02-03-125	296-52-67080	NEW	02-03-125	296-52-69060	NEW	02-03-125
296-52-63005	NEW	02-03-125	296-52-67085	NEW	02-03-125	296-52-69065	NEW	02-03-125
296-52-63010	NEW	02-03-125	296-52-67090	NEW	02-03-125	296-52-69070	NEW	02-03-125
296-52-63015	NEW-W	02-06-102	296-52-67095	NEW	02-03-125	296-52-69075	NEW-W	02-06-102
296-52-63020	NEW	02-03-125	296-52-67100	NEW	02-03-125	296-52-69080	NEW	02-03-125
296-52-63025	NEW	02-03-125	296-52-67105	NEW	02-03-125	296-52-69085	NEW	02-03-125
296-52-63030	NEW	02-03-125	296-52-67110	NEW	02-03-125	296-52-69090	NEW	02-03-125
296-52-64005	NEW	02-03-125	296-52-67115	NEW	02-03-125	296-52-69095	NEW	02-03-125
296-52-64010	NEW-W	02-06-102	296-52-67120	NEW-W	02-06-102	296-52-69100	NEW-W	02-06-102
296-52-64015	NEW-W	02-06-102	296-52-67125	NEW	02-03-125	296-52-69105	NEW	02-03-125
296-52-64020	NEW	02-03-125	296-52-67130	NEW	02-03-125	296-52-69110	NEW	02-03-125
296-52-64025	NEW-W	02-06-102	296-52-67135	NEW	02-03-125	296-52-69115	NEW	02-03-125
296-52-64030	NEW	02-03-125	296-52-67140	NEW	02-03-125	296-52-69120	NEW	02-03-125
296-52-64035	NEW	02-03-125	296-52-67145	NEW	02-03-125	296-52-69125	NEW	02-03-125
296-52-64040	NEW	02-03-125	296-52-67150	NEW-W	02-06-102	296-52-700	NEW	02-03-125
296-52-64045	NEW	02-03-125	296-52-67155	NEW-W	02-06-102	296-52-70005	NEW	02-03-125
296-52-64050	NEW	02-03-125	296-52-67160	NEW	02-03-125	296-52-70010	NEW	02-03-125
296-52-64055	NEW	02-03-125	296-52-67165	NEW	02-03-125	296-52-70015	NEW	02-03-125
296-52-64060	NEW-W	02-06-102	296-52-67170	NEW	02-03-125	296-52-70020	NEW	02-03-125
296-52-64065	NEW	02-03-125	296-52-67175	NEW-W	02-06-102	296-52-70025	NEW	02-03-125
296-52-64070	NEW-W	02-06-102	296-52-67180	NEW	02-03-125	296-52-70030	NEW	02-03-125
296-52-64075	NEW	02-03-125	296-52-67185	NEW	02-03-125	296-52-70035	NEW	02-03-125
296-52-64080	NEW	02-03-125	296-52-67190	NEW	02-03-125	296-52-70040	NEW	02-03-125
296-52-64085	NEW	02-03-125	296-52-67195	NEW	02-03-125	296-52-70045	NEW	02-03-125
296-52-64090	NEW	02-03-125	296-52-67200	NEW	02-03-125	296-52-70050	NEW	02-03-125
296-52-64095	NEW	02-03-125	296-52-67205	NEW-W	02-06-102	296-52-70055	NEW	02-03-125
296-52-64100	NEW	02-03-125	296-52-67210	NEW	02-03-125	296-52-70060	NEW	02-03-125
296-52-650	NEW	02-03-125	296-52-67215	NEW	02-03-125	296-52-70065	NEW	02-03-125
296-52-65005	NEW	02-03-125	296-52-67220	NEW	02-03-125	296-52-70070	NEW	02-03-125
296-52-65010	NEW	02-03-125	296-52-67225	NEW	02-03-125	296-52-70075	NEW-W	02-06-102
296-52-65015	NEW	02-03-125	296-52-67230	NEW	02-03-125	296-52-70080	NEW	02-03-125
296-52-65020	NEW	02-03-125	296-52-67235	NEW	02-03-125			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-70085	NEW	02-03-125	296-155-606	NEW-P	02-05-080	296-835-12010	NEW-P	02-07-100
296-52-710	NEW	02-03-125	296-155-607	NEW-P	02-05-080	296-835-12015	NEW-P	02-07-100
296-52-71005	NEW-W	02-06-102	296-155-608	NEW-P	02-05-080	296-835-12020	NEW-P	02-07-100
296-52-71010	NEW-W	02-06-102	296-155-609	NEW-P	02-05-080	296-835-12025	NEW-P	02-07-100
296-52-71015	NEW	02-03-125	296-155-610	AMD-P	02-05-080	296-835-12030	NEW-P	02-07-100
296-52-71020	NEW	02-03-125	296-155-611	NEW-P	02-05-080	296-835-12035	NEW-P	02-07-100
296-52-71025	NEW	02-03-125	296-155-612	NEW-P	02-05-080	296-835-12040	NEW-P	02-07-100
296-52-71030	NEW-W	02-06-102	296-155-615	AMD-P	02-05-080	296-835-12045	NEW-P	02-07-100
296-52-71035	NEW	02-03-125	296-155-655	AMD-P	02-05-080	296-835-12050	NEW-P	02-07-100
296-52-71040	NEW	02-03-125	296-155-66405	AMD-X	02-05-077	296-835-12055	NEW-P	02-07-100
296-52-71045	NEW	02-03-125	296-155-66411	AMD-X	02-05-077	296-835-12060	NEW-P	02-07-100
296-52-71050	NEW-W	02-06-102	296-155-700	REP-P	02-06-114	296-835-12065	NEW-P	02-07-100
296-52-71055	NEW	02-03-125	296-155-701	NEW-P	02-06-114	296-835-130	NEW-P	02-07-100
296-52-71060	NEW	02-03-125	296-155-702	NEW-P	02-06-114	296-835-13005	NEW-P	02-07-100
296-52-71065	NEW	02-03-125	296-155-703	NEW-P	02-06-114	296-835-13010	NEW-P	02-07-100
296-52-71070	NEW-W	02-06-102	296-155-704	NEW-P	02-06-114	296-835-13015	NEW-P	02-07-100
296-52-71075	NEW	02-03-125	296-155-705	REP-P	02-06-114	296-835-13020	NEW-P	02-07-100
296-52-71080	NEW	02-03-125	296-155-706	NEW-P	02-06-114	296-835-13025	NEW-P	02-07-100
296-52-71085	NEW-W	02-06-102	296-155-707	NEW-P	02-06-114	296-835-13030	NEW-P	02-07-100
296-52-71090	NEW	02-03-125	296-155-708	NEW-P	02-06-114	296-835-140	NEW-P	02-07-100
296-52-71095	NEW	02-03-125	296-155-709	NEW-P	02-06-114	296-860-100	NEW-P	02-07-101
296-52-71100	NEW	02-03-125	296-155-710	REP-P	02-06-114	296-860-10005	NEW-P	02-07-101
296-52-71105	NEW	02-03-125	296-155-711	NEW-P	02-06-114	296-860-10010	NEW-P	02-07-101
296-52-720	NEW	02-03-125	296-155-714	NEW-P	02-06-114	296-860-10020	NEW-P	02-07-101
296-52-725	NEW	02-03-125	296-155-715	REP-P	02-06-114	296-860-10025	NEW-P	02-07-101
296-62	PREP	02-04-107	296-155-716	NEW-P	02-06-114	296-860-10030	NEW-P	02-07-101
296-62-07302	AMD-X	02-05-077	296-155-717	NEW-P	02-06-114	296-860-10040	NEW-P	02-07-101
296-62-07304	AMD-X	02-05-077	296-155-720	REP-P	02-06-114	296-860-10050	NEW-P	02-07-101
296-62-07312	AMD-X	02-05-077	296-155-72401	NEW-P	02-06-114	296-860-10060	NEW-P	02-07-101
296-62-07314	AMD-X	02-05-077	296-155-72402	NEW-P	02-06-114	296-860-10070	NEW-P	02-07-101
296-62-07421	AMD-X	02-05-077	296-155-72403	NEW-P	02-06-114	296-860-10100	NEW-P	02-07-101
296-62-07501	AMD-X	02-05-077	296-155-72404	NEW-P	02-06-114	308-12-010	AMD-P	02-04-114
296-62-07527	AMD-X	02-05-077	296-155-72405	NEW-P	02-06-114	308-12-031	AMD-P	02-04-114
296-62-07540	AMD-X	02-05-077	296-155-72406	NEW-P	02-06-114	308-12-050	AMD-P	02-04-114
296-62-11021	AMD-P	02-07-100	296-155-960	AMD-X	02-05-077	308-12-081	AMD-P	02-04-114
296-62-14105	AMD-X	02-05-077	296-305-04001	AMD-X	02-05-077	308-12-085	AMD-P	02-04-114
296-62-14110	AMD-X	02-05-077	296-305-05003	AMD-X	02-05-077	308-12-115	AMD-P	02-04-114
296-62-14155	AMD-X	02-05-077	296-307	PREP	02-04-107	308-12-150	AMD-P	02-04-114
296-62-14171	AMD-X	02-05-077	296-307-039	AMD-X	02-05-077	308-12-210	AMD-P	02-04-114
296-78-56501	AMD	02-03-124	296-307-08009	AMD-X	02-05-077	308-12-220	AMD-P	02-04-114
296-78-56505	AMD	02-03-124	296-307-14520	PREP	02-07-103	308-12-230	AMD-P	02-04-114
296-78-71015	AMD-P	02-07-100	296-800	PREP	02-04-107	308-12-240	AMD-P	02-04-114
296-79-140	AMD-X	02-05-077	296-832-10000	NEW-X	02-08-080	308-12-320	AMD-P	02-04-114
296-96	PREP	02-04-106	296-832-10005	NEW-X	02-08-080	308-12-321	REP-P	02-04-114
296-104	PREP	02-04-105	296-832-10010	NEW-X	02-08-080	308-12-322	REP-P	02-04-114
296-104	PREP	02-08-090	296-832-10015	NEW-X	02-08-080	308-12-323	REP-P	02-04-114
296-150M-0020	AMD	02-03-048	296-832-10020	NEW-X	02-08-080	308-12-324	REP-P	02-04-114
296-150M-0049	NEW	02-03-048	296-832-10025	NEW-X	02-08-080	308-12-325	REP-P	02-04-114
296-150M-0140	AMD	02-03-048	296-835-100	NEW-P	02-07-100	308-12-330	NEW-P	02-04-114
296-150M-0302	NEW	02-03-048	296-835-110	NEW-P	02-07-100	308-13-005	AMD-P	02-04-113
296-155-110	AMD-P	02-05-080	296-835-11005	NEW-P	02-07-100	308-13-005	AMD	02-07-047
296-155-165	AMD-P	02-05-080	296-835-11010	NEW-P	02-07-100	308-13-020	AMD-P	02-04-113
296-155-200	AMD-P	02-05-080	296-835-11015	NEW-P	02-07-100	308-13-020	AMD	02-07-047
296-155-24525	AMD-X	02-05-077	296-835-11020	NEW-P	02-07-100	308-13-024	AMD-P	02-04-113
296-155-441	AMD-X	02-05-077	296-835-11025	NEW-P	02-07-100	308-13-024	AMD	02-07-047
296-155-525	AMD-X	02-05-077	296-835-11030	NEW-P	02-07-100	308-13-036	NEW-P	02-04-113
296-155-530	AMD-X	02-05-077	296-835-11035	NEW-P	02-07-100	308-13-036	NEW	02-07-047
296-155-601	NEW-P	02-05-080	296-835-11040	NEW-P	02-07-100	308-13-050	AMD-P	02-04-113
296-155-602	NEW-P	02-05-080	296-835-11045	NEW-P	02-07-100	308-13-050	AMD	02-07-047
296-155-603	NEW-P	02-05-080	296-835-11050	NEW-P	02-07-100	308-13-100	AMD-P	02-04-113
296-155-604	NEW-P	02-05-080	296-835-120	NEW-P	02-07-100	308-13-100	AMD	02-07-047
296-155-605	AMD-P	02-05-080	296-835-12005	NEW-P	02-07-100	308-13-150	PREP	02-08-033

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308- 14-085	AMD-P	02-08-074	308- 56A-330	PREP	02-05-014	308- 96A-275	AMD-P	02-07-014
308- 14-090	REP-P	02-08-074	308- 56A-460	PREP	02-08-005	308- 96A-306	AMD	02-04-002
308- 14-100	AMD-P	02-08-074	308- 56A-500	AMD-P	02-07-035	308- 96A-311	AMD	02-04-002
308- 14-120	AMD-P	02-08-074	308- 56A-530	NEW-P	02-07-035	308- 96A-312	AMD	02-04-002
308- 14-130	AMD-P	02-08-074	308- 56A-640	PREP	02-05-013	308- 96A-313	AMD	02-04-002
308- 14-135	AMD-P	02-08-074	308- 56A-640	PREP	02-05-017	308- 96A-314	AMD	02-04-002
308- 14-210	AMD-P	02-08-074	308- 66	PREP	02-04-059	308- 96A-316	AMD	02-04-002
308- 15-040	PREP	02-05-079	308- 90-040	AMD	02-05-073	308- 96A-530	PREP	02-05-002
308- 15-140	PREP	02-05-079	308- 90-070	AMD	02-05-073	308-100-140	AMD	02-04-076
308- 17-150	AMD-P	02-03-130	308- 90-080	AMD	02-05-073	308-124A-110	AMD-P	02-03-058
308- 17-310	PREP	02-07-069	308- 90-090	AMD	02-05-073	308-124A-110	AMD	02-07-060
308- 17-320	PREP	02-07-069	308- 90-100	AMD	02-05-073	308-124A-460	AMD	02-03-057
308- 18-150	AMD-P	02-02-096	308- 90-110	AMD	02-05-073	308-124A-600	AMD	02-03-080
308- 18-150	AMD	02-07-068	308- 90-130	AMD	02-05-073	308-124A-605	NEW	02-03-080
308- 19-130	AMD-P	02-02-095	308- 90-140	AMD	02-05-073	308-124B-150	AMD	02-03-054
308- 19-130	AMD	02-07-067	308- 90-150	AMD	02-05-073	308-124H-014	NEW	02-03-055
308- 19-240	AMD-P	02-02-095	308- 90-160	AMD	02-05-073	308-124H-025	AMD	02-03-055
308- 19-240	AMD	02-07-067	308- 93-230	AMD	02-04-001	308-124H-061	AMD	02-03-056
308- 20-010	AMD	02-04-012	308- 93-241	PREP	02-08-006	308-124H-062	AMD	02-03-056
308- 20-030	REP	02-04-012	308- 93-242	PREP	02-08-006	308-125-085	AMD-P	02-04-083
308- 20-040	AMD	02-04-012	308- 93-243	PREP	02-08-006	308-125-120	AMD	02-03-011
308- 20-045	REP	02-04-012	308- 93-244	PREP	02-08-006	308-125-200	AMD	02-03-012
308- 20-080	AMD	02-04-012	308- 93-250	REP	02-04-001	308-330-305	AMD	02-04-075
308- 20-090	AMD	02-04-012	308- 93-270	AMD	02-04-001	308-330-307	AMD	02-04-075
308- 20-105	AMD	02-04-012	308- 93-275	NEW	02-04-001	308-330-320	AMD	02-04-075
308- 20-107	AMD	02-04-012	308- 93-280	AMD	02-04-001	308-330-464	AMD	02-04-075
308- 20-110	AMD	02-04-012	308- 93-520	AMD	02-05-059	308-330-481	AMD	02-04-075
308- 20-120	AMD	02-04-012	308- 93-530	AMD	02-05-059	308-330-705	AMD	02-04-075
308- 20-122	NEW	02-04-012	308- 93-540	AMD	02-05-059	314- 02-010	AMD-P	02-04-115
308- 20-130	REP	02-04-012	308- 93-700	AMD	02-05-058	314- 02-015	AMD-P	02-04-115
308- 20-150	REP	02-04-012	308- 93-710	AMD	02-05-058	314- 02-020	AMD-P	02-04-115
308- 20-155	REP	02-04-012	308- 93-720	AMD	02-05-058	314- 02-025	AMD-P	02-04-115
308- 20-171	REP	02-04-012	308- 93-730	AMD	02-05-058	314- 02-030	AMD-P	02-04-115
308- 20-172	REP	02-04-012	308- 93-740	AMD	02-05-058	314- 02-033	NEW-P	02-04-115
308- 20-210	AMD-P	02-04-088	308- 93-750	AMD	02-05-058	314- 02-035	AMD-P	02-04-115
308- 20-310	REP	02-04-012	308- 93-760	AMD	02-05-058	314- 02-045	AMD-P	02-04-115
308- 20-590	REP	02-04-012	308- 93-770	AMD	02-05-058	314- 02-050	REP-P	02-04-115
308- 56A-030	PREP	02-05-019	308- 94-050	AMD-P	02-07-024	314- 02-055	AMD-P	02-04-115
308- 56A-040	PREP	02-05-019	308- 96A-046	PREP	02-05-002	314- 02-115	AMD-P	02-04-115
308- 56A-056	PREP	02-05-019	308- 96A-050	PREP	02-05-002	314- 02-125	AMD-P	02-04-115
308- 56A-060	PREP	02-05-019	308- 96A-056	PREP	02-05-002	314- 02-130	AMD-P	02-04-115
308- 56A-070	PREP	02-05-015	308- 96A-057	PREP	02-05-002	314- 11-015	AMD-P	02-04-110
308- 56A-075	PREP	02-05-015	308- 96A-073	PREP	02-05-002	314- 11-020	AMD-P	02-04-110
308- 56A-110	PREP	02-05-019	308- 96A-074	PREP	02-05-002	314- 11-025	AMD-P	02-04-110
308- 56A-115	PREP	02-05-019	308- 96A-080	PREP	02-05-020	314- 11-030	AMD-P	02-04-110
308- 56A-140	PREP	02-05-018	308- 96A-085	PREP	02-05-020	314- 11-035	AMD-P	02-04-110
308- 56A-150	PREP	02-05-018	308- 96A-090	PREP	02-05-020	314- 11-040	AMD-P	02-04-110
308- 56A-160	PREP	02-05-018	308- 96A-095	PREP	02-05-020	314- 11-045	AMD-P	02-04-110
308- 56A-200	PREP	02-05-018	308- 96A-098	AMD-P	02-07-014	314- 11-060	AMD-P	02-04-110
308- 56A-210	PREP	02-05-019	308- 96A-101	PREP	02-03-086	314- 11-065	AMD-P	02-04-110
308- 56A-215	PREP	02-05-018	308- 96A-101	AMD-P	02-08-036	314- 11-070	AMD-P	02-04-110
308- 56A-250	PREP	02-05-016	308- 96A-110	PREP	02-03-086	314- 11-072	NEW-P	02-04-110
308- 56A-265	PREP	02-05-016	308- 96A-110	AMD-P	02-08-036	314- 11-095	AMD-P	02-04-110
308- 56A-270	PREP	02-05-016	308- 96A-136	PREP	02-03-086	314- 16-190	REP-P	02-04-115
308- 56A-275	PREP	02-05-016	308- 96A-136	AMD-P	02-08-036	314- 16-196	REP-P	02-04-115
308- 56A-295	PREP	02-05-019	308- 96A-161	AMD-P	02-07-014	314- 21-005	NEW-P	02-04-112
308- 56A-300	PREP	02-05-014	308- 96A-201	AMD-P	02-05-057	314- 21-015	NEW-P	02-04-112
308- 56A-305	PREP	02-05-014	308- 96A-205	AMD-P	02-07-036	314- 21-025	NEW-P	02-04-112
308- 56A-310	PREP	02-05-014	308- 96A-206	AMD-P	02-07-036	314- 60-040	AMD-P	02-04-111
308- 56A-315	PREP	02-05-014	308- 96A-207	AMD-P	02-05-057	315- 06-040	AMD-P	02-07-072
308- 56A-320	PREP	02-05-014	308- 96A-208	AMD-P	02-05-057	315- 10	PREP	02-05-048
308- 56A-325	PREP	02-05-014	308- 96A-220	AMD-P	02-07-036	315- 20-010	AMD-C	02-03-108

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-20-010	AMD	02-08-001	356-26-130	AMD	02-03-063	388-14A-2105	AMD	02-07-091
315-37-010	NEW-P	02-03-109	356-26-140	AMD-P	02-04-080	388-14A-2107	NEW	02-07-091
315-37-010	NEW	02-07-073	356-26-140	AMD	02-07-050	388-14A-2110	AMD	02-07-091
315-37-020	NEW-P	02-03-109	356-30-025	AMD-S	02-04-082	388-14A-2112	NEW	02-07-091
315-37-020	NEW	02-07-073	356-30-025	AMD	02-07-049	388-14A-2114	NEW	02-07-091
315-37-030	NEW-P	02-03-109	356-30-065	AMD-S	02-04-082	388-14A-2115	AMD	02-07-091
315-37-030	NEW	02-07-073	356-30-065	AMD	02-07-049	388-14A-2116	NEW	02-07-091
315-37-040	NEW-P	02-03-109	356-30-067	AMD-S	02-04-082	388-14A-2120	AMD	02-07-091
315-37-040	NEW	02-07-073	356-30-067	AMD	02-07-049	388-14A-2125	AMD	02-07-091
315-37-050	NEW-P	02-03-109	356-30-140	AMD-S	02-04-082	388-14A-2130	NEW	02-07-091
315-37-050	NEW	02-07-073	356-30-140	AMD	02-07-049	388-14A-2135	NEW	02-07-091
315-37-060	NEW-P	02-03-109	356-30-331	AMD-P	02-04-080	388-14A-2140	NEW	02-07-091
315-37-060	NEW	02-07-073	356-30-331	AMD	02-07-050	388-14A-3130	AMD-P	02-03-096
315-37-070	NEW-P	02-03-109	356-56-070	NEW-E	02-07-053	388-14A-3130	AMD	02-06-098
315-37-070	NEW	02-07-073	363-116-185	AMD-E	02-06-001	388-14A-3800	PREP	02-03-010
315-37-080	NEW-P	02-03-109	363-116-300	AMD-P	02-08-053	388-14A-3810	PREP	02-03-010
315-37-080	NEW	02-07-073	365-120-080	AMD	02-05-012	388-14A-3925	AMD-P	02-03-096
315-37-090	NEW-P	02-03-109	365-220-005	NEW	02-07-026	388-14A-3925	AMD	02-06-098
315-37-090	NEW	02-07-073	365-220-010	NEW	02-07-026	388-14A-4000	PREP	02-03-010
315-37-100	NEW-P	02-03-109	365-220-015	NEW	02-07-026	388-14A-4300	PREP	02-03-010
315-37-100	NEW	02-07-073	365-220-020	NEW	02-07-026	388-14A-4301	PREP	02-03-010
315-37-110	NEW-P	02-03-109	365-220-025	NEW	02-07-026	388-14A-4302	PREP	02-03-010
315-37-110	NEW	02-07-073	365-220-030	NEW	02-07-026	388-14A-4303	PREP	02-03-010
315-37-120	NEW-P	02-03-109	365-220-035	NEW	02-07-026	388-14A-4304	PREP	02-03-010
315-37-120	NEW	02-07-073	365-220-040	NEW	02-07-026	388-14A-5520	AMD-P	02-03-096
316-02-001	AMD-X	02-08-029	365-220-045	NEW	02-07-026	388-14A-5520	AMD	02-06-098
316-02-135	AMD-X	02-08-029	365-220-050	NEW	02-07-026	388-14A-5525	AMD-P	02-03-096
316-02-150	AMD-X	02-08-029	365-220-055	NEW	02-07-026	388-14A-5525	AMD	02-06-098
316-02-170	AMD-X	02-08-029	365-220-060	NEW	02-07-026	388-14A-5530	AMD-P	02-03-096
316-02-300	AMD-X	02-08-029	365-220-065	NEW	02-07-026	388-14A-5530	AMD	02-06-098
316-02-310	REP-X	02-08-029	365-220-070	NEW	02-07-026	388-15	AMD-P	02-03-118
316-02-340	REP-X	02-08-029	365-220-075	NEW	02-07-026	388-15-001	NEW-P	02-03-118
316-02-350	REP-X	02-08-029	365-220-080	NEW	02-07-026	388-15-005	NEW-P	02-03-118
316-02-360	REP-X	02-08-029	365-220-085	NEW	02-07-026	388-15-009	NEW-P	02-03-118
316-02-370	REP-X	02-08-029	365-220-090	NEW	02-07-026	388-15-011	NEW-P	02-03-118
316-02-600	AMD-X	02-08-029	365-220-095	NEW	02-07-026	388-15-013	NEW-P	02-03-118
316-02-610	AMD-X	02-08-029	365-220-100	NEW	02-07-026	388-15-017	NEW-P	02-03-118
316-02-620	AMD-X	02-08-029	365-220-105	NEW	02-07-026	388-15-021	NEW-P	02-03-118
316-02-630	AMD-X	02-08-029	365-220-110	NEW	02-07-026	388-15-025	NEW-P	02-03-118
316-02-640	AMD-X	02-08-029	365-220-115	NEW	02-07-026	388-15-029	NEW-P	02-03-118
316-02-650	AMD-X	02-08-029	365-220-120	NEW	02-07-026	388-15-033	NEW-P	02-03-118
316-02-660	AMD-X	02-08-029	365-220-125	NEW	02-07-026	388-15-037	NEW-P	02-03-118
316-02-820	AMD-X	02-08-029	365-220-130	NEW	02-07-026	388-15-041	NEW-P	02-03-118
316-65-005	AMD-X	02-08-029	365-220-135	NEW	02-07-026	388-15-045	NEW-P	02-03-118
332-30-106	AMD-P	02-03-111	365-220-140	NEW	02-07-026	388-15-049	NEW-P	02-03-118
332-30-115	AMD-P	02-03-111	365-220-145	NEW	02-07-026	388-15-053	NEW-P	02-03-118
332-30-139	AMD-P	02-03-111	365-220-150	NEW	02-07-026	388-15-057	NEW-P	02-03-118
332-30-144	AMD-P	02-03-111	365-220-155	NEW	02-07-026	388-15-061	NEW-P	02-03-118
332-30-148	AMD-P	02-03-111	365-220-160	NEW	02-07-026	388-15-065	NEW-P	02-03-118
332-30-171	NEW-P	02-03-111	365-220-165	NEW	02-07-026	388-15-069	NEW-P	02-03-118
356-05-389	NEW	02-03-063	365-220-170	NEW	02-07-026	388-15-073	NEW-P	02-03-118
356-05-415	AMD-S	02-04-082	365-220-175	NEW	02-07-026	388-15-077	NEW-P	02-03-118
356-05-415	AMD	02-07-049	365-220-180	NEW	02-07-026	388-15-081	NEW-P	02-03-118
356-06-065	NEW-E	02-07-054	365-220-185	NEW	02-07-026	388-15-085	NEW-P	02-03-118
356-15-090	AMD-E	02-07-052	365-220-190	NEW	02-07-026	388-15-089	NEW-P	02-03-118
356-15-100	AMD-E	02-07-052	371-08-320	AMD	02-06-011	388-15-093	NEW-P	02-03-118
356-15-110	AMD-E	02-07-052	371-08-450	AMD	02-06-012	388-15-097	NEW-P	02-03-118
356-18-100	AMD	02-03-061	371-08-485	AMD	02-06-013	388-15-101	NEW-P	02-03-118
356-18-112	AMD-S	02-04-082	388-01-015	NEW-P	02-03-119	388-15-105	NEW-P	02-03-118
356-18-112	AMD	02-07-049	388-14A-2000	PREP	02-03-010	388-15-109	NEW-P	02-03-118
356-18-120	AMD-E	02-07-052	388-14A-2025	PREP	02-03-010	388-15-113	NEW-P	02-03-118
356-26-040	AMD	02-03-062	388-14A-2080	PREP	02-03-010	388-15-117	NEW-P	02-03-118

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-15-121	NEW-P	02-03-118	388-97-07050	AMD-P	02-07-116	388-148-0125	PREP	02-06-083
388-15-125	NEW-P	02-03-118	388-97-076	AMD-P	02-07-116	388-148-0220	PREP	02-06-083
388-15-129	NEW-P	02-03-118	388-97-160	AMD-P	02-07-116	388-148-0260	PREP	02-06-083
388-15-130	REP-P	02-03-118	388-97-162	AMD-P	02-07-116	388-148-0345	PREP	02-06-083
388-15-131	REP-P	02-03-118	388-97-180	AMD-P	02-07-116	388-148-0350	PREP	02-06-083
388-15-132	REP-P	02-03-118	388-97-202	AMD-P	02-07-116	388-148-0462	PREP	02-06-083
388-15-133	NEW-P	02-03-118	388-97-203	NEW-P	02-07-116	388-148-0520	PREP	02-06-083
388-15-134	REP-P	02-03-118	388-97-204	NEW-P	02-07-116	388-148-0542	PREP	02-06-083
388-15-135	NEW-P	02-03-118	388-97-205	AMD-P	02-07-116	388-148-0560	PREP	02-06-083
388-15-141	NEW-P	02-03-118	388-97-260	AMD-P	02-07-116	388-148-0585	PREP	02-06-083
388-15-194	PREP-W	02-05-066	388-97-285	AMD-P	02-07-116	388-148-0630	PREP	02-06-083
388-15-202	PREP	02-04-096	388-97-35040	AMD-P	02-07-116	388-148-0700	PREP	02-06-083
388-15-202	PREP-W	02-05-064	388-97-565	AMD-P	02-07-116	388-148-0720	PREP	02-06-083
388-15-202	PREP-W	02-05-065	388-97-570	AMD-P	02-07-116	388-148-0722	PREP	02-06-083
388-15-202	PREP-W	02-05-066	388-97-575	AMD-P	02-07-116	388-148-0725	PREP	02-06-083
388-15-203	PREP	02-04-096	388-97-580	AMD-P	02-07-116	388-148-0725	PREP	02-06-083
388-15-203	PREP-W	02-05-065	388-97-585	AMD-P	02-07-116	388-148-0785	PREP	02-06-083
388-15-203	PREP-W	02-05-066	388-97-585	AMD-P	02-07-116	388-148-0880	PREP	02-06-083
388-15-204	PREP	02-04-096	388-97-595	AMD-P	02-07-116	388-148-0892	PREP	02-06-083
388-15-204	PREP-W	02-05-066	388-97-605	NEW-P	02-07-116	388-148-0995	PREP	02-06-083
388-15-205	PREP-W	02-05-065	388-97-610	NEW-P	02-07-116	388-148-1020	PREP	02-06-083
388-15-205	PREP-W	02-05-066	388-97-615	NEW-P	02-07-116	388-148-1070	PREP	02-06-083
388-15-207	PREP-W	02-05-064	388-97-620	NEW-P	02-07-116	388-148-1076	PREP	02-06-083
388-15-214	PREP-W	02-05-064	388-97-625	NEW-P	02-07-116	388-148-1077	PREP	02-06-083
388-15-215	PREP-W	02-05-064	388-97-630	NEW-P	02-07-116	388-148-1078	PREP	02-06-083
388-15-219	PREP-W	02-05-064	388-97-635	NEW-P	02-07-116	388-148-1079	PREP	02-06-083
388-15-600	PREP-W	02-05-064	388-97-640	NEW-P	02-07-116	388-148-1115	PREP	02-06-083
388-15-620	PREP-W	02-05-064	388-97-645	NEW-P	02-07-116	388-148-1120	PREP	02-06-083
388-15-630	PREP-W	02-05-064	388-97-650	NEW-P	02-07-116	388-148-1205	NEW-E	02-08-031
388-15-880	PREP-W	02-05-064	388-97-655	NEW-P	02-07-116	388-148-1210	NEW-E	02-08-031
388-15-890	PREP-W	02-05-064	388-97-660	NEW-P	02-07-116	388-148-1215	NEW-E	02-08-031
388-71-0410	PREP	02-04-096	388-97-665	NEW-P	02-07-116	388-148-1220	NEW-E	02-08-031
388-71-0410	PREP-W	02-05-066	388-97-670	NEW-P	02-07-116	388-148-1225	NEW-E	02-08-031
388-71-0430	PREP	02-04-096	388-97-675	NEW-P	02-07-116	388-148-1230	NEW-E	02-08-031
388-71-0435	PREP	02-04-096	388-97-680	NEW-P	02-07-116	388-148-1235	NEW-E	02-08-031
388-71-0440	PREP	02-04-096	388-97-685	NEW-P	02-07-116	388-148-1240	NEW-E	02-08-031
388-71-0440	PREP-W	02-05-066	388-97-690	NEW-P	02-07-116	388-148-1245	NEW-E	02-08-031
388-71-0445	PREP	02-04-096	388-97-695	NEW-P	02-07-116	388-148-1250	NEW-E	02-08-031
388-71-0445	PREP-W	02-05-066	388-98-001	REP-P	02-07-116	388-148-1255	NEW-E	02-08-031
388-71-0450	PREP	02-04-096	388-98-003	REP-P	02-07-116	388-148-1260	NEW-E	02-08-031
388-71-0500	PREP	02-04-096	388-98-010	REP-P	02-07-116	388-148-1265	NEW-E	02-08-031
388-71-0515	PREP	02-04-096	388-98-015	REP-P	02-07-116	388-148-1270	NEW-E	02-08-031
388-71-0600	PREP	02-04-096	388-98-020	REP-P	02-07-116	388-148-1275	NEW-E	02-08-031
388-71-0820	PREP	02-04-096	388-98-020	REP-P	02-07-116	388-148-1280	NEW-E	02-08-031
388-76-535	AMD-P	02-03-117	388-98-300	REP-P	02-07-116	388-148-1285	NEW-E	02-08-031
388-76-540	PREP	02-04-096	388-98-320	REP-P	02-07-116	388-148-1290	NEW-E	02-08-031
388-76-61510	AMD-P	02-03-117	388-98-330	REP-P	02-07-116	388-148-1295	NEW-E	02-08-031
388-76-640	REP-P	02-03-117	388-98-340	REP-P	02-07-116	388-148-1300	NEW-E	02-08-031
388-76-64005	NEW-P	02-03-117	388-98-700	REP-P	02-07-116	388-150-090	PREP	02-06-087
388-76-64010	NEW-P	02-03-117	388-98-750	REP-P	02-07-116	388-151-020	AMD-P	02-03-095
388-76-64015	NEW-P	02-03-117	388-98-810	REP-P	02-07-116	388-151-090	PREP	02-06-087
388-76-64020	NEW-P	02-03-117	388-98-830	REP-P	02-07-116	388-151-097	AMD-P	02-03-095
388-76-64025	NEW-P	02-03-117	388-98-870	REP-P	02-07-116	388-151-230	AMD-P	02-03-095
388-76-64030	NEW-P	02-03-117	388-98-890	REP-P	02-07-116	388-155-090	PREP	02-06-087
388-76-64035	NEW-P	02-03-117	388-110-020	PREP	02-04-096	388-155-320	AMD-P	02-03-095
388-76-710	AMD-P	02-03-117	388-110-210	PREP	02-04-096	388-290-0010	PREP	02-04-097
388-96-713	AMD-E	02-04-011	388-110-230	PREP	02-04-096	388-290-0010	AMD-E	02-08-032
388-96-901	AMD-E	02-04-011	388-148	PREP	02-06-083	388-290-0015	PREP	02-04-097
388-97-005	AMD-P	02-07-116	388-148-0040	PREP	02-06-083	388-290-0015	AMD-P	02-08-060
388-97-043	AMD-P	02-07-116	388-148-0045	PREP	02-06-083	388-290-0020	PREP	02-04-097
388-97-07005	AMD-P	02-07-116	388-148-0050	PREP	02-06-083	388-290-0020	AMD-P	02-08-060
388-97-07040	AMD-P	02-07-116	388-148-0060	PREP	02-06-083	388-290-0020	AMD-P	02-08-060
			388-148-0065	PREP	02-06-083	388-290-0035	PREP	02-04-097
			388-148-0120	PREP	02-06-083	388-290-0035	AMD-P	02-08-060

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-290-0040	PREP	02-04-097	388-410-0025	AMD	02-06-090	388-535-1080	AMD-P	02-08-088
388-290-0040	AMD-P	02-08-060	388-410-0030	AMD-P	02-03-100	388-535-1100	AMD-P	02-08-088
388-290-0045	PREP	02-04-097	388-410-0030	AMD	02-06-090	388-535-1120	NEW-P	02-08-088
388-290-0045	AMD-P	02-08-060	388-410-0033	NEW-P	02-03-100	388-535-1150	REP-P	02-08-088
388-290-0050	PREP	02-04-097	388-410-0033	NEW	02-06-090	388-535-1200	AMD-P	02-08-088
388-290-0050	AMD-P	02-08-060	388-416-0035	PREP	02-07-111	388-535-1220	AMD-P	02-08-088
388-290-0055	PREP	02-04-097	388-424-0010	AMD	02-03-008	388-535-1230	AMD-P	02-08-088
388-290-0055	AMD-P	02-08-060	388-434-0010	AMD-S	02-05-068	388-535-1240	AMD-P	02-08-088
388-290-0075	AMD-E	02-08-032	388-434-0015	NEW-S	02-05-068	388-535-1245	NEW-P	02-07-113
388-290-0080	PREP	02-04-097	388-434-0020	NEW-S	02-05-068	388-535-1260	REP-P	02-08-088
388-290-0085	PREP	02-04-097	388-434-0025	NEW-S	02-05-068	388-535-1300	REP-P	02-07-113
388-290-0085	AMD-E	02-08-032	388-450-0045	AMD	02-03-019	388-535-1350	AMD-P	02-08-088
388-290-0095	PREP	02-04-097	388-450-0070	AMD	02-03-020	388-535-1400	AMD-P	02-08-088
388-290-0095	AMD-P	02-08-060	388-450-0135	PREP	02-08-054	388-535-1450	AMD-P	02-08-088
388-290-0105	PREP	02-04-097	388-450-0140	AMD-P	02-03-021	388-535-1500	AMD-P	02-08-088
388-290-0105	AMD-P	02-08-060	388-450-0140	AMD	02-06-089	388-535-1550	AMD-P	02-08-088
388-290-0120	PREP	02-04-097	388-450-0210	AMD	02-03-009	388-540	PREP	02-06-086
388-290-0120	AMD-P	02-08-060	388-452-0005	PREP	02-03-091	388-544	PREP	02-06-085
388-290-0125	PREP	02-04-097	388-466-0010	REP	02-04-057	388-550	PREP	02-03-092
388-290-0125	AMD-P	02-08-060	388-466-0120	NEW	02-04-057	388-550	PREP-W	02-03-115
388-290-0130	PREP	02-04-097	388-466-0140	NEW	02-04-057	388-550	PREP	02-06-084
388-290-0130	AMD-P	02-08-060	388-472-0005	PREP	02-03-091	388-550	PREP	02-06-088
388-290-0135	PREP	02-04-097	388-474	PREP	02-03-094	388-551-2000	AMD-P	02-08-089
388-290-0135	AMD-P	02-08-060	388-474-0001	AMD-P	02-07-115	388-551-2010	AMD-P	02-08-089
388-290-0145	PREP	02-04-097	388-474-0005	AMD-P	02-07-115	388-551-2020	AMD-P	02-08-089
388-290-0150	PREP	02-04-097	388-474-0010	AMD-P	02-07-115	388-551-2030	NEW-P	02-08-089
388-290-0155	PREP	02-04-097	388-474-0012	NEW-P	02-07-115	388-551-2100	AMD-P	02-08-089
388-290-0160	PREP	02-04-097	388-474-0015	AMD-P	02-07-115	388-551-2110	AMD-P	02-08-089
388-290-0165	PREP	02-04-097	388-474-0020	AMD-P	02-07-115	388-551-2120	AMD-P	02-08-089
388-290-0180	PREP	02-04-097	388-478-0026	REP	02-05-004	388-551-2130	AMD-P	02-08-089
388-290-0190	PREP	02-04-097	388-478-0055	AMD-P	02-07-115	388-551-2200	AMD-P	02-08-089
388-290-0190	AMD-P	02-08-060	388-478-0055	AMD-E	02-08-020	388-551-2210	AMD-P	02-08-089
388-290-0200	PREP	02-04-097	388-478-0070	AMD-P	02-06-096	388-551-2220	AMD-P	02-08-089
388-290-0200	AMD-P	02-08-060	388-478-0075	AMD-P	02-03-097	388-561-0100	PREP	02-07-109
388-290-0205	PREP	02-04-097	388-478-0075	AMD	02-07-090	388-805-005	AMD-E	02-07-015
388-290-0205	AMD-P	02-08-060	388-478-0080	AMD-P	02-06-096	388-805-030	AMD-E	02-07-015
388-290-0225	PREP	02-04-097	388-478-0085	PREP	02-08-056	388-805-035	NEW-E	02-07-015
388-290-0225	AMD-P	02-08-060	388-478-0085	AMD-E	02-08-057	388-805-040	NEW-E	02-07-015
388-290-0230	PREP	02-04-097	388-490-0005	PREP	02-03-091	388-805-065	AMD-E	02-07-015
388-290-0230	AMD-P	02-08-060	388-492	PREP	02-08-055	388-805-145	AMD-E	02-07-015
388-290-0240	PREP	02-04-097	388-501-0213	PREP	02-07-110	388-805-205	AMD-E	02-07-015
388-290-0240	AMD-P	02-08-060	388-513-1365	PREP	02-07-109	388-805-300	AMD-E	02-07-015
388-290-0245	PREP	02-04-097	388-515-1505	AMD	02-05-003	388-805-710	AMD-E	02-07-015
388-290-0245	AMD-P	02-08-060	388-517-0300	AMD-P	02-07-114	388-805-720	AMD-E	02-07-015
388-290-0270	PREP	02-04-097	388-523-0100	AMD-P	02-06-097	388-805-730	AMD-E	02-07-015
388-290-0270	AMD-P	02-08-060	388-523-0110	NEW-P	02-06-097	388-805-740	AMD-E	02-07-015
388-310-0600	AMD	02-04-058	388-523-0120	NEW-P	02-06-097	388-805-750	AMD-E	02-07-015
388-310-0800	AMD-P	02-07-112	388-523-0130	NEW-P	02-06-097	388-825	PREP	02-05-088
388-310-1300	AMD-S	02-08-058	388-530	PREP	02-03-093	388-825	PREP	02-07-107
388-310-1300	AMD-W	02-08-061	388-530	PREP-W	02-03-116	388-825-020	PREP	02-07-107
388-400-0030	AMD-E	02-04-095	388-531-0050	AMD-X	02-05-042	388-825-025	PREP	02-07-107
388-400-0030	AMD-P	02-05-069	388-533-0400	AMD-P	02-03-098	388-825-030	PREP	02-05-088
388-406	PREP	02-03-091	388-533-0400	AMD	02-07-043	388-825-030	PREP-W	02-07-087
388-406-0005	AMD-P	02-08-059	388-533-1000	PREP	02-07-108	388-825-030	PREP	02-07-107
388-406-0010	AMD-P	02-08-059	388-534-0100	AMD-P	02-03-099	388-825-035	PREP	02-05-088
388-406-0012	NEW-P	02-08-059	388-534-0100	AMD	02-07-016	388-825-035	PREP-W	02-07-087
388-406-0025	REP-P	02-08-059	388-534-0200	NEW-P	02-03-099	388-825-035	PREP	02-07-107
388-406-0030	AMD-P	02-08-059	388-534-0200	NEW	02-07-016	388-825-040	PREP	02-05-088
388-406-0035	AMD-P	02-08-059	388-535-1010	REP-P	02-08-088	388-825-040	PREP-W	02-07-087
388-410-0020	AMD-P	02-03-100	388-535-1050	AMD-P	02-08-088	388-825-040	PREP	02-07-107
388-410-0020	AMD	02-06-090	388-535-1060	AMD-P	02-08-088	388-825-045	PREP	02-05-088
388-410-0025	AMD-P	02-03-100	388-535-1070	NEW-P	02-08-088	388-825-045	PREP-W	02-07-087

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-825-045	PREP	02-07-107	392-139-312	NEW-W	02-05-031	415-108-570	AMD	02-03-120
388-825-050	PREP	02-07-107	392-140-605	AMD	02-05-036	415-108-640	AMD	02-03-120
388-825-055	PREP	02-07-107	392-140-609	AMD	02-05-036	415-108-679	AMD	02-03-120
388-825-065	PREP	02-07-107	392-140-613	AMD	02-05-036	415-108-690	AMD	02-03-120
388-825-080	PREP	02-07-107	392-140-616	AMD	02-05-036	415-108-720	AMD	02-03-120
388-825-100	PREP	02-07-107	392-140-625	AMD	02-05-036	415-108-727	NEW	02-03-120
388-825-120	PREP	02-07-107	392-140-630	AMD	02-05-036	415-108-815	NEW	02-03-120
388-825-170	PREP	02-07-107	392-140-650	AMD	02-05-036	415-108-830	AMD	02-03-120
388-825-180	PREP	02-07-107	392-140-680	AMD	02-05-036	415-108-980	NEW	02-03-120
388-825-190	PREP	02-07-107	392-141-200	AMD	02-04-023	415-110-010	PREP	02-05-025
388-825-200	PREP	02-07-107	392-300-015	AMD	02-06-044	415-110-010	PREP	02-06-041
388-825-205	PREP	02-07-107	392-300-050	AMD	02-06-044	415-110-0102	PREP	02-05-025
388-825-210	PREP	02-07-107	392-300-055	AMD	02-06-044	415-110-0102	PREP	02-06-041
388-825-220	PREP	02-07-107	392-300-060	AMD	02-06-044	415-110-0103	PREP	02-05-025
388-825-222	PREP	02-07-107	415- 02	PREP	02-08-063	415-110-0103	PREP	02-06-041
388-825-224	PREP	02-07-107	415- 02-130	AMD	02-03-120	415-110-0104	PREP	02-05-025
388-825-226	PREP	02-07-107	415- 10-010	AMD	02-03-120	415-110-0104	PREP	02-06-041
388-825-228	PREP	02-07-107	415- 10-020	AMD	02-03-120	415-110-0108	PREP	02-05-025
388-825-230	PREP	02-07-107	415- 10-030	AMD	02-03-120	415-110-0108	PREP	02-06-041
388-825-232	PREP	02-07-107	415- 10-080	AMD	02-03-120	415-110-0109	PREP	02-05-025
388-825-234	PREP	02-07-107	415- 10-100	AMD	02-03-120	415-110-0109	PREP	02-06-041
388-825-236	PREP	02-07-107	415- 10-110	REP	02-03-120	415-110-0110	PREP	02-05-025
388-825-238	PREP	02-07-107	415-103	PREP	02-06-092	415-110-0110	PREP	02-06-041
388-825-240	PREP	02-07-107	415-104-011	PREP	02-05-025	415-110-0111	PREP	02-05-025
388-825-242	PREP	02-07-107	415-104-011	PREP	02-06-041	415-110-0111	PREP	02-06-041
388-825-244	PREP	02-07-107	415-104-0111	PREP	02-05-025	415-110-815	NEW	02-03-120
388-825-246	PREP	02-07-107	415-104-0111	PREP	02-06-041	415-110-910	AMD	02-03-120
388-825-248	PREP	02-07-107	415-104-0112	PREP	02-05-025	415-111-100	AMD	02-03-120
388-825-250	PREP	02-07-107	415-104-0112	PREP	02-06-041	415-111-110	AMD	02-03-120
388-825-252	PREP	02-07-107	415-104-0113	PREP	02-05-025	415-111-220	PREP	02-08-063
388-825-254	PREP	02-07-107	415-104-0113	PREP	02-06-041	415-111-310	AMD	02-03-120
388-825-256	PREP	02-07-107	415-104-0114	PREP	02-05-025	415-111-400	NEW	02-03-120
390	PREP	02-04-049	415-104-0114	PREP	02-06-041	415-111-410	NEW	02-03-120
390- 05-200	AMD	02-03-018	415-104-0115	PREP	02-05-025	415-111-440	NEW	02-03-120
390- 05-205	AMD	02-03-018	415-104-0115	PREP	02-06-041	415-111-450	NEW	02-03-120
390- 12-040	AMD	02-03-018	415-104-0117	PREP	02-05-025	415-112-015	PREP	02-05-025
390- 13-010	AMD	02-03-018	415-104-0117	PREP	02-06-041	415-112-015	PREP	02-06-041
390- 13-100	AMD	02-03-018	415-104-0118	PREP	02-05-025	415-112-0151	PREP	02-05-025
390- 14-025	AMD	02-03-018	415-104-0118	PREP	02-06-041	415-112-0151	PREP	02-06-041
390- 14-045	AMD	02-03-018	415-104-0120	PREP	02-05-025	415-112-0154	PREP	02-05-025
390- 16-032	AMD	02-03-018	415-104-0120	PREP	02-06-041	415-112-0154	PREP	02-06-041
390- 16-033	AMD	02-03-018	415-104-0121	PREP	02-05-025	415-112-0156	PREP	02-05-025
390- 16-038	AMD	02-03-018	415-104-0121	PREP	02-06-041	415-112-0156	PREP	02-06-041
390- 16-050	AMD	02-03-018	415-104-0122	PREP	02-05-025	415-112-0157	PREP	02-05-025
390- 16-060	AMD	02-03-018	415-104-0122	PREP	02-06-041	415-112-0157	PREP	02-06-041
390- 16-105	AMD	02-03-018	415-104-0125	PREP	02-05-025	415-112-0158	PREP	02-05-025
390- 16-226	AMD	02-03-018	415-104-0125	PREP	02-06-041	415-112-0158	PREP	02-06-041
390- 16-308	AMD	02-03-018	415-108-010	PREP	02-06-041	415-112-0159	PREP	02-05-025
390- 17-060	AMD	02-03-018	415-108-315	AMD	02-03-120	415-112-0159	PREP	02-06-041
390- 17-315	AMD	02-03-018	415-108-324	AMD	02-03-120	415-112-0160	PREP	02-05-025
390- 18-040	AMD	02-03-018	415-108-340	AMD	02-03-120	415-112-0160	PREP	02-06-041
390- 20-020	AMD	02-03-018	415-108-425	NEW	02-03-120	415-112-0161	PREP	02-05-025
390- 20-105	AMD	02-03-018	415-108-441	AMD	02-03-120	415-112-0161	PREP	02-06-041
390- 20-110	AMD	02-03-018	415-108-443	AMD	02-03-120	415-112-0162	PREP	02-05-025
390- 20-111	AMD	02-03-018	415-108-445	AMD	02-03-120	415-112-0162	PREP	02-06-041
390- 20-120	AMD	02-03-018	415-108-456	AMD	02-03-120	415-112-0163	PREP	02-05-025
390- 20-125	AMD	02-03-018	415-108-458	AMD	02-03-120	415-112-0163	PREP	02-06-041
390- 20-130	AMD	02-03-018	415-108-464	AMD	02-03-120	415-112-0165	PREP	02-05-025
390- 24-200	AMD	02-03-018	415-108-465	AMD	02-03-120	415-112-0165	PREP	02-06-041
392-120	PREP	02-08-021	415-108-466	AMD	02-03-120	415-112-0167	PREP	02-05-025
392-122-900	AMD	02-04-023	415-108-480	AMD	02-03-120	415-112-0167	PREP	02-06-041
392-139-241	NEW-W	02-05-031	415-108-491	AMD	02-03-120	415-112-250	AMD	02-03-120

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
415-112-400	AMD	02-03-120	434-240-060	AMD-P	02-03-133	458- 40-660	PREP	02-06-031
415-112-412	AMD	02-03-120	434-240-060	AMD	02-07-028	458- 53-030	PREP	02-06-108
415-112-413	AMD	02-03-120	434-240-080	NEW-P	02-03-133	458- 53-050	PREP	02-06-108
415-112-725	AMD	02-03-120	434-240-080	NEW	02-07-028	458- 53-090	PREP	02-06-108
415-113-030	PREP	02-06-041	434-240-090	AMD-P	02-03-133	458- 53-140	PREP	02-06-108
415-113-0301	PREP	02-06-041	434-240-090	AMD	02-07-028	460- 12A-010	NEW-P	02-07-027
415-113-0302	PREP	02-06-041	434-240-120	AMD-P	02-03-133	461- 08-320	AMD	02-06-008
415-113-0303	AMD	02-03-120	434-240-120	AMD	02-07-028	461- 08-355	AMD	02-06-009
415-113-0303	PREP	02-06-041	434-240-130	AMD-P	02-03-133	461- 08-500	AMD	02-06-010
415-113-0304	PREP	02-06-041	434-240-130	AMD	02-07-028	461- 08-505	AMD	02-06-010
415-113-0305	PREP	02-06-041	434-240-150	AMD-P	02-03-133	468- 38-075	AMD-P	02-03-049
415-113-0306	PREP	02-06-041	434-240-150	AMD	02-07-028	468- 38-075	AMD	02-06-106
415-113-0307	PREP	02-06-041	434-240-160	REP-P	02-03-133	468- 38-390	AMD-P	02-03-049
415-113-0308	PREP	02-06-041	434-240-160	REP	02-07-028	468- 38-390	AMD	02-06-106
415-113-0309	PREP	02-06-041	434-240-190	AMD-P	02-03-133	468-300-010	AMD-P	02-05-062
415-113-0310	REP	02-03-120	434-240-190	AMD	02-07-028	468-300-020	AMD-P	02-05-062
415-113-041	AMD	02-03-120	434-240-200	AMD-P	02-03-134	468-300-040	AMD-P	02-05-062
415-113-042	AMD	02-03-120	434-240-200	AMD	02-07-029	468-300-220	AMD-P	02-05-062
415-113-065	AMD	02-03-120	434-240-205	AMD-P	02-03-133	468-550	PREP	02-06-004
415-113-070	AMD	02-03-120	434-240-205	AMD	02-07-028	478-108-010	AMD-P	02-03-085
415-113-090	AMD	02-03-120	434-240-230	AMD-P	02-03-133	478-108-010	AMD-E	02-04-087
415-113-200	AMD	02-03-120	434-240-230	AMD	02-07-028	478-108-010	AMD-E	02-06-042
415-200-030	AMD	02-03-120	434-240-235	AMD-P	02-03-133	478-108-010	AMD	02-08-023
420- 12-060	AMD	02-05-050	434-240-235	AMD	02-07-028	478-108-010	AMD-P	02-08-066
434-230-140	NEW-P	02-03-134	434-240-240	AMD-P	02-03-134	478-116-131	PREP	02-06-045
434-230-140	NEW	02-07-029	434-240-240	AMD	02-07-029	478-117-005	NEW-P	02-03-085
434-236-025	NEW-P	02-03-133	434-240-250	AMD-P	02-03-133	478-117-005	NEW-E	02-04-087
434-236-025	NEW	02-07-028	434-240-250	AMD	02-07-028	478-117-005	NEW	02-08-023
434-236-030	AMD-P	02-03-133	434-240-320	AMD-P	02-03-133	478-117-010	NEW-P	02-03-085
434-236-030	AMD	02-07-028	434-240-320	AMD	02-07-028	478-117-010	NEW-E	02-04-087
434-236-040	REP-P	02-03-133	434-253-043	NEW-P	02-03-134	478-117-010	NEW	02-08-023
434-236-040	REP	02-07-028	434-253-043	NEW	02-07-029	478-117-020	NEW-P	02-03-085
434-236-050	REP-P	02-03-133	434-253-045	NEW-P	02-03-134	478-117-020	NEW-E	02-04-087
434-236-050	REP	02-07-028	434-253-045	NEW	02-07-029	478-117-020	NEW	02-08-023
434-236-055	NEW-P	02-03-133	434-253-047	NEW-P	02-03-134	478-117-030	NEW-P	02-03-085
434-236-055	NEW	02-07-028	434-253-047	NEW	02-07-029	478-117-030	NEW-E	02-04-087
434-236-060	AMD-P	02-03-133	434-253-049	NEW-P	02-03-134	478-117-030	NEW	02-08-023
434-236-060	AMD	02-07-028	434-253-049	NEW	02-07-029	478-117-040	NEW-P	02-03-085
434-236-070	AMD-P	02-03-133	434-261-005	AMD-P	02-03-134	478-117-040	NEW-E	02-04-087
434-236-070	AMD	02-07-028	434-261-005	AMD	02-07-029	478-117-040	NEW	02-08-023
434-236-080	AMD-P	02-03-133	434-261-070	AMD-P	02-03-134	478-117-050	NEW-P	02-03-085
434-236-080	AMD	02-07-028	434-261-070	AMD	02-07-029	478-117-050	NEW-E	02-04-087
434-236-090	AMD-P	02-03-134	434-261-075	NEW-P	02-03-134	478-117-050	NEW	02-08-023
434-236-090	AMD	02-07-029	434-261-075	NEW	02-07-029	478-117-060	NEW-P	02-03-085
434-236-100	AMD-P	02-03-133	434-261-085	NEW-P	02-03-134	478-117-060	NEW-E	02-04-087
434-236-100	AMD	02-07-028	434-261-085	NEW	02-07-029	478-117-060	NEW	02-08-023
434-236-110	AMD-P	02-03-133	434-262-020	AMD-P	02-03-133	478-117-060	NEW	02-08-023
434-236-110	AMD	02-07-028	434-262-020	AMD	02-07-028	478-117-070	NEW-P	02-03-085
434-236-140	AMD-P	02-03-133	434-262-150	AMD-P	02-03-134	478-117-070	NEW-E	02-04-087
434-236-140	AMD	02-07-028	434-262-150	AMD	02-07-029	478-117-070	NEW	02-08-023
434-236-180	AMD-P	02-03-133	458- 16-560	PREP	02-07-077	478-117-080	NEW-P	02-03-085
434-236-180	AMD	02-07-028	458- 18-220	AMD	02-03-039	478-117-080	NEW-E	02-04-087
434-236-210	REP-P	02-03-133	458- 20-151	PREP	02-04-054	478-117-080	NEW	02-08-023
434-236-210	REP	02-07-028	458- 20-252	PREP	02-06-030	478-117-090	NEW-P	02-03-085
434-240-010	AMD-P	02-03-133	458- 20-260	AMD-W	02-02-088	478-117-090	NEW-E	02-04-087
434-240-010	AMD	02-07-028	458- 20-260	AMD-P	02-06-032	478-117-090	NEW	02-08-023
434-240-020	AMD-P	02-03-133	458- 20-265	PREP	02-06-030	478-117-100	NEW-P	02-03-085
434-240-020	AMD	02-07-028	458- 29A-400	PREP	02-08-067	478-117-100	NEW-E	02-04-087
434-240-025	REP-P	02-03-133	458- 30-262	AMD	02-03-040	478-117-100	NEW	02-08-023
434-240-025	REP	02-07-028	458- 30-590	AMD	02-03-041	478-117-110	NEW-P	02-03-085
434-240-027	NEW-P	02-03-133	458- 30-700	NEW	02-05-043	478-117-110	NEW-E	02-04-087
434-240-027	NEW	02-07-028	458- 40-610	PREP	02-08-068	478-117-110	NEW	02-08-023
						478-117-200	NEW-P	02-03-085

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-117-200	NEW-E	02-04-087	478-118-200	NEW-E	02-06-042	480-122-020	AMD	02-03-017
478-117-200	NEW	02-08-023	478-118-200	NEW-P	02-08-066	480-122-030	REP	02-03-017
478-117-210	NEW-P	02-03-085	478-118-210	NEW-E	02-06-042	480-122-040	REP	02-03-017
478-117-210	NEW-E	02-04-087	478-118-210	NEW-P	02-08-066	480-122-060	AMD	02-03-017
478-117-210	NEW	02-08-023	478-118-220	NEW-E	02-06-042	480-122-070	REP	02-03-017
478-117-220	NEW-P	02-03-085	478-118-220	NEW-P	02-08-066	480-122-080	AMD	02-03-017
478-117-220	NEW-E	02-04-087	478-118-230	NEW-E	02-06-042	480-122-090	REP	02-03-017
478-117-220	NEW	02-08-023	478-118-230	NEW-P	02-08-066	495C-120-040	AMD	02-04-022
478-117-230	NEW-P	02-03-085	478-118-240	NEW-E	02-06-042	495C-120-041	AMD	02-04-022
478-117-230	NEW-E	02-04-087	478-118-240	NEW-P	02-08-066	516- 12-400	AMD	02-07-045
478-117-230	NEW	02-08-023	478-118-250	NEW-E	02-06-042	516- 12-420	AMD	02-07-045
478-117-240	NEW-P	02-03-085	478-118-250	NEW-P	02-08-066	516- 12-430	AMD	02-07-045
478-117-240	NEW-E	02-04-087	478-118-260	NEW-E	02-06-042	516- 12-440	AMD	02-07-045
478-117-240	NEW	02-08-023	478-118-260	NEW-P	02-08-066	516- 12-450	AMD	02-07-045
478-117-250	NEW-P	02-03-085	478-118-270	NEW-E	02-06-042	516- 12-460	AMD	02-07-045
478-117-250	NEW-E	02-04-087	478-118-270	NEW-P	02-08-066	516- 12-470	AMD	02-07-045
478-117-250	NEW	02-08-023	478-118-280	NEW-E	02-06-042	516- 12-480	AMD	02-07-045
478-117-260	NEW-P	02-03-085	478-118-280	NEW-P	02-08-066	516- 13-030	AMD	02-07-045
478-117-260	NEW-E	02-04-087	478-118-400	NEW-E	02-06-042	516- 13-080	AMD	02-07-045
478-117-260	NEW	02-08-023	478-118-400	NEW-P	02-08-066	516- 13-090	AMD	02-07-045
478-117-270	NEW-P	02-03-085	478-118-410	NEW-E	02-06-042	516- 14-200	AMD	02-07-045
478-117-270	NEW-E	02-04-087	478-118-410	NEW-P	02-08-066			
478-117-270	NEW	02-08-023	478-118-420	NEW-E	02-06-042			
478-117-280	NEW-P	02-03-085	478-118-420	NEW-P	02-08-066			
478-117-280	NEW-E	02-04-087	478-118-500	NEW-E	02-06-042			
478-117-280	NEW	02-08-023	478-118-500	NEW-P	02-08-066			
478-117-300	NEW-P	02-03-085	478-118-510	NEW-E	02-06-042			
478-117-300	NEW-E	02-04-087	478-118-510	NEW-P	02-08-066			
478-117-300	NEW	02-08-023	478-136-012	AMD	02-06-020			
478-117-310	NEW-P	02-03-085	478-136-015	AMD	02-06-020			
478-117-310	NEW-E	02-04-087	478-136-030	AMD-E	02-03-102			
478-117-310	NEW	02-08-023	478-136-030	AMD	02-06-020			
478-117-320	NEW-P	02-03-085	478-160-125	AMD	02-06-021			
478-117-320	NEW-E	02-04-087	478-160-130	AMD	02-06-021			
478-117-320	NEW	02-08-023	478-160-140	AMD	02-06-021			
478-117-400	NEW-P	02-03-085	478-160-163	NEW	02-06-021			
478-117-400	NEW-E	02-04-087	478-160-175	AMD	02-06-021			
478-117-400	NEW	02-08-023	480- 75-240	NEW	02-03-016			
478-117-410	NEW-P	02-03-085	480- 93-240	NEW	02-03-016			
478-117-410	NEW-E	02-04-087	480-120-144	REP-P	02-08-081			
478-117-410	NEW	02-08-023	480-120-151	REP-P	02-08-081			
478-118	PREP	02-04-037	480-120-152	REP-P	02-08-081			
478-118-010	NEW-E	02-06-042	480-120-153	REP-P	02-08-081			
478-118-010	NEW-P	02-08-066	480-120-154	REP-P	02-08-081			
478-118-020	NEW-E	02-06-042	480-120-201	NEW-P	02-08-081			
478-118-020	NEW-P	02-08-066	480-120-202	NEW-P	02-08-081			
478-118-030	NEW-E	02-06-042	480-120-203	NEW-P	02-08-081			
478-118-030	NEW-P	02-08-066	480-120-204	NEW-P	02-08-081			
478-118-040	NEW-E	02-06-042	480-120-205	NEW-P	02-08-081			
478-118-040	NEW-P	02-08-066	480-120-206	NEW-P	02-08-081			
478-118-050	NEW-E	02-06-042	480-120-207	NEW-P	02-08-081			
478-118-050	NEW-P	02-08-066	480-120-208	NEW-P	02-08-081			
478-118-060	NEW-E	02-06-042	480-120-209	NEW-P	02-08-081			
478-118-060	NEW-P	02-08-066	480-120-211	NEW-P	02-08-081			
478-118-070	NEW-E	02-06-042	480-120-212	NEW-P	02-08-081			
478-118-070	NEW-P	02-08-066	480-120-213	NEW-P	02-08-081			
478-118-080	NEW-E	02-06-042	480-120-214	NEW-P	02-08-081			
478-118-080	NEW-P	02-08-066	480-120-215	NEW-P	02-08-081			
478-118-090	NEW-E	02-06-042	480-120-216	NEW-P	02-08-081			
478-118-090	NEW-P	02-08-066	480-121-020	AMD-S	02-07-041			
478-118-100	NEW-E	02-06-042	480-121-063	AMD-S	02-07-041			
478-118-100	NEW-P	02-08-066	480-122-010	AMD	02-03-017			

TABLE

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION

Meetings MISC 02-01-039
Rules coordinator MISC 02-01-037

ACCOUNTANCY, BOARD OF

Entry requirements PREP 02-04-063
Meetings MISC 02-02-002
Public Accountancy Act, review PERM 02-04-064
Rules withdrawal PROP 02-04-062
Titles PREP 02-02-001

ADMINISTRATIVE HEARINGS, OFFICE OF

Firearms PREP 02-08-091

ADVANCED TUITION PAYMENT, COMMISSION ON

Guaranteed education tuition program meetings MISC 02-03-083

AGING AND ADULT SERVICES

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

AGRICULTURE, DEPARTMENT OF

Alfalfa seed commission meetings MISC 02-01-020
Apples PREP 02-03-128
PROP 02-07-118

Asparagus commission meetings MISC 02-01-119

Barley commission meetings MISC 02-04-084
MISC 02-07-002

Beef commission meetings MISC 02-03-029

Bulb commission meetings MISC 02-03-027

Commodity boards and commission staff support funding PREP 02-08-078

Dairy products commission meetings MISC 02-06-101

Eggs shell eggs PREP 02-06-050

Forest reproductive material certification PROP 02-01-126
PERM 02-05-081
PROP 02-07-122

Ginseng management Grain PREP 02-01-125

inspection fee schedule Grape plant stocking PROP 02-08-085

Hop commission assessments PROP 02-06-130

meetings MISC 02-03-028

Livestock scrapie disease control PREP 02-01-118

Noxious weed control board meetings MISC 02-04-028

Organic food standards PROP 02-04-109

Pesticides clopyralid EMER 02-06-048

commission on pesticide registration meetings PROP 02-07-080

MISC 02-01-019
MISC 02-08-050

Quarantine citrus longhorned beetle PROP 02-06-131

kudzu species EMER 02-07-120

potato virus PREP 02-05-089

PROP 02-01-128
PROP 02-08-086

Red raspberry commission meetings MISC 02-02-091

Rules agenda MISC 02-03-126

corrections PERM 02-04-041

erratum (See Issue 02-07) PREP 02-05-083

Rules coordinator MISC 02-02-003

Seed certification fees PERM 02-05-082

Seed potatoes PREP 02-03-132
EXPE 02-04-020
PROP 02-08-087

Seed program PROP 02-01-127
PREP 02-03-127

Strawberry commission membership PROP 02-06-129

Weights and measures calibration services national standards PREP 02-08-083

sealing, marking, retesting devices EXPE 02-07-121
PREP 02-08-084

AIR POLLUTION

(See **ECOLOGY, DEPARTMENT OF**; individual air pollution control agencies)

ASBESTOS

(See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 02-04-047
MISC 02-06-002

ATHLETICS

(See **LICENSING, DEPARTMENT OF**)

ATTORNEY GENERAL

Arbitration vehicles, settlement definition PREP 02-06-046
Notice of request for opinion MISC 02-04-053
MISC 02-06-039

BAIL AND BOND AGENCIES

(See **LICENSING, DEPARTMENT OF**)

BASIC HEALTH PLAN

(See **HEALTH CARE AUTHORITY**)

BELLEVUE COMMUNITY COLLEGE

Discrimination complaint procedure PREP 02-03-104
PROP 02-08-082
PREP 02-05-051
PROP 02-03-107
MISC 02-02-028
PREP 02-03-105
PROP 02-05-053
PROP 02-03-106
PROP 02-05-052

BELLINGHAM TECHNICAL COLLEGE

Meetings MISC 02-01-012
MISC 02-03-004
MISC 02-06-026
MISC 02-07-003
MISC 02-07-070

BENTON CLEAN AIR AUTHORITY

Meetings MISC 02-03-026

BIG BEND COMMUNITY COLLEGE

Meetings MISC 02-02-075

BLIND, DEPARTMENT OF SERVICES FOR THE

Meetings MISC 02-04-092

BUILDING CODE COUNCIL

Energy code PERM 02-01-112
Plumbing code PERM 02-01-114
Reconsideration of code proposals PERM 02-01-113
Rules withdrawal PROP 02-05-032

CASCADIA COMMUNITY COLLEGE

Meetings MISC 02-03-013
Parking and traffic PROP 02-03-089
EMER 02-04-061

CENTRAL WASHINGTON UNIVERSITY

Meetings MISC 02-01-087

CENTRALIA COLLEGE

Meetings MISC 02-01-062

CHILD SUPPORT

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

Subject/Agency Index

(Citation in bold type refer to material in this issue)

CHIROPRACTIC QUALITY ASSURANCE COMMISSION (See HEALTH, DEPARTMENT OF)

CLARK COLLEGE

Facilities, use PERM 02-04-068
Meetings MISC 02-02-026

CLOVER PARK TECHNICAL COLLEGE

Meetings MISC 02-04-026
Student conduct code PERM 02-04-022

CODE REVISER'S OFFICE

Quarterly reports
01-19 - 01-24 See Issue 02-01
02-01 - 02-06 See Issue 02-07

COLUMBIA BASIN COLLEGE

Meetings MISC 02-02-030

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Child care facility fund
PERM 02-06-043
Developmental disabilities endowment fund
Meetings PERM 02-07-026
Public works board
meetings MISC 02-01-070
MISC 02-03-076
MISC 02-04-071
MISC 02-08-030
Transitional housing, operating and rent (THOR)
EMER 02-02-034
PERM 02-05-012

CONSERVATION COMMISSION

Meetings MISC 02-04-021

CONVENTION AND TRADE CENTER

Meetings
MISC 02-01-063
MISC 02-01-109
MISC 02-02-092
MISC 02-05-063
MISC 02-06-019
MISC 02-07-078

CORRECTIONS, DEPARTMENT OF

Meetings MISC 02-05-049
Prisons, discipline PREP 02-03-075
Rules
agenda MISC 02-03-003
withdrawal MISC 02-01-001

COUNTY ROAD ADMINISTRATION BOARD

Meetings MISC 02-04-101
MISC 02-05-024
Project prioritization PROP 02-06-105

CRIMINAL JUSTICE TRAINING COMMISSION

Firearms certification, fees **PROP 02-08-016**
Meetings MISC 02-03-103
Officer training PERM 02-02-004
Police dog handlers **PREP 02-08-015**

DAIRY PRODUCTS COMMISSION (See AGRICULTURE, DEPARTMENT OF)

EASTERN WASHINGTON UNIVERSITY

Meetings MISC 02-01-018
MISC 02-03-030
MISC 02-03-121
MISC 02-04-066
MISC 02-04-067
MISC 02-06-095
MISC 02-07-017
MISC 02-07-105
MISC 02-08-062
MISC 02-08-065

ECOLOGY, DEPARTMENT OF

Air operating permit program PREP 02-05-011
Aquatic pest control MISC 02-03-110
Dangerous waste disposal EMER 02-04-030
PREP 02-05-054
Emission inspections PREP 02-05-071

Flood plain management PROP 02-06-040
Model Toxics Control Act
local solid and hazardous waste plans and programs PERM 02-05-070

Rules
agenda MISC 02-03-070
withdrawal PROP 02-05-034
EXPE 02-07-098
PREP 02-07-097

Solid waste incinerator facilities
Underground artificial storage, reservoir **PREP 02-08-073**

Wastewater
discharge permit fees PROP 02-06-091
EXPE 02-07-038
EXPE 02-07-099
PERM 02-05-055

lab accreditation

Water rights
measuring and reporting usage PERM 02-02-017
water conservancy boards PREP 02-01-129

Wetlands
mitigation banks PROP 02-01-092

Workshops and hearings MISC 02-07-106
MISC 02-07-119

ECONOMIC DEVELOPMENT FINANCE AUTHORITY

Meetings MISC 02-01-060

EDMONDS COMMUNITY COLLEGE

Meetings MISC 02-02-032
MISC 02-03-078
MISC 02-04-027
MISC 02-04-085
MISC 02-06-049

EDUCATION, STATE BOARD OF

Adult education PREP 02-06-067
Central purchasing PREP 02-06-060

Certification
administration PREP 02-03-084
PREP 02-06-076

application PERM 02-04-015
continuing education PREP 02-06-075
PREP 02-06-081

non-Washington state staff, criteria PREP 02-02-014
EMER 02-08-037

renewal, reinstatement, and continuing education requirements

standards PREP 02-05-060
PREP 02-06-071

unprofessional conduct PREP 02-06-077
Courses of study and equivalencies PREP 02-06-066

District organization PREP 02-06-052
Education centers PREP 02-06-079
Educational competence, certificate PREP 02-06-080

Educational service districts **PREP 02-08-045**

Endorsements
assignment of personnel PREP 02-06-073
competencies PERM 02-04-013

library media PERM 02-04-016
Excellence in teacher preparation award **EMER 02-08-034**
PREP 02-08-040

Home-based instruction
approved standardized tests **PROP 02-08-092**
PREP 02-06-074

Internships PREP 02-06-074
Interscholastic activities **PREP 02-08-042**
Library media centers PREP 02-06-065

Masters in teaching PREP 02-06-072
Meetings MISC 02-01-086
MISC 02-06-027

Plant facilities
basic state support PREP 02-06-055
educational specifications and site selections PREP 02-06-054

interdistrict cooperation in financing
construction PREP 02-06-057
interdistrict transportation cooperatives PREP 02-06-058

modernization PREP 02-06-059
preliminary provisions PREP 02-06-053
procedural regulations PREP 02-06-056

Practice and procedures **PREP 02-08-041**
Preparation programs PERM 02-04-014

Private schools PREP 02-05-061
PREP 02-06-051
PREP 02-06-070
PREP 02-06-078

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Public records	PREP	02-08-041	FISH AND WILDLIFE, DEPARTMENT OF	
Pupil safety	PREP	02-06-063	Aquatic disease control	PERM 02-02-013
Pupils	PREP	02-06-062		PROP 02-02-058
immunization requirement	PREP	02-08-043		PERM 02-06-018
Real property sales contracts	PREP	02-08-046	Dogs, elk harassment	EMER 02-02-074
Rules			Fish and wildlife commission	
clarifications	PERM	02-04-017	meetings	MISC 02-01-059
School accreditation	EMER	02-08-038	Fishing, commercial	
	PREP	02-08-039	ballast water management	
Small school plants	EMER	02-08-035	bottomfish	EMER 02-04-069
State support of public schools	EMER	02-08-038		EMER 02-04-089
	PREP	02-08-039		EMER 02-01-005
	PREP	02-08-044		PERM 02-02-051
Teachers' responsibilities	PREP	02-06-064		PROP 02-02-061
Uniform entry qualifications	PREP	02-06-061		EMER 02-04-060
Vocational education	PERM	02-04-018		EMER 02-07-093
	PREP	02-06-068	canary rockfish	PERM 02-08-026
Vocational-technical teacher preparation	PREP	02-06-069	crab	PREP 02-02-023
				EMER 02-01-051
				EMER 02-01-072
				EMER 02-02-011
				EMER 02-03-024
				EMER 02-03-050
				EMER 02-03-068
				EMER 02-07-037
				EMER 02-08-070
				PERM 02-02-049
ELECTIONS			food fish	
(See SECRETARY OF STATE)			licenses	
			buy back rules	PREP 02-08-079
EMERGENCY SERVICES			salmon	EMER 02-02-025
(See MILITARY DEPARTMENT)				EMER 02-04-073
				EMER 02-04-077
EMPLOYMENT SECURITY, DEPARTMENT OF				EMER 02-05-056
Indian tribes, delinquent tax payments	PREP	02-06-119		EMER 02-07-010
Rules				EMER 02-07-011
agenda	MISC	02-04-040		EMER 02-07-094
Unemployment benefits				EMER 02-08-014
disabled workers	PERM	02-08-072	sea cucumbers	EMER 02-08-025
extended benefits	EMER	02-03-074		PREP 02-05-074
	PREP	02-07-064	sea urchins	PREP 02-06-025
	EMER	02-07-065		EMER 02-01-006
job separations	EXPE	02-08-071		PERM 02-01-069
Unions, referral agents	PREP	02-06-118		EMER 02-02-024
				EMER 02-02-073
				EMER 02-02-087
				EMER 02-03-025
				EMER 02-03-067
				EMER 02-03-090
				EMER 02-04-035
				EMER 02-04-078
				PREP 02-05-074
				PREP 02-06-025
				EMER 02-07-046
				EMER 02-07-092
			shrimp	PERM 02-01-068
				PERM 02-02-050
				EMER 02-08-028
				EMER 02-02-036
				EMER 02-04-072
				EMER 02-04-102
				EMER 02-05-008
				EMER 02-01-058
				EMER 02-07-044
			Fishing, recreational	
			bottomfish	EXPE 02-02-064
				EMER 02-03-002
				EMER 02-07-004
			crab	EMER 02-03-051
				EMER 02-04-093
				EMER 02-05-001
				EMER 02-07-075
				EMER 02-08-070
				EMER 02-08-022
			exceptions to statewide rules	EMER 02-06-100
			gamefish	EMER 02-07-061
				EMER 02-08-004
				EMER 02-07-025
			lingcod	PERM 02-08-048
			rules, revisions	EMER 02-03-023
			salmon	EMER 02-03-066
				EMER 02-04-103
				EMER 02-05-075
				EMER 02-07-019
FINANCIAL INSTITUTIONS, DEPARTMENT OF				
Consumer Protection Act				
deceptive loan solicitations	PREP	02-06-015		
Credit unions				
field of membership	PROP	02-01-103		
	PERM	02-04-094		
small credit unions, regulatory relief	PREP	02-05-045		
Mortgage brokers and mortgage lenders				
deceptive loan solicitations	PREP	02-06-016		
Rules				
agenda	MISC	02-04-050		
Securities				
insider trading liability, safe harbor	PROP	02-07-027		
interpretive statements	MISC	02-07-013		
FINANCIAL MANAGEMENT, OFFICE OF				
Rules				
petition process	PERM	02-02-037		
Rules coordinator	MISC	02-03-036		

INDEX

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	EMER	02-07-066	Gambling equipment distributors	PROP	02-06-038
	EMER	02-07-095	Gambling service suppliers	PROP	02-01-094
shad	EMER	02-05-010	Licenses		
shellfish			background checks	PREP	02-08-008
clams other than razor clams	EMER	02-06-035	financial reporting requirements of licensees	PREP	02-07-062
	EMER	02-07-076	Promotions	PROP	02-07-081
	PREP	02-08-003	Punch boards and pull tabs	PREP	02-01-093
oysters	EMER	02-06-035		PROP	02-01-096
razor clams	EMER	02-01-110	Rules	PERM	02-06-007
	EMER	02-03-053	withdrawal	PROP	02-02-090
	EMER	02-04-039	Service supplier	PROP	02-03-077
	EMER	02-07-012			
	PREP	02-08-003	GENERAL ADMINISTRATION		
smelt	EMER	02-02-035	Meetings	MISC	02-01-036
	EMER	02-06-036		MISC	02-07-001
steelhead	EMER	02-01-083			
	EMER	02-03-014	GOVERNOR, OFFICE OF THE		
	EMER	02-03-015	Clemency and pardons board		
	EMER	02-03-022	meetings	MISC	02-03-073
	EMER	02-04-019		MISC	02-06-047
	EMER	02-05-007	State of emergency		
	EMER	02-06-099	storms	MISC	02-03-044
	EMER	02-07-096		MISC	02-05-044
sturgeon	EMER	02-06-017			
threatened or endangered fish	PREP	02-06-033	GRAYS HARBOR COLLEGE		
Hatchery surplus broodstock and salmon eggs	PREP	02-02-038	Meetings	MISC	02-01-061
	PREP	02-06-107			
	PROP	02-06-109	GREEN RIVER COMMUNITY COLLEGE		
Hunting			Meetings	MISC	02-02-027
bald eagle protection	PERM	02-02-062			
big game	PROP	02-06-125	GUARANTEED EDUCATION TUITION COMMITTEE		
deer	PROP	02-06-126	(See ADVANCED TUITION PAYMENT, COMMISSION ON)		
elk	PROP	02-06-123	HEALTH CARE AUTHORITY		
	PROP	02-06-124	Basic health		
endangered, threatened, and sensitive wildlife	PERM	02-02-062	notification of changes	PREP	02-01-116
Medicine Creek Treaty	PREP	02-06-034	reinstatement procedures	PREP	02-01-115
private lands wildlife management areas	PERM	02-02-062	Delinquent accounts	PREP	02-02-086
recreational opportunities	PREP	02-02-055		PROP	02-05-078
	PROP	02-06-121		PERM	02-08-047
small game	PROP	02-06-120	Public employees benefits board		
special closures	PROP	02-06-124	meetings	MISC	02-03-112
tribal hunting boundaries	PERM	02-05-021		MISC	02-04-051
waterfowl	EMER	02-03-052	Rules		
wild turkey	PROP	02-06-125	agenda	MISC	02-03-101
Licensing			HEALTH, DEPARTMENT OF		
dishonored checks	PROP	02-02-057	AWARDS program	PERM	02-02-015
	PERM	02-05-046	Chemical dependency professionals		
Marine protected areas	PROP	02-02-072	continuing competency requirements	PERM	02-07-084
	PERM	02-08-027	retired active credential requirements	PERM	02-07-083
Peregrine falcon	PREP	02-02-056	Counselors		
	PROP	02-06-122	licensed mental health counselors, marriage and		
Rules			family therapists, and social workers	PREP	02-04-032
agenda	MISC	02-01-138		PREP	02-04-042
withdrawal	PROP	02-01-035	Electrology and tattooing	PREP	02-04-043
	PROP	02-02-089	Facility standards and licensing	PROP	02-02-076
	PROP	02-05-035	Facility standards and licensing		
FOREST PRACTICES BOARD			rural health care facilities	PREP	02-08-017
Administrative procedure and ethics rules	PREP	02-05-085	Food service	PROP	02-04-091
Class II forest practices, logging residue	PREP	02-07-023	Health care assistants	PERM	02-06-115
Meetings	MISC	02-02-019	Hearing and speech, board of		
Rules			examinations	PREP	02-02-041
agenda	MISC	02-04-074	fees	PREP	02-02-042
corrections	EMER	02-05-086	fitter/dispenser program	PREP	02-02-043
Small forest landowners			HIV testing for pregnant women	PROP	02-08-018
riparian easement program	EMER	02-02-020	Medical test site fees	PREP	02-03-138
	PERM	02-05-084	Newborn screening	PREP	02-03-136
State Environmental Policy Act (SEPA)	PROP	02-05-087	Nurses		
			community care settings	PERM	02-02-047
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD			graduates of foreign schools	PREP	02-04-031
Rules			licensing	PREP	02-04-033
clarification	EXPE	02-03-038	standards of conduct	PERM	02-06-117
	PERM	02-08-076	Nursing homes		
GAMBLING COMMISSION			administrators	EXPE	02-06-116
Bingo	PROP	02-01-097	Optometry, board of		
	PERM	02-06-006	continuing education credits	MISC	02-02-048
	PREP	02-08-007		PROP	02-04-090
	PREP	02-08-024	Pharmacy, board of		
Card rooms	PROP	02-01-095	agent of a prescriber	PREP	02-07-082
	PREP	02-07-063	legend of drugs	EXPE	02-07-086
Charitable organizations	PROP	02-06-037			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Physician assistants fees	PERM	02-05-009	Salmon recovery funding board reimbursement	PERM	02-05-050
Purchaser recision rights	EXPE	02-02-045			
Radiation machine facility registration fees	PROP	02-04-034	INTEREST RATES (See inside front cover)		
radioactive materials	PERM	02-07-085			
Rules	PERM	02-04-025	JUDICIAL CONDUCT, COMMISSION ON		
agenda	MISC	02-04-044	Meetings	MISC	02-01-052
clarification	PREP	02-02-016	Rules	PERM	02-01-041
withdrawal	PROP	02-07-021	procedure		
Transient accommodations	PREP	02-03-135	LABOR AND INDUSTRIES, DEPARTMENT OF		
Trauma care system	PREP	02-04-024	Apprenticeship	EXPE	02-04-004
reimbursement, federal matching funds	PREP	02-01-084	Boiler rules, board of		
statewide data registry	PERM	02-04-045	national codes and standards	PROP	02-08-090
Veterinary board of governors	PERM	02-02-077	Construction		
registered veterinary medication clerks	EXPE	02-02-044	vehicular traffic	PROP	02-05-080
veterinary technicians	PERM	02-02-046	Crime victims compensation program		
Wastewater			attendant care services	PERM	02-06-024
on-site wastewater sewage systems	PREP	02-03-137	Emergency response	PROP	02-02-082
Water			Fees	PREP	02-04-105
drinking water			Manufactured homes	PREP	02-04-106
operator certification fees	PERM	02-01-065	Meetings	PERM	02-03-048
revolving fund	MISC	02-07-059		MISC	02-01-085
Women, infants, and children (WIC) program	PROP	02-07-020		MISC	02-03-045
				MISC	02-03-046
				MISC	02-04-005
				MISC	02-03-047
HIGHER EDUCATION COORDINATING BOARD			Minimum wage		
Meetings	MISC	02-01-111	Occupational health standards		
Promise scholarship program	PREP	02-08-052	OSHA, compliance	PERM	02-01-064
State need grant program	PREP	02-08-051	Policy and interpretive statements	MISC	02-03-007
Washington scholars	PERM	02-05-006		MISC	02-07-022
				MISC	02-05-023
HIGHLINE COMMUNITY COLLEGE			Prevailing wage rate		
Meetings	MISC	02-01-108	Rules		
			agenda	MISC	02-03-001
HORSE RACING COMMISSION			coordinator	MISC	02-06-113
Bleeder list	PREP	02-05-027	technical amendments	EXPE	02-05-077
Future wagers pool	PROP	02-05-028	withdrawals	PROP	02-06-102
Rules			Safety and health standards		
withdrawal	PROP	02-05-033	cholinesterase monitoring	PREP	02-07-103
Salix	PREP	02-01-091	clarifications	PREP	02-04-107
	PROP	02-05-030	explosives	PERM	02-03-125
Special future wager pool	PREP	02-01-089	late night retail worker crime protection	PREP	02-04-108
Temporary licensing	PREP	02-01-090		EXPE	02-08-080
	PROP	02-05-029		PROP	02-07-101
			railroad clearances	PERM	02-03-124
			sawmills and woodworking	EXPE	02-03-124
				PROP	02-07-100
				PROP	02-06-114
			steel erection	PREP	02-01-136
HUMAN RIGHTS COMMISSION			Vocational rehabilitation		
Meetings	MISC	02-04-086	Workers' compensation		
			health care services, rate setting	PREP	02-01-137
HUNTING				PROP	02-05-076
(See FISH AND WILDLIFE, DEPARTMENT OF)			reporting and classification	PROP	02-03-123
				PREP	02-07-102
HYDRAULIC APPEALS BOARD			LAKE WASHINGTON TECHNICAL COLLEGE		
(See ENVIRONMENTAL APPEALS OFFICE)			Meetings	MISC	02-01-004
				MISC	02-07-032
INDUSTRIAL INSURANCE			LAND SURVEYORS		
(See LABOR AND INDUSTRIES, DEPARTMENT OF)			(See LICENSING, DEPARTMENT OF)		
INFORMATION SERVICES, CENTER FOR			LICENSING, DEPARTMENT OF		
(See COMMUNITY AND TECHNICAL COLLEGES, BOARD OF)			Architects		
INSURANCE COMMISSIONER			rules of professional practice	PREP	02-01-067
Acquisitions and mergers	MISC	02-01-117		PROP	02-04-114
	MISC	02-02-093	Bail bond agents and agencies	PROP	02-02-095
	MISC	02-03-129		PERM	02-07-067
Commercial property casualty insurance	PERM	02-02-068	Boxing	PERM	02-03-069
Grievance, review, and dispute resolution standards	PREP	02-01-030	Cemetery board	PREP	02-03-088
Health insurance			Cosmetology, barber, manicurist, esthetician	PERM	02-04-012
federal compliance	PREP	02-01-031		PROP	02-04-088
state health insurance pool	PREP	02-01-032	Court reporters	PROP	02-08-074
Licensee, compliance	EXPE	02-01-033	Disabled person special parking	PERM	02-04-002
	EMER	02-01-034	Drivers' licenses		
	PERM	02-08-019	commercial	PERM	02-04-076
Medical malpractice insurance	PREP	02-08-069	Engineers		
Technical assistance advisory	MISC	02-02-069	fees	PROP	02-08-075
	MISC	02-04-070	structural	PERM	02-01-071
			Fuel tax bond waiver	PERM	02-02-010
INTERAGENCY COMMITTEE, OFFICE OF THE			Funeral directors and embalmers, board of	PREP	02-03-087
Meetings	MISC	02-03-081			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Geologists licensing	PREP	02-05-079	MANUFACTURED HOMES (See LICENSING, DEPARTMENT OF)	
Landscape architects examinations	PREP	02-01-066	MARINE EMPLOYEES' COMMISSION	
	PROP	02-04-113	Meetings	MISC 02-04-046
	PERM	02-07-047	Rules	
fees	PREP	02-08-033	clarifications	EXPE 02-08-029
Landsurveyors fees	PROP	02-08-075	MEDICAL ASSISTANCE (See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
Meetings	MISC	02-03-059	MEDICAL CARE (See HEALTH, DEPARTMENT OF)	
	MISC	02-05-022		
	MISC	02-06-003		
Model traffic ordinance	PERM	02-04-075		
Motor vehicles certificates of title	PREP	02-05-013	MILITARY DEPARTMENT	
	PREP	02-05-014	Meetings	MISC 02-02-080
	PREP	02-05-015		
	PREP	02-05-016	NATURAL RESOURCES, DEPARTMENT OF	
	PREP	02-05-017	Aquatic lands	PROP 02-03-111
	PREP	02-05-018	Forest fire advisory board meetings	MISC 02-02-063
	PREP	02-05-019	Rules	
	PROP	02-07-035	agenda	MISC 02-02-094
	PREP	02-08-005		
dealers and manufacturers licenses	PREP	02-04-059	NOXIOUS WEED CONTROL BOARD (See AGRICULTURE, DEPARTMENT OF)	
	PREP	02-03-086		
	PREP	02-05-002		
	PREP	02-05-020	NURSING CARE (See HEALTH, DEPARTMENT OF)	
	PROP	02-05-057		
	PROP	02-07-036		
	PROP	02-08-036	OLYMPIC AIR POLLUTION CONTROL AUTHORITY	
registration	PROP	02-07-014	Burning permits	PERM 02-01-055
Private investigative agencies and investigators	PROP	02-03-130	Hearing officer	PERM 02-01-056
	PREP	02-07-069	Notice of construction and application for approval	PROP 02-05-047
Public meetings	MISC	02-07-039		
Real estate	PERM	02-03-011	OLYMPIC COLLEGE	
	PERM	02-03-012	Meetings	MISC 02-03-005
	PERM	02-03-055		
	PERM	02-03-056	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR (See INTERAGENCY COMMITTEE, OFFICE OF THE)	
	PERM	02-03-057		
	PROP	02-03-058		
	PERM	02-03-080	PARKS AND RECREATION COMMISSION	
	PROP	02-04-083	Fees, review	PREP 02-01-081
	PERM	02-07-060	Meetings	MISC 02-01-082
Rules				MISC 02-03-035
agenda	MISC	02-03-006		MISC 02-08-049
clarifications	PREP	02-01-013	PERSONNEL RESOURCES BOARD (See PERSONNEL, DEPARTMENT OF)	
Security guards, fees	PERM	02-01-123		
	PROP	02-02-096	PERSONNEL, DEPARTMENT OF	
	PERM	02-07-068	Appeals from exempt status	PROP 02-04-079
	PROP	02-07-024		PERM 02-07-048
	PERM	02-03-054	Background checks	PROP 02-04-080
Snowmobiles				PERM 02-07-050
Spokane office	PROP	02-02-078	Incumbent status	EMER 02-07-053
Vessels	PERM	02-04-001	Layoff	EMER 02-07-054
registration and certification	PERM	02-05-058		PROP 02-04-081
	PERM	02-05-059	Nonpermanent appointments	PERM 02-07-051
	PERM	02-05-073		PROP 02-04-082
	PREP	02-08-006	Overtime and call-back penalty pay	PERM 02-07-049
			Removal of applicant or employee's name	EMER 02-07-052
LIQUOR CONTROL BOARD	PROP	02-04-112	Selective	PERM 02-03-062
In-house controlled purchase program	PROP	02-04-110	Vacation leave	PERM 02-03-061
Licenses	PROP	02-04-111		
Operations and procedures	PROP	02-04-115	PILOTAGE COMMISSIONERS, BOARD OF	
Retail licenses	PROP		Grays Harbor district tariff	EMER 02-06-001
			Puget Sound pilotage district annual tariff	PROP 02-08-053
LOTTERY COMMISSION	PREP	02-03-037		
Advertising	PROP	02-07-072	PLUMBERS, ADVISORY BOARD OF (See LABOR AND INDUSTRIES, DEPARTMENT OF)	
Lotto Plus	PROP	02-03-109		
	PERM	02-07-073	POLLUTION CONTROL HEARINGS BOARD (See ENVIRONMENTAL HEARINGS BOARD)	
Multi-state lottery game	PREP	02-07-071		
Policy statements	MISC	02-04-029	PRISONS AND PRISONERS (See CORRECTIONS, DEPARTMENT OF)	
Removal of terminal	PROP	02-03-108		
	PERM	02-08-001	PROPERTY TAX (See REVENUE, DEPARTMENT OF)	
Scratch tickets	PREP	02-05-048		
LOWER COLUMBIA COLLEGE				
Meetings	MISC	02-01-106		
	MISC	02-04-036		
	MISC	02-06-023		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

PUBLIC ASSISTANCE

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

PUBLIC DISCLOSURE COMMISSION

Campaign contributions
 abbreviated reporting PERM 02-01-014
 annual report PERM 02-01-015
 electronic filing PERM 02-01-016
 reporting process PREP 02-04-049
 Meetings MISC 02-08-002
 Rules
 agenda MISC 02-04-065
 clarifications and corrections PERM 02-03-018

PUBLIC EMPLOYEES BENEFITS BOARD

(See **HEALTH CARE AUTHORITY**)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Rules
 agenda MISC 02-02-018

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Apportionment funding PERM 02-04-023
 Fingerprint record check PERM 02-06-044
 Rules
 withdrawal PROP 02-05-031
 Special education
 safety net PERM 02-05-036
 University of Washington transition school and
 early entrance allocations PREP 02-08-021

PUBLIC WORKS BOARD

(See **COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT,
 DEPARTMENT OF**)

QUARTERLY REPORTS

(See **CODE REVISER'S OFFICE**)

REAL ESTATE APPRAISERS

(See **LICENSING, DEPARTMENT OF**)

RENTON TECHNICAL COLLEGE

Meetings MISC 02-02-081

RETIREMENT SYSTEMS, DEPARTMENT OF

Deferred compensation PERM 02-01-121
 PERM 02-02-059
 Definitions PERM 02-01-120
 Dissolution's orders PREP 02-01-002
 General provisions PREP 02-08-063
 Meetings MISC 02-01-003
 Pension bills PREP 02-05-037
 Plan 3, defined contribution plans PREP 02-08-063
 Post-retirement employment PERM 02-02-060
 Public employees' retirement system (PERS)
 plan 3 PERM 02-03-120
 Rules
 clarifications PREP 02-05-025
 PREP 02-06-041
 State patrol retirement system PREP 02-06-092

REVENUE, DEPARTMENT OF

Excise tax
 dentists, dental labs, and physicians PREP 02-04-054
 Forest land and timber
 stumpage values PERM 02-02-033
 PREP 02-06-031
 Hazardous substance tax PREP 02-06-030
 Interpretive statement MISC 02-04-055
 MISC 02-04-056
 MISC 02-06-028
 MISC 02-06-029
 Leasehold excise tax PREP 02-08-067
 Oil spill response and administration tax PROP 02-06-032
 Open Space Taxation Act
 rate of inflation EMER 02-02-007
 PERM 02-03-041
 rate of interest PERM 02-03-040
 removal from forest land status PERM 02-05-043
 Property tax
 exemptions PERM 02-02-009
 PREP 02-07-077

rate of interest PERM 02-03-039
 refunds EMER 02-02-008
 stratification, ratio study and calculation PREP 02-06-108
 Rules
 agenda MISC 02-02-097
 withdrawal PROP 02-02-088
 see erratum in Issue 02-03, proposed area
 Timber excise tax PREP 02-08-068

RULES COORDINATORS

(See Issue 02-01 for complete list designated as
 of 12/26/01)

Academic and achievement accountability
 commission MISC 02-01-037
 Agriculture, department of MISC 02-02-003
 Financial management, office of MISC 02-03-036
 Labor and industries, department of MISC 02-06-113
 Toxicologist, state MISC 02-01-088

SECRETARY OF STATE

Elections
 ballots PROP 02-03-134
 PERM 02-07-029
 declaration of candidacy, electronic filings PREP 02-08-013
 mail elections PROP 02-03-133
 PERM 02-07-028
 PERM 02-02-066
 polling places PERM 02-02-065
 voters' pamphlets PERM 02-02-067
 PERM 02-02-039
 write-in or sticker votes

SHORELINE COMMUNITY COLLEGE

Meetings MISC 02-06-128
 Trustees, board of PREP 02-02-079
 PROP 02-06-127

SKAGIT VALLEY COLLEGE

Meetings MISC 02-02-029
 MISC 02-02-031
 MISC 02-03-043
 MISC 02-04-052
 MISC 02-04-104
 MISC 02-06-022
 MISC 02-06-111
 MISC 02-06-112
 MISC 02-07-033
 MISC 02-07-057
 MISC 02-07-058
 MISC 02-08-009
 MISC 02-08-010
 MISC 02-08-011
 MISC 02-08-077

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Administration PROP 02-03-119
 Aging and adult services administration
 adult family homes PROP 02-03-117
 guardianship fees PREP 02-01-043
 home and community residential care rates PREP 02-01-009
 medians, recalculation EMER 02-04-011
 nursing homes PROP 02-07-116
 rules, clarification PREP 02-04-096
 Alcohol and substance abuse
 opiate substitution treatment programs EMER 02-07-015
 Assistance programs
 application procedures PREP 02-03-091
 background checks PERM 02-01-011
 food assistance PREP 02-01-098
 PERM 02-01-100
 PERM 02-03-020
 PROP 02-03-021
 PROP 02-03-100
 PROP 02-05-068
 PERM 02-06-090
 PROP 02-08-059
 income PERM 02-03-019
 PERM 02-06-089
 PREP 02-08-054
 refugee assistance PROP 02-01-102
 PERM 02-04-057
 EMER 02-04-095
 PROP 02-05-069

INDEX

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

supplemental security income (SSI)	PREP 02-03-094	MISC 02-05-038
	PROP 02-07-115	MISC 02-05-039
	EMER 02-08-020	MISC 02-05-040
	PROP 02-02-053	MISC 02-05-041
telephone assistance		MISC 02-05-072
Washington state combined application project (WASHCAP)	PREP 02-08-055	MISC 02-06-082
working connections child care	PERM 02-01-135	MISC 02-07-042
	EMER 02-08-032	MISC 02-07-088
	PROP 02-08-060	MISC 02-07-089
Child care agencies		PREP 02-06-086
day camps	PREP 02-04-097	PERM 02-01-075
	PROP 02-08-060	PROP 02-03-098
day care centers	PREP 02-06-087	PERM 02-07-043
emergency respite center	EMER 02-08-031	PROP 02-06-097
foster homes	PREP 02-06-083	PREP 02-01-101
licensing	PROP 02-03-095	PROP 02-06-096
Child protective services	PROP 02-03-118	PREP 02-07-111
Child support, division of		PROP 02-07-114
mailings, hearings	PROP 02-03-096	PERM 02-01-050
	PERM 02-06-098	PREP 02-03-093
medical child support obligations	PREP 02-02-021	EXPE 02-05-042
records, confidentiality	PERM 02-07-091	PREP 02-02-052
suspension of collection	PREP 02-03-010	PREP 02-01-099
Developmental disabilities services		EMER 02-02-071
community residential services	EMER 02-02-084	PREP 02-07-109
eligibility	PREP 02-05-088	PREP 02-06-085
	PREP 02-07-107	
family support opportunity services	PERM 02-01-074	
special commitment center	PERM 02-02-054	
Medical assistance		
alien status	PERM 02-03-008	MISC 02-03-034
baby and child dentistry	PROP 02-07-113	PREP 02-03-115
breast and cervical cancer	PERM 02-01-134	PREP 02-03-116
community options program entry system (COPEs)		PREP 02-05-064
community rehabilitation services	PERM 02-05-003	PREP 02-05-065
dental-related services	PREP 02-01-130	PREP 02-05-066
disease management services	PROP 02-08-088	PREP 02-07-087
emergency room services, billing	PREP 02-07-110	PROP 02-08-061
family medical programs, excluded resources	PREP 02-01-076	
	PROP 02-01-132	
	PERM 02-05-004	
federal poverty level income standards	PROP 02-03-097	
	PERM 02-07-090	
	PREP 02-08-056	
	EMER 02-08-057	
federally qualified health centers and rural health clinics	MISC 02-05-067	
first steps childcare program	PREP 02-07-108	
foster care, early and periodic screening, diagnosis, and treatment program	PROP 02-03-099	
health centers and rural health clinics	PREP 02-06-088	
	PERM 02-07-016	
healthcare for workers with disabilities	PERM 02-01-073	
	EMER 02-02-070	
home health services	PROP 02-08-089	
hospital services	PREP 02-03-092	
	PREP 02-06-084	
income standards	PERM 02-03-009	
interpretive or policy statements	MISC 02-01-044	
	MISC 02-01-045	
	MISC 02-01-046	
	MISC 02-01-047	
	MISC 02-01-048	
	MISC 02-01-049	
	MISC 02-01-077	
	MISC 02-01-078	
	MISC 02-01-079	
	MISC 02-01-080	
	MISC 02-02-022	
	MISC 02-03-032	
	MISC 02-03-033	
	MISC 02-03-082	
	MISC 02-03-113	
	MISC 02-03-114	
	MISC 02-04-006	
	MISC 02-04-007	
	MISC 02-04-008	
	MISC 02-04-009	
	MISC 02-04-010	
	MISC 02-04-098	
	MISC 02-04-099	
	MISC 02-04-100	
kidney/dialysis services		PREP 02-07-114
managed care		PERM 02-01-050
maternity related services		PREP 02-03-093
		EXPE 02-05-042
medical extensions		PREP 02-02-052
medically indigent program		PREP 02-01-099
		EMER 02-02-071
Medicare savings program		PREP 02-07-109
		PREP 02-06-085
orthodontic coverage for DSHS children		
pharmacy services		
physician-related services		
services subject to recovery		
SSI eligible clients		
transfer of an asset, LTC services		
vision services		
Office of the secretary		
public records		PREP 02-01-007
Rules		
agenda		MISC 02-03-034
withdrawal		PREP 02-03-115
		PREP 02-03-116
		PREP 02-05-064
		PREP 02-05-065
		PREP 02-05-066
		PREP 02-07-087
		PROP 02-08-061
Vocational rehabilitation services		
federal compliance		PREP 02-01-131
WorkFirst		
community jobs program		EMER 02-01-010
		PROP 02-08-058
		PROP 02-01-133
		PERM 02-04-058
job search		PREP 02-01-008
		PROP 02-07-112
participation requirements		
support services		
SOUTH PUGET SOUND COMMUNITY COLLEGE		
Meetings		MISC 02-06-093
SOUTHWEST CLEAN AIR AGENCY		
Outdoor burning		PROP 02-04-038
SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY		
Fees		PERM 02-03-031
Outdoor burning		PROP 02-01-053
		PERM 02-01-054
		PERM 02-03-031
Right of entry		
Rules		
withdrawal		PROP 02-03-065
SPOKANE, COMMUNITY COLLEGES OF		
Meetings		MISC 02-01-017
SPORTS, PROFESSIONAL		
(See LICENSING, DEPARTMENT OF; HORSE RACING COMMISSION)		
SUPREME COURT, STATE		
Appellate court		MISC 02-01-027
		MISC 02-01-029
		MISC 02-01-025
Courts of limited jurisdiction		MISC 02-01-026
		MISC 02-01-028
		MISC 02-01-029
		MISC 02-07-006
		MISC 02-07-008
		MISC 02-07-009
		MISC 02-07-030
Enforcement of lawyer conduct		MISC 02-07-007
General rules		MISC 02-01-023
		MISC 02-01-024

Subject/Agency Index

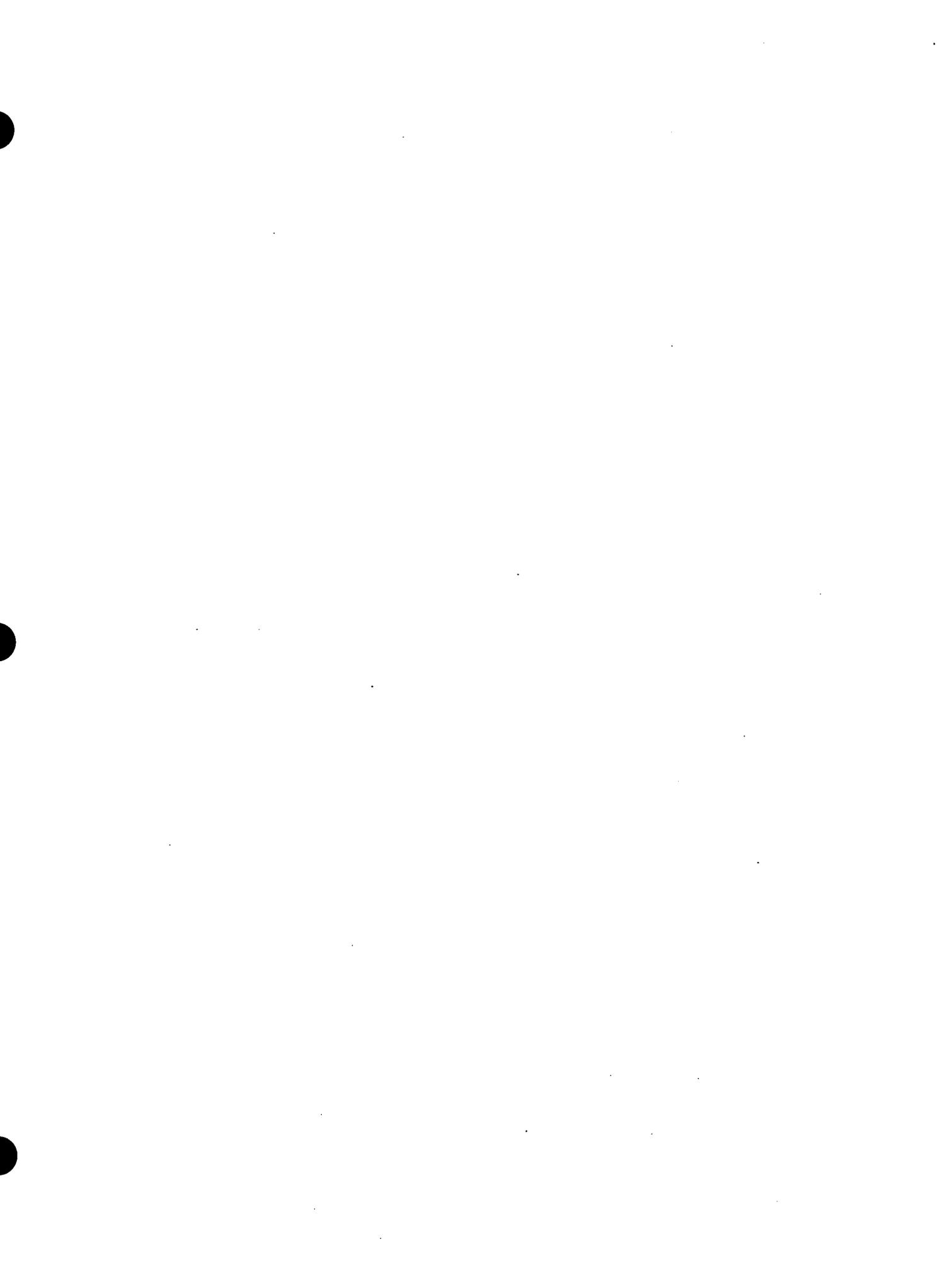
(Citation in bold type refer to material in this issue)

Juvenile court	MISC	02-07-005	MISC	02-05-026
Lawyers' fund for client protection	MISC	02-07-009	MISC	02-06-005
Rules on appeal	MISC	02-07-030	MISC	02-08-012
Superior court	MISC	02-01-021		
	MISC	02-07-031	WASHINGTON STATE PATROL	
	MISC	02-01-022	Fire codes	PREP
	MISC	02-01-025	Meetings	02-07-018
	MISC	02-02-006	Motor vehicles	MISC
	MISC	02-07-006	emergency vehicle permits	02-02-005
	MISC	02-07-009	Respite care centers, fire protection	PERM
	MISC	02-07-030	Towing	02-07-055
				EMER
				02-03-060
				PERM
				02-07-056
TACOMA COMMUNITY COLLEGE			WASHINGTON STATE UNIVERSITY	
Meetings	MISC	02-07-034	Traffic and parking	PREP
				02-07-104
TAX APPEALS, BOARD OF			WASTEWATER	
Meetings	MISC	02-01-042	(See ECOLOGY, DEPARTMENT OF; LICENSING, DEPARTMENT OF)	
			WATER	
THE EVERGREEN STATE COLLEGE			(See ECOLOGY, DEPARTMENT OF)	
Meetings	MISC	02-07-079	WESTERN WASHINGTON UNIVERSITY	
			Meetings	MISC
TOXICOLOGIST, STATE			Transportation issues	02-03-071
Rules coordinator	MISC	02-01-088		PERM
				02-07-045
TRANSPORTATION, DEPARTMENT OF			WHATCOM COMMUNITY COLLEGE	
Ferries			Control of dogs	PREP
fares	PREP	02-01-139	Meetings	02-06-104
	PROP	02-05-062		MISC
Meetings	MISC	02-02-040	Student rights and responsibilities	02-01-107
Rail fixed guideway systems	PREP	02-06-004		02-08-064
Rules				PREP
agenda	MISC	02-02-083		02-06-103
Signage, winter road conditions	PROP	02-03-049	WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD	
	PERM	02-06-106	Meetings	MISC
				02-01-057
				MISC
				02-05-005
TREASURER'S OFFICE				
Usury rate (See inside front cover)				
UNEMPLOYMENT COMPENSATION				
(See EMPLOYMENT SECURITY DEPARTMENT)				
UNIFORM COMMERCIAL CODE				
(See LICENSING, DEPARTMENT OF)				
UNIFORM LEGISLATION COMMISSION				
Meetings	MISC	02-04-048		
UNIVERSITY OF WASHINGTON				
Admission and registration procedures	PROP	02-01-105		
	PERM	02-06-021		
Facilities				
security measures	PROP	02-01-104		
	EMER	02-03-102		
	PERM	02-06-020		
Meetings	MISC	02-03-079		
	MISC	02-03-122		
	MISC	02-06-110		
Parking and traffic	PROP	02-03-085		
	PREP	02-04-037		
	EMER	02-04-087		
	PREP	02-06-045		
	PERM	02-08-023		
Rules				
agenda	MISC	02-03-072		
Student conduct code	PREP	02-06-094		
Tacoma campus				
parking and traffic	EMER	02-06-042		
	PROP	02-08-066		
USURY RATE				
(See inside front cover)				
UTILITIES AND TRANSPORTATION COMMISSION				
Meetings	MISC	02-07-040		
Pipeline safety	PERM	02-03-016		
Telecommunications				
customer information rules	PROP	02-08-081		
registration and classification	PROP	02-07-041		
Telephone assistance program	PERM	02-03-017		
WASHINGTON STATE LIBRARY				
Meetings	MISC	02-03-042		









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